satisfactory to him for the payment of the cost of the production of such order. Such cost shall include labor, material, dies, use of machinery, and overhead expenses, as determined by the Secretary. No medals may be produced pursuant to this Act after December 1973.

SEC. 4. Upon receipt of payment for such medals in the amount of the cost thereof as determined pursuant to section 3, the Secretary shall deliver the medals as the corporation may request.

RESOLUTION TO HONOR POLISH GENIUS NICHOLAS COPERNICUS, "THE FATHER OF MODERN SCIENCE"

Adopted by the City Council of Chicago.

Whereas, we are approaching the 500th birthday anniversary of the great Polish scientist, Mikolaj Kopernik, known the world over as Nicholas Copernicus, the Father of Modern Science; and

Whereas, this extraordinary man of the world of enormous vision, Nicholas Copernicus developed the theory of the solar system as we know it today. Without benefit of the telescope, which he preceded by an entire century, and without the use of photography, which was not developed until 400 years after his death, Nicholas Copernicus conceived and proved that the earth and other planets revolve around the sun and that the theory of the earth's position as the center of this system, held to be true up to Copernicus' time, was definitely wrong; and

Whereas, Nicholas Copernicus was born in Torun, Poland, on February 19, 1473, and received the majority of his formal education at the University of Krakow, Poland, where he studied canon law; and

Whereas, Nicholas Copernicus reached adulthood at the time of the emergence from the so called "Dark Ages" and the development of the great Renaissance in Italy. He was a contemporary of Columbus, Michelangelo and da Vinci, among other great men, and so Nicholas Copernicus, always attracted to scientific concepts, was drawn to Italy, where he furthered his studies at the Universities of Bologna and Padua; and

Whereas, Copernicus undertook most of his studious accomplishments in the atmosphere of a world which had changed from flat to round, a world in which aesthetic values of art and beauty reigned supreme, a world in which science and other fields gained from revolutionary new thoughts and ideas, a world which saw the advent of the printed page to immortalize these new ideas; and

Whereas, Copernicus eventually concentrated all his thoughts and efforts on the design of our universe, and gathered data to support his revolutionary theory into a book which has become one of the most famous and far-reaching books ever printed: Concerning the Revolutions of the Heavenly Spheres; and

Whereas, Copernicus' book eventually revolutionized the world of science and formed a basis for all scientific thought during the ensuing four centuries, so that Nicholas Copernicus has justifiably received world recognition as "The Father of Modern Science"; and

Whereas, Mankind's ever-increasing knowledge of the moon, made a reality by the daring and resoundingly acclaimed explorations of the astronauts of these United States of America abetted by our valued scientists, would not have been possible without the foundations of these basic discoveries and theories of Nicholas Copernicus;

Now, therefore, be it resolved by the City Council of the City of Chicago that the Mayor and Members of the City Council do hereby acknowledge the approaching 500th birthday anniversary of Mikolaj Kopernik, the great Polish genius known as Nicholas Copernicus, "The Father of Modern Science," by setting aside February 19, 1973, as NICHOLAS COPERNICUS DAY in the City of Chicago.

Be it further resolved that the Congress of the United States and the U.S. Post Office Department be and are hereby memorialized to take whatever action is necessary to issue a Nicholas Copernicus commemorative stamp to honor the unique and undying contributions of this great Polish scientist.

LEGISLATION ON BEHALF OF POW'S/MIA'S

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEMP. Mr. Speaker, legislation which I introduced to enable the sons of POW's/MIA's to compete for additional presidential appointments to the service academies has been reported out of an Armed Services Subcommittee. Identical legislation sponsored by Senator JAMES BUCKLEY and cosponsored by 56 of his colleagues passed the Senate on December 10 on a voice vote. I wish to respectfully remind the Armed Services Committee of the widespread interest and support for this measure in both bodies and urge that it be given full committee approval in the very near future.

I insert in the RECORD at this point, Mr. Speaker, the full text of the testimony I presented to the Armed Services Subcommittee when hearings were held on this legislation:

TESTIMONY OF HON. JACK KEMP

Mr. Chairman: I am very pleased to appear here today to testify on behalf of legislation which I introduced to enable the sons of POWs and MIAs in the Vietnam conflict to compete for additional presidential appointments to the service academies. I want to thank the members of this committee for the speed with which this measure was brought up for consideration, and in addition, I would like to thank the 32 members of the House who joined me in cosponsoring the legislation and those who introduced similar bills.

Present law makes the sons of the members of the Armed Services who were totally disabled or killed in action eligible for one of 40 vacancies set aside for Presidential appointment. My bill would expand eligibility for Presidential appointments to include the sons of prisoners of war and others listed as missing in action and increase the number of these special appointments from 40 to 65.

This proposal, I feel, will in a small way show this Nation's gratitude for the sacrifice that these men and their families have been called upon to make. It will express our concern publicly for the agony and anguish which has resulted from the knowledge that the prisoners are being held as pawns in a political game being played by calculating men who have proven themselves to be impervious to the most elemental considerations of decency and humanity. By passing this measure we will acknowledge our appreciation for the courage and spirit shown by these wives and children, mothers and fathers, under the burden of exceptional hardships.

Whatever the divisions we may have over the origins of the Vietnam war, the desire for peace is unanimous as is our concern about the plight of our 1,600 brave countrymen who are missing or held prisoner by the enemy in Southeast Asia.

These men and their families have been denied the elemental rights and decencies which are the basic terms of the Geneva Convention. The enemy has not given us a complete listing of the men they hold prisoner. The North Vietnamese Communists have not allowed Red Cross teams to visit the internment camps to see that these prisoners are receiving humane treatment. They have not permitted release of the sick and injured. And they have not even exhibited a minimum of human decency and compassion.

We all pray that these brave men will soon be returned to their families; but even then, their lot will be quite different from that of prisoners taken in World War II and in the Korean War. As Senator James Buckley, who originated this legislation in the Senate, so eloquently commented:

"These men will be returning as the victims of a war which has lost that home base of public support which would make the memory of their sufferings easier to bear. This has become a war in which there are no heroes, no victory parades, no open-hearted expressions of public gratitude to those who have borne the brunt of battle."

I beseech this committee to pass this legislation quickly as a demonstration to our POWs/MIAs and their families that their sacrifices have not been forgotten by a grateful people.

SENATE—*Wednesday, June 14, 1972*

The Senate met at 10:30 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

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

O Lord God, who redeemeth our life from destruction and crowneth our life with loving kindness and tender mercies, may our service to the Nation and to the world be given in response to Thy love. Cover our mistakes with Thy forgiveness. Confirm us in every righteous endeavor and when evening comes grant us the peace of those whose hearts are in tune with Thee.

Guide this Nation in times of peril and adversity as well as in times of peace and prosperity. May the flag we honor today be a symbol of hope and peace in a Nation under God.

In Thy holy name we pray. Amen.

APPOINTMENT OF 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., June 14, 1972.

To the Senate:

Being temporarily absent from the Senate

on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HOLLINGS 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 yesterday, Tuesday, June 13, 1972, be dispensed with.

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 a nomination on the executive calendar.

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

ENVIRONMENTAL PROTECTION AGENCY

The ACTING PRESIDENT pro tempore. The clerk will read the nomination.

The assistant legislative clerk read the nomination of Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate proceeded to consider legislative business.

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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of certain measures on the calendar, beginning with Calendar Order No. 810.

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

COTTON CROP REPORTS

The Senate proceeded to consider the bill (S. 3104) to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 9, after the word "to", strike out "December" and insert "January"; on page 2, line 2, after the word "reports", strike out "to" and insert "of"; in line 5, after the word "day", strike out "following that" and insert "of the month"; in line 21, after "12th", insert "by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December" "; on page 3, line 9, after the word "day", strike out "following that on" and insert "of the month"; and, after line 10, insert a new section, as follows:

SEC. 4. Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton growing States in which cotton has been ginned."

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 section 1 of the Act of May 3, 1924, as amended (43 Stat. 115, 44 Stat. 1373, 60 Stat. 940, 72 Stat. 149; 7 U.S.C. 475), is amended to read as follows:

"COTTON CROP REPORTS.—The Secretary of Agriculture shall cause to be issued as of the first of each month during the cotton growing and harvesting season from August to January inclusive, reports describing the condition and progress of the crop and stating the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting board consisting of five members or more to be designated by him. Not less than three members of the board shall be supervisory field statisticians of the Department of Agriculture who are located in different sections of the cotton-growing States, are experienced in estimating cotton production, and have first-hand knowledge of the condition of the cotton crop based upon recent field observations. A majority of the members of the board shall be familiar with the methods and practices of producing cotton."

SEC. 2. Section 1 of the Act of May 27, 1912, as amended (37 Stat. 118, 44 Stat. 1374, 72 Stat. 149; 7 U.S.C. 476), is amended by striking out "10th" and inserting in lieu thereof "12", by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December".

SEC. 3. Section 45 of title 13, United States Code, is amended to read as follows:

"§ 45. Simultaneous publication of cotton reports

"The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate."

SEC. 4. Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton-growing States in which cotton has been ginned."

The amendments were agreed to.

The bill was ordererd 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. 92–848), explaining the purposes of the measure.

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

NEED AND BACKGROUND

The need for this legislation and its background are set forth as follows in the statements of U.S. Department of Agriculture and U.S. Department of Commerce witnesses who appeared at the public hearings on H.R. 13169 before the House Committee on Agriculture.

STATEMENT OF BRUCE W. KELLY, DIRECTOR, AGRICULTURAL ESTIMATES DIVISION, STATISTICAL REPORTING SERVICE, U.S. DEPARTMENT OF AGRICULTURE, APRIL 12, 1972

Mr. Chairman and members of the Cotton Subcommittee, I have with me today, Mr. Donald M. Bay, Head of the Cotton and Special Crops Section to assist in answering committee questions.

I am pleased to have this opportunity to appear before this subcommittee to discuss H.R. 13169, a bill to amend existing statutes governing the date and time cotton crops reports are released. I will also mention briefly a related amendment prepared by the Department of Commerce which changes the timing of some of the cotton ginnings reports.

It is appropriate that both pieces of legislation be considered together because of the relationship established by law between the Department of Agriculture's "Cotton Crop Reports" and the Department of Commerce's "Cotton Ginners Reports."

First, I would like to discuss the bill which changes the existing statutes to permit the Secretary of Agriculture to issue Cotton Crop Reports simultaneously with the General Crop Reports. Under existing law, the cotton reports are issued at 11 a.m., Washington, D.C., time on the 8th of the month (or the next succeeding workday in case the 8th is a nonwork day). The General Crop Report is released at 3 p.m., Washington, D.C., time not later than the 12th of the month. Combining the two reports would eliminate the requirement for separate security lockups each month from August through January,

and would permit us to include cotton in the national and State releases with other crops, rather than issuing separate reports for cotton. We estimate that the savings gained through this change would be about $5,000 through a reduction in the number of releases and postage costs.

Issuing the cotton crop report simultaneously with the monthly crop report would also change the release hour from 11 a.m. to 3 p.m. The 11 a.m. release was originally established to coincide with the closing of the Liverpool Cotton Exchange. At present, trading on the New York Cotton Exchange is halted for 10 minutes following the release of the cotton crop report. However, many investors are not able to analyze the cotton crop report and adjust their position in the futures market in 10 minutes. Some investors may not have instant access to the reports. A release at 3 p.m., after the closing of the exchange, would give all investors more time for analysis before the market opens the next day. Releasing cotton with crop production reports would bring cotton in line with the other speculative commodities which are now released at 3 p.m., after the close of the Chicago and New York commodity markets.

In connection with the bill now under consideration by this committee, I would like to mention the amendment proposed by the Department of Commerce. This amendment, as I understood it, would substitute January and February ginnings reports for those now issued in mid-August and mid-September and change the release schedule of all ginnings reports to coincide with that of the Department of Agriculture for the combination of cotton and crop reports. All these changes are acceptable to the Department of Agriculture. The January 1 ginnings report is highly desirable for our utilization in making a January 1 cotton estimate.

Next, I would like to discuss the addition of a January 1 cotton crop report. The present schedule of cotton crop reports ends with the December 1 report. This schedule was set in 1924. Since that date, shifts in major cotton producing areas, cultural practices, and machine harvesting have all tended to extend the length of the harvest season. In recent years, about one-sixth of the U.S. crop was ginned after December 1 compared with less than one-tenth during the period when this law was first enacted. This past year, harvest was very late in parts of Texas and Oklahoma. Nearly one-fourth of the cotton remained to be ginned after December 1. In Oklahoma and on the Texas High Plains, harvest was just getting underway by the first of December. A January 1 cotton report would have provided a reassessment of production, including any deterioration during December of the cotton still in the field.

The Department supports the addition of a January cotton crop report contingent on the approval of the Census amendment which adds a January 1 ginners report. The January 1 Census ginners report would provide much of the basic data upon which to base a January 1 cotton estimate. No additional funds are required to add this report as cost savings from combining the Cotton Crop report with the General Crop Report should offset the cost of making a January 1 report.

In summary, I would like to recommend the enactment of H.R. 13169, including the amendment offered by the Department of Commerce.

Thank you, Mr. Chairman and members of the subcommittee. We will be happy to try to answer any questions you may have.

STATEMENT OF DR. GEORGE H. BROWN, DIRECTOR, BUREAU OF THE CENSUS, SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, APRIL 12, 1972

Mr. Chairman, I appreciate the opportunity to appear before this subcommittee to discuss how the Department of Commerce will be affected by H.R. 13169 and the proposed amendment. The Department of Commerce is affected by this legislation because of the requirements in section 45 of title 13, United States Code, that "reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 11 o'clock antemeridian on the eighth day following that on which the respective reports relate."

If passed, H.R. 13169 will amend section 45 of title 13, United States Code, to permit issuance of the cotton crop reports with the regular monthly crop reports "to be issued from the same place at 3 o'clock postmeridian on or before the 12th day following that on which the respective reports relate."

The proposed amendment would amend existing legislation, section 42, title 13, United States Code, which requires "The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1; * * *."

Since a large proportion of the cotton is now ginned toward the end of the season, the Bureau had been requested by the Department of Agriculture, as well as the Cotton Council, to consider adding reports of cotton ginned prior to January 1 and February 1 in order that the statistics would provide better information on the size of the cotton crop prior to the final report on March 1. In order to avoid additional reporting requirements for the respondents and an increase in the cost of the program, we suggested the alternative of shifting some of the reporting dates from the earlier to the latter part of the season. Subsequently, it appeared feasible to shift the August 16 and September 16 reports to January 1 and February 1, as called for in the proposed amendment. At the same time, it appeared desirable to standardize the mid-month reporting date at the 15th of the month. The present mid-month dates vary between the 13th and the 18th without any objective reason for the variation.

A table showing the cotton ginned as of each reporting date for the past 5 years is available for the record.

The Department of Commerce favors enactment of H.R. 13169 and is fully in accord with the proposed amendment to section 42 of title 13, United States Code, to change the dates of two ginning reports and standardizing the reporting dates.

I have with me today, Mr. J. Thomas Breen, my staff member directly responsible for the statistics involved. We shall be glad to answer any questions which the committee may have.

COTTON GINNED TO EACH REPORTING DATE, 1967-68 THROUGH 1971-72 GINNING SEASONS

Report relates to	Ginning season— 1971-72		1970-71		1969-70		1968-69		1967-68	
	To date	During period	To date	During period	To date	During period	To date	During period	To date	During period
August:										
1	122,530	122,530	6,021	5,021	79,784	79,784	6,065	6,065	256,540	256,540
16	215,674	93,144	70,210	64,189	360,867	281,083	102,495	96,430	513,401	256,861
September:										
1	364,505	148,831	279,871	209,661	538,126	167,259	372,638	270,143	631,701	118,300
16	480,724	116,219	518,613	238,742	728,548	200,422	648,810	276,172	762,374	130,673
October:										
1	879,341	398,617	1,135,199	616,586	1,606,363	877,815	1,413,634	764,824	1,012,911	250,537
18	2,605,268	1,725,927	2,609,325	1,474,126	3,808,688	2,202,325	3,246,409	1,832,775	1,833,809	820,898
November:										
1	4,602,701	1,997,433	4,163,037	1,553,712	5,783,398	1,974,710	5,950,012	2,703,612	3,289,045	1,455,236
14	6,589,741	1,987,040	6,470,003	2,306,966	6,893,033	1,109,635	7,547,410	1,597,389	4,607,031	1,317,968
December:										
1	7,909,871	1,320,130	8,829,606	2,359,603	8,378,694	1,485,661	9,170,784	1,623,374	6,320,137	1,713,106
13	8,216,704	306,833	9,786,495	956,889	9,109,955	731,261	10,048,947	878,163	6,932,850	612,713
Jan. 16	9,726,590	1,509,886	10,036,610	250,115	9,815,018	705,063	10,834,021	785,074	7,263,594	330,744
Mar. 1	10,226,779	500,189	10,112,375	75,765	9,937,068	122,050	10,916,566	82,545	7,438,615	175,021

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the following cost estimate was submitted in a similar bill to the House Committee on Agriculture. The Senate Committee on Agriculture and Forestry agrees with this estimate except that by adding September 15 to the required ginning reports a slight additional cost of about $1,000 will result. No cost will be involved in fiscal year 1972.

LAND RELEASE IN ARKANSAS

The bill (H.R. 5404) to direct the Secretary of Agriculture to release on behalf of the United States a condition in deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes, was considered, ordered to 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. 92–849), explaining the purposes of the measure.

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

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 5404) to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes, having considered the same, report favorably thereon without amendment and recommends that the bill do pass.

This bill authorizes and directs the Secretary of Agriculture to release, on behalf of the United States, a condition in a conveyance of certain land in the State of Arkansas to the Arkansas State Game and Fish Commission which requires the land to be used for public purposes. The release would extend only to lands covered by an agreement or agreements providing that any lands acquired in exchange for the lands released must be used for public purposes and the proceeds from any sale or lease of lands covered by the agreement must be applied toward other lands which will be used for public purposes.

The bill also provides that on any of the lands released by the Secretary pursuant to an agreement, the State of Arkansas may apply to the Secretary of the Interior for the conveyance to the State of any undivided mineral interests held by the United States. Where there are determined to be no mineral values, the State would pay $1. Where there are determined to be mineral values, the State would pay the fair market value for the mineral rights.

The bill requires that for each application for the conveyance of minerals the State must make a nonrefundable deposit to cover administrative costs and defines such costs.

NEED FOR LEGISLATION

The Arkansas Game and Fish Commission, under the date of October 2, 1969, acquired from the Secretary of Agriculture a parcel of land in Prairie County, Ark., known as the Wattensaw Area. The parcel of land consisted of 15,034 acres for which the State paid the Federal Government $638,496. The original conveyance was authorized by the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012). The United States reserved the mineral rights and provided by a reversionary covenant that the lands must be used for public purposes.

Of immediate concern to the Arkansas Game and Fish Commission is approximately 40 acres located in the northeast and southeast quadrant of the Hazen Highway exchange. This exchange consists of the interchange where Highway 40 intersects Highway 11. Because of the interchange, and the heavy traffic involved, the land (approximately 20 acres on either side of the interchange) is made useless for the purpose for which it was originally conveyed. It does have a commercial value, however, and the State game and fish commission would like to sell the property and purchase other lands that would be suited to the purposes of the original acquisition, or exchange the approximately 40 acres for other lands.

The House Committee on Agriculture held hearings on this bill on September 15, 1971, and subsequently favorably reported the bill unanimously.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee estimates that no additional costs are involved since the bill merely calls for the release of a condition on land already conveyed to the Arkansas State Game and Fish Commission. Any mineral rights will be assessed by the Secretary of the Interior, and fair market value for these rights obtained before the release of the condition. If no mineral rights of value exist, the Secretary will receive $1. No comparable estimate of costs was formally received by the committee from a Government agency.

AUTOMOBILE INFORMATION DISCLOSURE ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That subsection 2(h) of the Automobile Information Disclosure Act (72 Stat. 325; 15 U.S.C. 1231) is amended by inserting at the end thereof the following new sentence: "New automobiles delivered to, or for further delivery to, ultimate purchasers within the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, the Trust Territories of the Pacific, the Canal Zone, Wake Island, Midway Island, Kingman Reef, Johnson Island, or within any other place under the jurisdiction of the United States shall be deemed to have been 'distributed in commerce'."

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. 92–850), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 473, as amended, is to clarify the Congressional intent that the Automobile Information Disclosure Act of 1958 should apply to all new automobiles distributed in commerce within the United States, its territories, its possessions, and whatever else the United States exercises jurisdiction.

This objective is accomplished by inserting language into section 2(h) of the 1958 Act which clearly indicates that his Act applies throughout those areas under U.S. jurisdiction.

BACKGROUND

The Automobile Information Disclosure Act of 1958 made it clear that the Congress intended to apply the requirement for affixing a price disclosure label on new cars throughout the United States generally. However, question has arisen as to whether the 1958 Act does in fact apply to certain possessions of the United States, such as the Commonwealth of Puerto Rico, American Samoa and the Virgin Islands. In a letter of comment to the Committee on S. 473, dated August 3, 1971, the then Deputy Attorney General of the United States, Richard G. Kleindienst, indicated that the legislative history of the 1958 Act is silent with respect to these possessions. Furthermore, the legislature of Guam has requested that the Congress expressly extend the provisions of this Act to Guam and the Governors of the Commonwealth of Puerto Rico and the Virgin Islands have also expressed support of S. 473.

Although the legislative record on the 1958 Act does not indicate any intent whatever to limit its application within the United States, its territories and possessions, the Committee believes it would be desirable to establish clearly the intention of Congress that the labeling requirement of the Automobile Information Disclosure Act would apply to new automobiles delivered within the United States, the District of Columbia, all United States territories, possessions, or any other place subject to the jurisdiction of the United States.

Accordingly, S. 473, as reported by the Committee, would apply the provisions of this Act to new automobiles delivered to ultimate purchasers or for further delivery to such purchasers within any place under the jurisdiction of the United States including new automobiles delivered to U.S. bases throughout the world.

EXPLANATION OF COMMITTEE AMENDMENT

S. 473, as introduced by Senator Inouye, would have added a definition of the term "State" to the Automobile Information Disclosures Act. However, a more direct means of conveying the Congressional intent to apply the Automobile Information Disclosure Act as broadly as possible within the United States, its territories, its possessions, and wherever else the United States has jurisdiction is to simply define the meaning of the term "distributed in Commerce" as used throughout the Act.

The Committee amendment insures that there will be no misunderstanding of the Congressional intent as to the territorial applicability of this Act.

COMMITTEE ACTION

The committee considered this legislation in executive session on March 21, 1972, and ordered it reported with an amendment.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the Committee estimates that there will be no additional cost to the Government from the enactment of this legislation. The Committee is aware of no estimate by any Federal agency which differs from its own estimate in this regard.

INCREASE RATES OF COMPENSATION TO DISABLED VETERANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 808, S. 3338.

There being no objection, the Senate proceeded to consider the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert:

That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu therof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu thereof "212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$560" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$700";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15", respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

SEC. 3. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator, under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who, because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such veteran."

(b) The table of sections at the beginning of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

SEC. 4. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title and subject to the limitations thereof."

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable.".

SEC. 5. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Mr. TALMADGE. Mr. President, on behalf of the Committee on Veterans' Affairs, I urge prompt and favorable action on S. 3338, a bill which I introduced on March 14, 1972, to increase compensation payments to veterans whose disabilities are related to their military service, and for other purposes.

This is simple legislation. It has four simple, yet worthy, provisions.

First, the bill increases by 10 percent the compensation payments for all veterans with service-connected disabilities. This figure takes into account not only rises in the cost of living since July 1970, when disability compensation rates were last adjusted as a result of legislation which I introduced in the 91st Congress, but also prospective cost-of-living increases for calendar year 1972. It is estimated that between July 1, 1970, and December 31, 1972, the cost of living will have increased by 9.6 percent.

In this regard, I feel that it is worthy to note that during this same period, social security benefits will have been increased by at least 20 percent, the pay of Federal employees will have been increased by over 15 percent, the pay of military personnel will have been increased by more than 82 percent, the pension benefits of veterans with nonservice-connected disabilities will have been increased by 16 percent, and the average weekly take-home pay of workers in the manufacturing industries will have increased by at least 12 percent.

Second, the bill increases by 10 percent the additional payments to dependents of veterans whose service-connected disabilities are rated 50 percent or more by the Veterans' Administration.

Third, the bill establishes a $150 per year clothing allowance for veterans whose service-connected disabilities require that they wear or use prosthetic or orthopedic devices which cause unusual wear and tear on clothing. The committee specifically intends that veterans who are confined to wheelchairs or who must use crutches as a result of injuries sustained in service be eligible for this clothing allowance.

Fourth, the bill equalizes the rates of disability compensation payable to veterans of peacetime and wartime service. Under existing law, the monthly rates of compensation for disabilities incurred in military service during peacetime—and the amounts of additional compensation payable to dependents of veterans disabled by peacetime service—are 80 percent of those authorized for comparable wartime service. The committee bill removes this disparity and, thus, authorizes the same rates of compensation, and amounts of additional compensation, whether the disability of the veteran concerned was incurred during wartime or peacetime service.

Of course, to act in a responsible manner the Senate must consider the costs of the adjustments provided for in S. 3338. The 10-percent increase in disability compensation payments will affect 2,177,000 veterans and the additional cost during the first full year will be $245.8 million.

The 10-percent increase in additional payments to dependents of veterans who are 50-percent disabled or more will affect approximately 760,000 dependents and the additional cost during the first full year will be $14.2 million.

The establishment of a $150 annual clothing allowance will affect approximately 44,000 veterans and the cost during the first full year will be approximately $6.6 million.

Equalization of peacetime and wartime disability compensation rates will affect approximately 185,000 veterans. Equalization of additional compensation for dependents of severely disabled veterans will affect 21,000 persons. The cost of these provisions during the first full year will be approximately $54.1 million.

The Veterans' Administration estimates the total first year cost of S. 3338, as a package, will be $320.7 million, increasing gradually to $327.1 million in the fifth year.

Mr. President, it goes without saying that there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. It is impossible to repay the disabled veteran for his pain and suffering, physical and mental, which a disability often brings. No one can place a price tag on a man's eyesight. No one can attach a dollar value to a man's ability to be a working, productive member of society.

We must, however, attempt to compensate disabled veterans as best we can, for his impaired earning capacity. That is the purpose of this bill.

I have said on many occasions that a nation owes no greater debt than that owed to its men and women who have sustained injuries in that nation's service. S. 3338 recognizes this debt and seeks to honor it. I hope the Senate will adopt this badly needed and extremely worthy legislation.

Mr. President, I ask unanimous consent that excerpts from the committee report on this measure be printed in the RECORD.

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

BACKGROUND AND INTRODUCTION

The Subcommittee on Compensation and Pensions conducted hearings on March 29, 1972, on S. 3338 and other bills to increase disability compensation rates for veterans. Testimony and written statements were presented by representatives of the administration, veterans' groups, U.S. Senators and other interested parties. The subcommittee met in executive session on May 4, 1972 and unanimously ordered S. 3338 with amendments reported to the full committee. The full committee met in executive session on June 1, 1972, and unanimously ordered S. 3338 favorably reported with subcommittee and full committee amendments combined into a committee substitute amendment.

In summary, the provisions of this bill are as follows:

First, the bill provides for a 10-percent increase in the rate of compensation payable for service-connected disabilities.

Second, a similar 10-percent increase is provided for in monthly dependent's allowances payable for dependents of veterans rated at least 50 percent or more disabled.

Third, the bill contains a new clothing allowance of $150 per year for those veterans who must wear or use a prosthetic or orthopedic device which tends to wearout or tear the veterans' clothing.

Finally, the bill would provide for an equalization of the amount of compensation paid to identically rated veterans irrespective of whether the service-connected dis-

ability was acquired during time of peace or war.

INCREASE IN COMPENSATION RATES

The committee believes that a 10-percent increase in compensation rates provided for in section 1 of the bill is warranted for the some 2.1 million veterans who have service-connected disabilities. The rates were last adjusted by Public Law 91-376, effective July 1, 1970. Since that time the cost of living has risen 6.3 percent through April, 1972. Pertinent data on increases in the cost of living as shown by the Consumer Price Index are reflected in table 1:

TABLE 1.—U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS—CONSUMER PRICE INDEX

[1967=100]

	1968	1969	1970	1971	19722
January	102.0	106.7	113.8	119.2	123.2
February	102.3	107.1	113.9	119.4	123.8
March	102.8	108.0	114.5	119.8	124.0
April	103.1	108.7	115.2	120.2	124.3
May	103.4	109.0	115.7	120.8	
June	104.0	109.7	116.3	121.5	
July	104.5	110.2	116.7	121.8	
August	104.8	110.7	116.9	122.1	
September	105.1	111.2	117.5	122.2	
October	105.7	111.6	118.1	122.4	
November	106.1	112.2	118.5	122.6	
December	106.4	112.9	119.1	123.1	
Year average	104.2	109.8	116.3	121.3	

The committee is keenly aware that any cost of living increase will not replace lost purchasing power sustained during the past 2 years by disabled veterans who have continued to receive static compensation payments in the face of steady inflation. Second, the committee takes cognizance of the continuing rate of inflation which the country continues to experience. The President, in his Economic Report to Congress, spoke of a permissive interim objective of an inflationary growth of up to 3 percent by the end of 1972. Currently the rate is 3.3 percent. Third, the committee is aware that disability compensation is based in principle upon providing relief for impaired earning capacity of veterans disabled as a result of their military service. As such, it cannot disregard the fact that spendable annual wages of production workers from July 1970 to present have increased by about 11.8 percent. Taking the foregoing factors into account the committee believes that the modest 10 percent increase provided for in the bill would be more equitable than the 6 percent increase favored by the administration. In this connection it should be noted that income maintenance programs such as service-connected disability compensation are exempt from coverage under the economic stabilization program.

Under the bill, for example, a veteran with a 10 percent disability rating would receive a monthly increase of $3 or an additional $36 a year. At the other end of the scale a totally disabled veteran would receive an additional $45 a month or $540 a year. Compensation rates under present law and those proposed by the committee bill together with the number of veterans by disability rating are shown in the following table:

TABLE 2.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3338

Disability	Present law	S. 3338	Number of veterans
(a) Rated at 10 percent	$25	$28	846,834
(b) Rated at 20 percent	46	51	332,651
(c) Rated at 30 percent	70	77	307,508
(d) Rated at 40 percent	96	106	173,405
(e) Rated at 50 percent	135	149	110,399
(f) Rated at 60 percent	163	179	107,507
(g) Rated at 70 percent	193	212	65,512
(h) Rated at 80 percent	223	245	34,001
(i) Rated at 90 percent	250	275	11,634
(j) Rated at total	450	495	127,783
Limit for veterans receiving payments under (a) to (j) above	560	616	5,867
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	616	678	2,832
(m) Anatomical loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	700	770	367
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	$784	$862	
Limit for veterans receiving payments under (l) to (n) above	784	862	5,721
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (j) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	336	370	8,063
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	504	554	6,969
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)			
(s) Disability rated as total, plus additional independently ratable at 60 percent or over, or permanently housebound			
Total number of cases affected			2,146,693

Subsection (b) of the first section also authorizes the Administrator to adjust administratively, consistent with the 10-percent-rate increases specified in subsection (a), the rate of disability compensation payable to veterans within the purview of section 10 of Public Law 85-857 who are receiving disability compensation under laws other than chapter 11 of title 38, United States Code. This provision which is similar to other provisions which have been included in prior disability compensation bills assures that there will be comparable rate increases for veterans whose disability compensation payments were authorized by earlier laws as saved by the aforementioned section 10. A history of wartime service-connected compensation increases from July 1, 1933 to present is reflected in table 3 which follows:

TABLE 3.—HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION INCREASES

Sec. 314, title 38, subpar.—	Percent	July 1, 1933	Plus percent increase equals—	Jan. 19, 1934	Plus percent increase equals—	Public Law 312, 78th Cong., June 1, 1944	Public Law 182, 79th Cong., Oct. 1, 1945	Plus percent increase equals—	Public Law 662, 79th Cong., Sept. 1, 1946	Plus percent increase equals—	Public Law 339, 81st Cong., Dec. 1, 1949	Plus percent increase equals—	Public Law 356, 82d Cong., July 1, 1952	Plus percent increase equals—	Public Law 427, 82d Cong., Aug. 1, 1952	Plus percent increase equals—
(a)	10	$9	11.1	$10	15	$11.50		20	$13.80	8.7	$15	5	$15.75			7.9
(b)	20	18	11.1	20	15	23.00		20	27.60	8.7	30	5	31.50			4.8
(c)	30	27	11.1	30	15	34.50		20	41.40	8.7	45	5	47.25			5.8
(d)	40	36	11.1	40	15	46.00		20	55.20	8.7	60	5	62.00			4.8
(e)	50	45	11.1	50	15	57.50		20	69.00 / 60.00	8.7	75	15	86.25			5.5
(f)	60	54	11.1	60	15	69.00		20	82.80	8.7	90	15	103.50			5.0
(g)	70	63	11.1	70	15	80.50		20	96.60	8.7	105	15	120.75			5.3
(h)	80	72	11.1	80	15	92.00		20	110.40	8.7	120	15	138.00			5.2
(i)	90	81	11.1	90	15	103.50		20	124.20	8.7	135	15	155.25			5.0
(j)	100	90	11.1	100	15	115.00		20	138.00	8.7	150	15	172.50			4.9
Subpar. (s) (housebound cases—Public Law 86-663, effective Sept. 1, 1960																
(l)		150		33.3		$200		20	240.00					10.8	$266	4.9
(m)		175		34.3		235		20	282.00					11.0	313	5.1
(n)		200		32.5		265		20	318.00					11.0	353	5.1
(o)		250		20.0		300		20	360.00					11.1	400	5.0
(p)						300		20	360.00					11.1	400	5.0

Sec. 314, title 38, subpar.—	Percent	July 1, 1933	Plus percent increase equals—	Jan. 19, 1934	Plus percent increase equals—	Public Law 312, 78th Cong., June 1, 1944	Public Law 182, 79th Cong., Oct. 1, 1945	Plus percent increase equals—	Public Law 662, 79th Cong., Sept. 1, 1946	Plus percent increase equals—	Public Law 339, 81st Cong., Dec. 1, 1949	Plus percent increase equals—	Public Law 356, 82d Cong., July 1, 1952	Plus percent increase equals—	Public Law 427, 82d Cong., Aug. 1, 1952	Plus percent increase equals—
Subpar. (r) "A and A" nonhospitalization, Public Law 85-782, effective Oct. 1, 1958																
(k)	25			40.0			35	20	42.00					11.9	47	
(q)															67	

Sec. 314, title 38, subpar.—	Public Law 695 83d Cong., Oct. 1, 1954	Plus percent increase equals—	Public Law 85-168, Oct. 1, 1957	Plus percent increase equals—	Public Law 87-645, Oct. 1, 1962	Plus percent increase equals—	Public Law 89-311, Oct. 31, 1965	Plus percent increase equals—	Public Law 90-493, Jan. 1, 1969	Plus percent increase equals—	Public Law 91-376, July 1, 1970	Plus percent increase equals—	S. 3338 92d Congress	Percent increase from Oct. 1, 1954
(a)	$17	11.8	$19	5.3	$20	5.0	$21	9.5	$23	8.7	$25	12.0	$28	64.7
(b)	33	9.1	36	5.6	38	5.3	40	7.5	43	7.0	46	10.8	51	54.5
(c)	50	10.0	55	5.5	58	3.4	60	8.3	65	7.7	70	10.0	77	54.0
(d)	66	10.6	73	5.5	77	6.6	82	8.5	89	7.9	96	10.4	106	60.6
(e)	91	9.9	100	7.0	107	5.6	113	8.0	122	10.7	135	10.3	149	60.3
(f)	190	10.1	120	6.7	128	6.3	136	8.1	147	10.9	163	9.8	179	60.4
(g)	127	10.2	140	6.4	149	7.4	161	8.1	174	10.9	193	9.8	312	60.6
(h)	145	10.3	160	6.3	170	9.4	186	8.1	201	10.9	223	9.9	245	60.8
(i)	163	9.8	179	6.7	191	9.4	209	8.1	226	10.6	250	10.0	275	60.8
(j)	181	24.3	225	11.1	250	20.0	300	33.3	400	12.5	450	10.0	495	173.4
Subpar. (s) (housebound cases) Public Law 86-663, effective Sept. 1, 1960			265	9.4	290	20.7	350	28.8	450	12.0	504	9.9	554	
(l)	279	10.8	309	10.0	340	17.6	400	25.2	500	12.0	560	10.0	616	120.7
(m)	329	9.1	359	8.6	390	15.4	450	22.2	550	12.0	616	10.1	678	106.7
(n)	371	8.1	401	9.7	440	19.3	525	18.2	625	12.0	700	10.0	770	107.4
(o)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	9.9	862	105.2
(p)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	9.9	862	105.2
Subpar. (r) "A and A" nonhospitalization, Public Law 85-782, effective Oct. 1, 1958			150	33.3	200	25.0	250	20.0	300	12.0	336	10.1	370	
(k)														
(q)														

Increases in Monthly Dependents' Allowances

Under present law additional allowances are provided for dependents of veterans who are rated 50 percent or more disabled. Section 2 of the bill would provide for a corresponding 10 percent increase in these rates which would affect approximately 760,000 dependents. The additional compensation rates payable for dependents under present law and the committee bill together with a categorical breakdown of dependents affected are shown in the following tables:

TABLE 4.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50 TO 100 PERCENT DISABLED)

	Present law	S. 3338
Wife, no children	$28	$31
Wife and 1 child	48	53
Wife and 2 children	61	67
Wife and 3 children	75	83
Each additional child	14	15
No wife, 1 child	19	21
No wife, 2 children	33	36
No wife, 3 children	48	53
Each additional child	14	15
Mother or father, each	23	25

TABLE 5.—DEPENDENTS RECEIVING ALLOWANCES AS OF JUNE 30, 1971

Wives	309,810
Children	431,971
Mothers	14,720
Fathers	3,467
Total	759,968

Clothing Allowance

Section 3 of the bill creates a new section which provides for a clothing allowance of $150 a year to each veteran who because of a compensable disability, wears or uses a prosthetic or orthotic appliance or appliances which tends to wear out or tear his clothing.

The committee received extensive testimony as to the need for such legislation and the inadequacy of existing law. Current law authorizes the Administrator to furnish "special clothing" made necessary by the wearing of prosthetic appliances. It does not, however, authorize the furnishing or replacement of conventional clothing by reason of extraordinary wear and tear occasioned by the use of a prosthetic appliance. The Veterans' Administration has recognized that the use of certain types of prosthetic appliances unquestionably results in unusual wear and tear on ordinary clothing of the wearer. Accordingly, since 1948 VA field stations have been authorized to furnish repairs, reweaving and special protective linings to those areas of clothing where damage or excessive wear is or could be the result of wearing a prosthetic appliance. The regulations are, however, extremely limited and these services are approved only on the condition that the cost of any single repair, reweaving, lining or combination thereof does not exceed a total of $15 for any one garment or one-half the new or replacement value of the garment whichever is the lesser amount.

The net result is that such assistance has been extremely limited. In the past fiscal year, for example, only 220 veterans were aided with an average expenditure of $14.94. The problem, however, as brought to the committee's attention through testimony and many letters is much more extensive. The existing law also fails to recognize changes in the clothing industry since Veterans' Administration regulations were first adopted in 1948. The clothing industry has abandoned the general use of wools and other materials and has instituted the use of synthetic yarns and fabrics in the manufacture of men's wearing apparel. Repairing and reweaving of these fibers is almost impossible. Furthermore it is obvious that $15 two decades ago could purchase a far greater volume of goods and services than can be purchased today.

Enactment of this provision would give recognition to the value of military service and the difficulties these severely handicapped veterans must endure daily because of the special nature of their service-incurred disabilities. The Veterans' Administration while unable to formally support the provision has acknowledged in their testimony a "most sympathetic concern with the problems of persons disabled from service-connected causes to the extent that prosthetic appliances are necessary. . . . "

In light of the foregoing, the committee intends that the regulations which will be issued pursuant to enactment of this provision should provide for most liberal criteria as to whether a prosthetic or orthopedic device tends to wear out or tear the clothing of a veteran. Explicitly included in this new section are those veterans who are confined to wheelchairs. This section would also apply to veterans who require the constant or frequent use of crutches. The Veterans' Administration estimates that approximately 44,000 veterans will be affected by this provision at a cost of approximately $6.6 million for the first full year.

Equalization of Wartime and Peacetime Rates

Section 4 of the bill would equalize the rates of compensation paid to veterans for identical disability ratings irrespective of calendar period of service. Under existing law there is a distinction between wartime and peacetime rates with veterans of the latter receiving compensation at 80 percent of the rate of the former. Originally compensation did not differentiate between wartime and peacetime service. A distinction was created, however, with the establishment of a separate compensation program for veterans of World War I. Since then the distinction has been maintained in varying degrees in succeeding compensation programs apparently on the premise that a war veteran should be accorded preferential treatment. In 1933 the pacetime rate was set at 50 percent of the wartime rate. In 1939 this differ-

ential was narrowed to 75 percent; and in 1948 the peacetime rate was set at 80 percent of the wartime rate where it remains today.

Whatever logic this distinction once might have had with respect to compensation for service incurred injuries is no longer evident to the Commitee. By maintaining a distinction based solely on calendar period of service, a number of anomalous situations have developed. For example, a veteran who entered the service in 1965 and served his entire tour in a noncombatant status in the United States would be entitled to full compensation for injuries suffered falling down the stairs of his barracks. Conversely, a veteran who may have served in Vietnam as part of a military adivsory group in the early 1960's where he faced hostile fire in his role as advisor and who subsequently suffered an identical injury in a stateside barracks would receive only 80 percent of the compensation received by the first veteran.

Of even greater importance to the committee, however, is the basic philosophy of compensation payments. Section 355 of title 38, United States Code provides in part:

* * * * *

The ratings shall be based, as far as practicable, upon the average impairment of earning capacity resulting from such injury in civil occupations.

* * * * *

As the Veterans' Administration noted in its request for equalization of compensation rates in 1965:

It seems quite apparent, however that a veteran who has suffered a disability as a result of peacetime military service has the *same* loss of earnings as the veteran who has suffered the identical disability (which is disabling to the same degree) during wartime service. It follows that we are unable to justify continuance of the differential in the rates of disability compensation on any basis which is consistent with the nature and purpose of that benefit.

The committee concurs with this view and is aware of no material change in circumstances since that time which would alter the views expressed by the Veterans' Administration in their request for equalization.

Finally it should be noted that other Veterans' Administration programs have abandoned a wartime/peacetime distinction. Following extensive study, Congress adopted a new program of dependency and indemnity compensation in the Servicemen's and Veterans' Service Benefits Act of 1956 in which no distinction is made between wartime and peacetime service for the payment of compensation for service-connected deaths. In Public Law 91–101, Congress also voted to expand medical benefits to make any veteran—wartime or peacetime—over age 65 eligible for Veterans' Administration hospital care and related outpatient care for non-service-connected disabilities without having to show financial inability. Thus the equalization proposed in this bill would be consistent with recent legislation.

Approximately 185,000 veterans will be affected by the equalization. Equalization of additional compensation for dependents will affect another 28,000. Veterans affected by degree of disability are shown in the following table:

TABLE 6.—*Peacetime veterans by disability rating*

Rating (percent):	
10	75,749
20	27,808
30	26,747
40	12,088
50	7,165
60	8,729
70	5,375
80	2,172
90	607
100	12,261
k	321
k	(6,897)
l	876
m	563
n	114
o	-------
p	-------
q	2,750
r	1,317
s	853
Total	185,495

EFFECTIVE DATE

Section 5 of the act provides that the act shall take effect on the first day of the second calendar month which begins after the date of enactment.

COST

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510, 91st Congress), the committee, based upon information supplied by the Veterans' Administration, estimates the first full year cost of the bill to be $320.7 million, increasing gradually to $327.1 million in the fifth year. An itemized breakdown of the cost of S. 3338 by section for the first and fifth years follows:

S. 3338

[In millions]

	1st year	5th year
Sec. 1	$245,841	$249,968
Sec. 2	14,187	14,447
Sec. 3	6,600	7,800
Sec. 4	54,105	54,913
Total	320,700	327,100

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, there were no tabulations of votes to report; the committee unanimously ordered the bill as reported from the Subcommittee (with the addition of an amendment in the nature of a new sec. 4), reported favorably.

Mr. THURMOND. Mr. President, S. 3338 would increase the rates of compensation for disabled veterans and their dependents. This bill would raise the compensation rates by approximately 10 percent across the board. Veterans who depend on compensation to live soon find that rising costs eat up any increase.

The rates of compensation have not been increased since July 1, 1970. The rates for nonservice-connected disability and death pension were raised this year, and it is only equitable that cost-of-living increases be provided for veterans' service-connected disability compensation.

Mr. President, many of these veterans are so disabled that they are totally reliant on relatives and friends for their day-to-day care. They are unable to carry out normal activities and are unemployable or underemployed because they have little or no mobility. These deserving men and women are unable to compete with the rest of society on an equal basis. We should certainly allow them the chance of maintaining a standard of living that is comparable to those without crippling disabilities.

S. 3338 also adopts a new approach for those who must use prosthetic or orthopedic appliances including wheel chairs. This bill provides a clothing allowance for abnormal wear due to these devices. These veterans have a much higher clothing bill because clothing which comes into contact with the prosthesis tends to tear or rip.

The life span of these disabled veterans is significantly shortened in a large number of cases. No group is more deserving than those veterans who were wounded or disabled while serving their country so conscientiously. These people deserve our highest consideration. I urge my colleagues to support this bill and allow these patriots a yearly income which is commensurate with their sacrifice.

Mr. BOGGS. Mr. President, I would like to take a few moments to express my strong support for S. 3338 of which I am a cosponsor. This bill provides for a 10-percent increase in compensation for disabled veterans. I can think of no single group to whom we have a greater obligation than these men who have sacrificed so much for their country.

Obviously, no amount of compensation can take the place of the loss of a hand, an arm, a leg, or an eye. Nor can it restore the use of paralyzed limbs. This compensation is intended to replace earnings lost as a result of service-connected disability. For this reason, it is vital that compensation keep pace with the rise in wages generally and with the cost of living.

Since the last adjustment in disability compensation in 1970, the cost of living has risen 9 percent. Social Security has increased 10 percent and Federal pay has risen by nearly 12 percent. It is therefore simple equity that we make comparable adjustments in benefits for our disabled veterans. I urge all Senators to support this worthy legislation.

Mr. HARTKE. Mr. President, no person in our country is more deserving of our unceasing attention and concern than the disabled veteran. It is a concern that continues to grow daily with the swelling lists of those who have been disabled in Vietnam. Currently 287,000 Vietnam era veterans are drawing disability compensation. In total, our Nation has over 2.1 million veterans who are receiving compensation payments for service-connected disabilities.

As chairman of the Committee on Veterans' Affairs, it has been my privilege to meet with many of these men whose courageous and uncomplaining acceptance of the sacrifices they made for their country serves as a continuing inspiration for all of us. It is particularly gratifying to me, therefore, that the Senate has passed S. 3338 which the committee unanimously recommended. It contains a number of provisions which I believe meet in small part our continuing obligation to them. First, the bill provides for a 10-percent increase in compensation rates to cover past and continuing increases in the cost of living. Since the rates were last adjusted, the cost of living has risen 6.3 percent through April 1972. At present the cost of living continues to increase at a current rate of 3.3 percent. The committee believes that the 10-percent increase provided for in S. 3338 is an equitable one which takes these factors into account. Under this bill a veteran with a

10-percent disability rating will receive a monthly increase of $3 or an additional $36 a year. A veteran rated as totally disabled will receive an additional $45 a month or $540 a year. The additional allowances provided for dependents of veterans who are rated 50 percent or more disabled has also been increased by 10 percent. Approximately 760,000 dependents will be affected by these increases.

Another very important feature of this bill is the creation of a new clothing allowance of up to $150 a year to each veteran who because of a compensable disability wears or uses a prosthetic or orthopedic appliance or appliances which tends to wear out or tear his clothing. The committee has had brought to its attention many cases where veterans with artificial limbs or braces are constantly confronted with a situation where their clothes are being torn or worn out at an abnormal rate. Explicitly included in the clothing allowance provision are those veterans confined to wheelchairs as well. The committee is aware of a number of problems occasioned by those who regularly use a wheelchair which results in unusual wear and stress on their clothing. The new section would also apply to veterans who require the constant or frequent use of crutches. It is estimated by the Veterans' Administration that approximately 44,000 veterans will be affected by this provision at a cost of approximately $6.6 million for the first year.

Finally, the bill would equalize the rates of compensation paid to veterans for identical disability ratings irrespective of whether that disability occurred during wartime or peacetime. At present, the peacetime rate is set at only 80 percent of the wartime rate. Whatever logic this distinction once might have had with respect to compensation for service-incurred injuries is no longer evident to the committee. Compensation ratings are based upon the principle of providing relief for the average impairment of earning capacity resulting from the service-incurred injury. Two veterans with identical injuries will suffer the same impairment of earnings regardless of when that injury was incurred.

Over 2.1 million veterans will benefit from this act which will cost $320.7 million for the first full year.

I want to particularly commend the chairman of the Subcommittee on Compensation and Pensions, the distinguished senior Senator from Georgia (Mr. TALMADGE) for his outstanding leadership in producing the fine bill that is before the Senate today. The unanimity exhibited by each member of this committee on this vital measure for veterans has also been heartening.

I know that the Committee on Veterans' Affairs in the House of Representatives, under the extremely able leadership of its chairman, OLIN "TIGER" TEAGUE is also proceeding rapidly on similar disability compensation legislation. I am most confident that whatever minor differences may exist between the Senate and House bills will be quickly resolved so this important legislation can be sent on to the President for signature.

AMERICANS WHO DESERVE HELP: THE DISABLED VETERAN

Mr. HANSEN. Mr. President, we consider legislation today for a group of Americans who deserve commendation as well as compensation. It is my hope it will have full support of the Senate.

There is no obligation that exceeds the debt owed by their fellow-Americans to those who gave their lives or to those who gave health and limbs for the United States in the uniform of this country. We can never repay the former, those who died, or their survivors, for that great sacrifice. Nor can we fully repay the latter—the veteran who is disabled. But we must do as much as we can as a nation to partly compensate the disabled American veteran—to help make his life a little nearer normal and his hardships somewhat easier to bear.

Our bill, S. 3338, which I was privileged to cosponsor and support in the Committee on Veterans' Affairs, will for the first time provide a clothing allowance for those veterans who necessarily must wear an orthopedic appliance or prosthetic appliance. These devices bring additional and unusual wear and tear on clothing and thus an additional expense to the veteran. The legislation provides $150 annually for clothing allowance to this category of veteran.

The bill also gives needed and deserved assistance to all disabled veterans, providing a 10 percent across-the-board increase in compensation. The Senate will have my commendation for its action in passing this legislation. I am pleased to report that similar legislation has been reported by the House committee.

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, that concludes the call of the calendar for the time being.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized under the standing order.

Mr. GRIFFIN. I have nothing, Mr. President.

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

ANOTHER TONKIN GULF INCIDENT

Mr. HUGHES. Mr. President, the headline on a Washington television news program Monday evening declared that an Air Force general had admitted to a congressional subcommittee that he had "bombed North Vietnam on his own," in the words of the newscaster.

That may not be an entirely accurate characterization of the essence of the testimony given by Gen. John D. Lavelle in connection with his being relieved of command of the 7th Air Force in Southeast Asia.

But in all probability it reflects the puzzlement and uncertainty of the American people about a military command and control system that allows violations of very specific orders to the contrary from the highest military authorities of this Nation.

General Lavelle, ironically, commands a certain respect for his frank and open statement taking sole responsibility for the violations of command orders.

In addition, Secretary Laird, Air Force Secretary Seamans, and Gen. John D. Ryan, the Air Force chief of staff, are to be commended for acting swiftly and effectively to investigate the allegations and halt the violations.

But the gnawing uncertainty is: to what extent can the actions of a single combat commander, authorizing persistent violations of established orders over a period of 4 months, trigger a spiraling escalation of hostilities by both sides at a time when we are committed to winding down the intensity of the war and withdrawing?

Now, an even graver question has arisen: To what extent were unauthorized air strikes ordered by General Lavelle responsible for the total collapse of the Paris peace talks last November?

President Nixon, in his televised address on January 25, said:

> On October 25, the North Vietnamese agreed to meet and suggested November 20th. On November 17, just three days before the scheduled meeting, they said Le Duc Tho was ill. We offered to meet as soon as Le Duc Tho recovered, with him, or immediately with any other authorized leader who could come from Hanoi. Two months have passed since they called off that meeting.

Mr. President, it is imperative to note that, 2 weeks after the North Vietnamese agreed to meet and 9 days before the meeting was canceled, American war planes carried out "protective reaction strikes," as they were called by the American command in Saigon, against three North Vietnamese airfields.

That was on November 8, the same day fixed as the beginning of the Air Force investigation into the unauthorized air strikes.

Mr. President, for several months I have followed the information on the bombing of North Vietnam with increasing concern. Last November 23, I told the Senate of the rapid escalation of attacks against North Vietnam which had been labeled "protective reaction strikes."

At that time, I cited some newspaper accounts of the progressive relaxation in the rules of engagement during 1971. One report said that pilots were told to take "more aggressive actions." Another quoted pilots who spoke of "beating the other guy to the draw."

Despite the repeated claims that the war was winding down, the evidence of air activity demonstrated clearly that it was actually heating up.

Most of the actual statistics on the air war continued to be classified by the Department of Defense. These figures have no bearing on the immediate safety of the Americans involved, and I intend to propose legislation which would require the declassification of this information after a reasonable amount of time.

The number of sorties by individual

planes over North Vietnam, for example, is classified. The only data regularly released to the press and public concerned the number of "strikes," which often include several planes rather than single sorties.

By these figures, the number of attacks on North Vietnam in 1971 was more than five times the number during 1970.

The Defense Department distinguishes three types of protective reaction strikes: first, protection of reconnaissance planes when they appear to be threatened; second, those against antiaircraft and missile sites which threaten military planes operating near the borders of North Vietnam; and third, those "limited duration" raids deemed necessary to counter buildups of enemy forces.

Although the public justifications for the attacks on North Vietnam always mention the threat to unarmed reconnaissance planes, which fly in formation with fighter-bombers, the Pentagon statistics show that in 1971 this category accounted for less than one-fourth of the protective reaction strikes.

Starting last November, the number of announced strikes increased rapidly, from an average of about one every 4 days to one every other day. By March of this year, the average was approaching two every day.

I might point out, Mr. President, that during this escalation the United States unilaterally broke off both the secret and public sessions of the Paris peace talks.

In other words, the United States was giving clear signals to Hanoi that it was no longer interested in the peace talks and would instead step up the war against North Vietnam. What followed, of course, was the North Vietnamese dry-season offensive, first into Laos and later into South Vietnam.

Of course, that offensive may have taken place even if the United States had not broken off the peace talks and had not escalated its air war. But the offensive which had been predicted for January, and then February, and then March did not, in fact, begin in earnest until Easter weekend, by which time there could be no doubt that the United States felt free to bomb North Vietnam almost at will.

Long before the offensive actually started, the United States took several steps to increase its military actions and capabilities in Indochina. From a low point of 47,315 tons of munitions dropped in October, the U.S. air war soared to 91,670 tons in April, the latest month for which figures are available. Between December and March, the United States tripled the number of B-52's available for action in Southeast Asia, doubled the number of other attack aircraft, doubled the number of naval personnel off the coast of Vietnam, and began the process of increasing personnel in Thailand by over 50 percent.

What justification was there for this American escalation? Of course, there was an enemy buildup, as there has been every dry season. But compared with previous dry seasons, the number of protective reaction strikes soared dramatically this year to six times the level of last year and 18 times the level 2 years ago.

Now we are beginning to learn that the justification for many of these stepped-up attacks was falsified, misleading the American people.

The Air Force Chief of Staff, Gen. John D. Ryan, testified before the House Armed Services Committee on Monday that there had been falsification of reports and violations of the rules of engagement concerning attacks on North Vietnam. Although the general tried to minimize the extent of violations by noting that only 147 sorties were involved compared to the 25,000 flown by the 7th Air Force, the violations were far more serious.

General Ryan's investigations revealed 28 violations between November 8, 1971, and March 8, 1972, in connection with protective reaction strikes. The relevant comparison, therefore, is the 121 total of such strikes announced by the U.S. command in Saigon during the same period.

In other words, nearly one strike in every four was in violation of the rules of engagement established by the President and Secretary of Defense and the Joint Chiefs of Staff.

These startling facts suggest parallels with the 1964 Gulf of Tonkin incident.

Once again, we have been misled as to what actually occurred. We were told of the North Vietnamese retaliation but not about the allied attacks which preceded it.

Once again, serious doubts have been raised as to the adequacy of our command and control structure in Indochina. In 1964 there were unauthorized attacks on North Vietnamese villages just prior to our naval encounter in the Gulf of Tonkin.

Once again, allegations of increased North Vietnamese activity have been used as the justification for the deployment of substantial additional military units.

I only hope, Mr. President, that we will not consumate the analogy by continuing the escalation of this endless war.

I am proud to say, Mr. President, that at least one American refused to remain silent when ordered to falsify reports.

In early March, I received a letter from an Air Force enlisted man who was an intelligence specialist for the Air Force.

The letter was directed to me perhaps because a member of my staff had visited Southeast Asia in January while surveying the extent of the air war for me.

In his letter, the airman wrote:

> I and other members of (an Air Force unit) have been falsifying classified reports for missions into North Viet Nam . . . reporting that our planes have received hostile reactions such as AAA and SAM firings whether they have or not.

The significance of this allegation was obvious. After excising the name of the writer, I took a copy of the letter to Senator SYMINGTON, a former Secretary of the Air Force and a distinguished colleague on the Senate Armed Services Committee. We conferred about it, and I asked his advice.

Senator SYMINGTON transmitted the edited letter to General Ryan, the Air Force Chief of Staff, and shortly thereafter, Secretary of the Air Force Seamans requested the name of the enlisted man to assist in an investigation of the allegations. After receiving assurances that the airman's rights and well-being would be fully protected, I provided Secretary Seamans with the name.

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

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

Senator HAROLD HUGHES,
Capitol Building,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: I am an intelligence specialist —— (for the Air Force) . . .

I and other members of —— have been falsifying classified reports for missions into North Viet Nam. That is, we have been reporting that our planes have received hostile reactions such as AAA and SAM firings whether they have or not. We have also been falsifying targets struck and bomb damage assessments.

I have been informed by my immediate OIC, —— that authorization for this falsification of classified documents comes from secure telephone communications from the Deputy of Operations, 7th Air Force.

I do not know where the original authorization comes from and this is my major concern. This same (officer) quipped that the President probably doesn't even know about the situation.

I am writing this letter to inform you of what is happening and to find out if this falsification of classified documents is legal and proper.

Sincerely yours,

——— ———.

Mr. HUGHES. I also ask unanimous consent that various other statements and published articles relating to this matter be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HUGHES. According to General Ryan's testimony on Monday, an Air Force investigation began immediately and on March 23 confirmed the allegations in the letter. The commander of the 7th Air Force, General Lavelle, was summoned to Washington and subsequently relieved of his command.

Secretary Laird called me yesterday morning to explain the results of the investigation. It was the first report received by my office from Defense Department officials, though a previous briefing had been arranged which I could not attend.

Now General Lavelle's nomination to retire at the rank of lieutenant general is pending before the Senate Armed Services Committee. I have requested that action on his nomination be delayed pending completion of a committee inquiry and hearing into the events that culminated in this nomination.

Mr. President, a multitude of grave questions that fall within the prerogatives and responsibilities of the Senate have arisen in connection with this matter. In an effort to illuminate the facts and to assess their impact on world peace, I will ask General Ryan to give me a full briefing on this matter, and I intend to ask the distinguished chairman of the Senate Armed Services Committee (Mr.

STENNIS) to hold comprehensive hearings into the relevant aspects of this case.

I do not know, Mr. President, where the blame for these violations of orders should be placed. I have no personal quarrel with General Lavelle or any other officer. But I am deeply disturbed by a system which permits these unauthorized attacks and then conceals them until a courageous airman writes to a Member of the U.S. Senate.

I am troubled also by some of the implications of General Lavelle's testimony on Monday. While conceding that he had responsibility as commander, he also said that "low-level, hardworking Air Force men made their interpretations of what we wanted." What did "we" want, Mr. President? How did these wishes filter down to these men? At what level were General Lavalle's admitted "liberal interpretations" of the rules of engagement known and decided upon? As the Air Force sergeant wondered, did President Nixon know about the situation?

These are important questions to be answered, Mr. President. If pilots are encouraged or permitted to deviate from their orders in these instances, how can we be sure that there have not been other violations? How many civilians have been killed or injured by such "liberal interpretations" of the rules?

Reports of our military activities in Indochina have long been shrouded in doubts about their credibility. Only last Monday, Anothony Lewis wrote in the New York Times about Pentagon denials of attacks on a North Vietnamese village which he had visited. The refusal to admit that an attack took place, or even to admit that there might have been a mistaken attack, "illuminates one grave cost of this war to Americans," says Mr. Lewis, "the damage to our candor and humanity."

That is the crux of the issue here, Mr. President. We must learn that military force is difficult to control precisely, that men in battle are under tremendous pressures which may lead them to make mistakes or even violate orders. But when such mistakes or violations occur, we must not disregard or deny them. On the contrary, we must strive to prevent recurrences.

Only in this way can our own people—and our adversaries—be sure of our purposes and conditions for continuing this war.

Mr. President, a vast range of questions have been raised by the testimony given by General Ryan and General Lavelle on Monday, as well as by a series of newspaper accounts of the events that led up to the hearing, which I have asked unanimous consent to have printed in the RECORD at the conclusion of my statement.

I think it is important, Mr. President, for us to realize the analogy of what has been taking place in the relationships between these bombings and the peace talks. Here is a chronology of the crucial events in this period.

October 25, 1971: United States and North Viet Nam agree to hold secret talks on November 20.

November 8: Three unauthorized attacks on North Vietnamese airfields.

November 11: United States suspends public talks for the holidays.

November 17: Hanoi says Le Duc Tho is ill, but Xuan Thuy could meet with Kissinger.

November 19: United States says "no point would be served by a meeting."

November 25: United States calls off public talks for Thanksgiving.

December 9: Ambassador Porter calls off public talks scheduled for December 15, sees no point in "another sterile session."

December 15: Porter calls off talks for 23d, offers 30th.

December 26 to 30—approximately: United States conducts 5 days of heavy "limited duration" PRS against North Vietnam.

December 28: Hanoi calls off 30th talks because of renewed bombing.

January 6, 1972: Public talks resume.

January 25: Nixon reveals secret talks, blames Hanoi for avoiding them.

March 23: Nixon suspends public talks.

Mr. President, the only "limited duration" raids between March 1971 and the December massive strikes were on one day in September, when oil storage areas were hit. Subsequent to the September raid, Hanoi did agree to further secret talks.

But the November 8 raids against airfields may have been seen as unprovoked and perhaps as an effort to separate the peace talks from U.S. freedom of military action.

By breaking off the talks in November and by continuing and increasing the PRS during November and later, the United States signaled Hanoi a lack of enthusiasm for reaching a settlement.

I point these things out in relation to the questions that are brought up by the matter of General Lavelle.

EXHIBIT 1

STATEMENT OF GENERAL RYAN, CHIEF OF STAFF, U.S. AIR FORCE, JUNE 9, 1972

I am General John D. Ryan, Chief of Staff, United States Air Force. I appreciate the opportunity to appear before this Committee.

I am informed that the Committee is interested in the facts and circumstances surrounding the return from Vietnam and retirement from the Air Force of General John D. Lavelle.

As you know, General Lavelle was Commander of the Seventh Air Force in Vietnam. He assumed that duty on 1 August 1971.

On 8 March 1972, I received a copy of a letter from an Air Force NCO alleging that the Rules of Engagement were being violated and that there were irregularities in the reports rendered.

I sent Lt. General Wilson, the Air Force Inspector General, on 9 March, to Southeast Asia to investigate this matter.

On 23 March the Inspector General confirmed the allegations. Some missions had not been flown in accordance with the Rules of Engagement and there were irregularities in the operational reports. General Lavelle admitted to the Inspector General that this had occurred.

I ascertained from the Chairman, JCS, the Secretary of Defense, and CINCPAC that authority to deviate from the Rules of Engagement had not been given General Lavelle.

On 23 March, I summoned General Lavelle to Washington and discussed the matter with him.

General Lavelle admitted to me that he had executed a small number of such strikes to attack military targets, reported as protective reaction.

After discussing this with General Lavelle, I offered him the option of continued service—a new assignment—in the Air Force in his permanent grade. I told him an application for retirement would probably be accepted.

Concurrently, I discussed this case with the Secretary of the Air Force, the Chairman, JCS, and the Secretary of Defense, and informed them of my recommendations.

General Lavelle, who was receiving medical attention for severe arm pain, made up his mind to retire on 31 March and submitted a request to do so. He stated therein that this was for personal and health reasons. He cited his son's illness as preventing further family separation. He also indicated that he was under treatment and that he had been advised that it was likely that he was in disability status.

General Lavelle's retirement was accepted by the Air Force with separation date to be determined when his physical status was settled.

During the week of 1 to 7 April General Lavelle was processing for retirement—physical examination—determination of disability, and the like.

I issued orders transferring General Lavelle to patient status in Washington. He had been in Washington since 26 March and was in fact no longer directing Seventh Air Force Operations. This transfer was in preparation for his retirement.

On 6 April, General John Vogt was selected to replace General Lavelle. On 7 April, this was announced. On the same date, General Lavelle's retirement processing was completed and his retirement effective.

I would like to emphasize that I have avoided public discussion because I had no desire to add to General Lavelle's personal and health problems by publicizing other circumstances involved in this matter. He stated his reasons for requesting retirement and I considered them, then and now, highly personal and private business.

STATEMENT OF GEN. JOHN D. LAVELLE, USAF, RETIRED

Mr. Chairman, it is a pleasure to appear before your Subcommittee today, and to explain the circumstances surrounding my recent retirement. I was assigned as Commander of the Seventh Air Force on 1 August 1971, just shortly before the start of the build-up of the North Vietnamese forces and their massive infiltration into Laos and South Vietnam which eventually resulted in the heavy fighting and eventual overrun of the Plain of Jars in Laos and the more recent invasion of South Vietnam. When I first took over, it was in the middle of the rainy season; however, starting in late September, as the rains subsided and the roads started to dry out, there was increased activity as the North Vietnamese infiltrations began. From this time, the infiltration, accompanied with the increased aggressiveness of the North Vietnamese, was constantly on the build.

I believe this Committee has a good appreciation of the North Vietnamese increased aggressiveness this year, but to illustrate the point, I'd like to make some rough comparisons. Considering the air war only, from the start of the dry season, which began 1 November through the end of February of this year, a period of four months, incursions into Laos or northern South Vietnam by NVN MIGs increased by a factor of about 15 over the same period for the previous year. Surface to air missile firings by a factor of about 10. The North Vietnamese had added new radar sites in the southern part of North Vietnam and had netted these with their missile radars to form a most sophisticated and complex system. This meant that the ground control intercept type heavy radars were netted with their surface to air

missiles as an integrated system, therefore either the GCI radar or the missile radars could pass target information to the missile firing units. Another indication of the aggressiveness of the North Vietnamese was that on the day their ground forces launched their attacks in the Plain of Jars, a substantial number of enemy MIGs were airborne and several of them crossed into Laotian territory.

As you know, the air war in South Vietnam is very tightly controlled and operated under quite specific rules of engagement. These rules of engagement had not changed substantively since we ceased bombing North Vietnam in 1968. However, the environment over there had changed considerably. I don't think there were any missile sites or radar controlled heavy anti-aircraft artillery in the southern part of North Vietnam in 1968. In February of this year, in addition to the sophisticated air defense control system, there were many occupied surface to air missile sites, along with many radar controlled heavy anti-aircraft artillery.

The rules of engagement, although being fairly specific, also require some interpretation or judgment factor added. With this air defense buildup, increased aggressiveness of the North Vietnamese and the large number of North Vietnam regular army units that had infiltrated south or moved into position to move across the DMZ, I chose to make a very liberal interpretation of these rules of engagement. In certain instances, against high priority military targets I made interpretations that were probably beyond the literal intention of the rules. I did this since the crews were operating in an environment of optimum enemy defense. It was these isolated instances reported as protective reaction strikes that resulted in General Ryan recalling me and questioning me on wht we were doing. From this viewponnt in Washington, I had exceeded my authority. I can sit here now and understand his position, but at that time as the Commander on the spot concerned with the safety of the crews and, at the same time trying to stop the build-up that was going on, I felt that these were justifiable actions.

I had previously let it be known to General Ryan that because of personal reasons, that if he did not have an assignment for me on the East Coast this year, I would probably retire. So when he recalled me and questioned me on my conduct of the air war and informed me he intended to replace me as Seventh Air Force Commander, which is certainly his right and his responsibility, I elected to retire.

I was retired with a physical disability because of a heart murmur, emphysema, and a disc problem that causes aggravated pains in my hips and legs, particularly after heavy exercise or if I sit for a long while.

[From the Washington Post]

BOMBING VIOLATION CONCEDED—GENERAL ADMITS FALSE DATA ON RAIDS IN NORTH

(By George C. Wilson)

The former commander of the U.S. Air Force in Vietnam admitted yesterday that he "probably" went beyond his authority in bombing targets in North Vietnam and inspired his staff to file false reports on the raids.

But retired Gen. John D. Lavelle told a House Armed Services Committee hearing that "if I had it to do over again, I would do the same thing" as far as stretching the rules on targets.

He did not try to jusify or disclaim responsibiliy for the filing of false reports. Lavelle said he had told his staff that reports could not show bombing raids unrelated to enemy firing at U.S. aircraft.

Thus, to hit what Lavelle considered the important targets in the north without admitting to breaking the standing rules of engagement, pilots and others would have to claim that their bombing was triggered by such enemy action as missile firings or being tracked by enemy anti-aircraft radar.

"The buck stops here," said Lavelle in accepting responsibility for the false reports.

The Nixon administration during most of the time Lavalle commanded the 7th Air Force—from Aug. 1, 1971, until his retirement on April 7—described the bulk of its raids as "protective reaction."

The House subcommittee hearing yesterday brought these other disclosures:

"Protective reaction" was not the reason for at least 28 missions—totaling 147 planes flying to the target and back—between Nov. 8, 1971, and March 8, 1972. Gen. John D. Ryan, Air Force chief of staff, said Lavelle exceeded his authority in ordering these missions and was thus relieved. Ryan said the reports on at least three of the raids analyzed were false and were enough to convince him of serious irregularities. (The 147 sorties were out of a total of 25,000 flown in that same period, Ryan said.)

Ryan said he gave Lavelle the choice of taking another Air Force post at two ranks down from his four-star billet or to retire. Lavelle chose to retire. His permanent rank is two-star general but he received the retirement pay of full general and has been nominated for permanent three-star rank.

Lavelle's pilots in the 7th Air Force reported a buildup of 55 to 60 tanks in January in the eastern section of North Vietnam's panhandle—the launching area for Hanoi's invasion across the DMZ on March 30—but were denied permission to bomb them.

Dep. Otis Pike (D-N.Y.), who conducted the investigation for the full House Armed Services Committee, said after hearing Lavelle testify, "If we had gone after" the enemy buildup when it was first spotted, "we could have prevented the invasion."

Gen. Creighton W. Abrams, U.S. field commander in Vietnam, knew "what I was doing" but not that reports were being falsified, Lavelle said. "He never sat down and debated what the rules of engagement are when we got a missile site or radar."

The Pentagon so far has refused to supply the House Armed Services Committee with a copy of the Rules of Engagement in force while Lavelle commanded the 7th Air Force. Pike called this refusal to supply rules since superseded "ridiculous."

Col. Phillip H. Stevens, information chief for the American military command in Saigon, stopped giving out detailed information on U.S. air raids against the North on March 8—the very same day a senator gave Ryan a letter complaining of unauthorized bombing and false reports.

An Air Force sergeant had sent the letter originally to Sen. Harold E. Hughes (D-Iowa) who in turn gave it to Sen. Stuart Symington (D-Mo.). Symington passed the letter on to Ryan, according to testimony. Ryan immediately ordered an investigation.

Stevens on March 8 in Saigon said the number of aircraft involved in raiding North Vietnam would no longer be revealed because "to continue to reveal the number of aircraft would be useful to the enemy and endanger the lives of U.S. pilots."

The hearing started off in an atmosphere of calm as Committee Chairman F. Edward Hebert (D-La.) told Ryan and Lavelle—sitting side by side at the witness table—that the objective was to find out "the nature of the alleged irregularities."

ADMITS CHARGES

Ryan read a three-page statement in which he declared he sent the Air Force Inspector General to Vietnam on March 9 to investigate the charges—the day after reading the noncommissioned officer's letter. Lavelle, Ryan said, admitted the charges when confronted with them by the Inspector General.

Two weeks later, Ryan and Lavelle had a face-to-face meeting in Washington to discuss deviations from the Rules of Engagement. "Gen. Lavelle admitted to me that he had executed a small number of such strikes to attack military targets, reported as protective reaction," Ryan said.

Ryan said he discussed Lavelle's case with Defense Secretary Melvin R. Laird; Air Force Secretary Robert C. Seamans Jr., and Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff. White House sources said President Nixon himself was highly disturbed about the disclosures and the apparent breakdown in the chain of command.

"I have avoided public discussion because I had no desire to add to Gen. Lavelle's personal and health problems by publicizing other circumstances involved in this matter," Ryan said.

HANOI'S BUILDUP

Lavelle, dressed in a blue civilian suit, stressed to the committee that he took over the command just before the buildup for the big invasion of South Vietnam.

He said the network of Hanoi's air defense had changed the situation in North Vietnam "considerably" but that the rules of engagement for attacking the complex "had not changed substantively" since the bombing halt of 1968.

"The rules of engagement, although being fairly specific," Lavelle said, "also require some interpretation or judgment factor added.

"With this air defense buildup, increased aggressiveness of the North Vietnamese and the large number of North Vietnam regular army units that had infiltrated south or moved into position to move across the DMZ, I chose to make a very liberal interpretation of these rules of engagement."

After being denied permission to expand the target list, Lavelle said, "In certain instances against high priority military targets, I made interpretations that were probably beyond the literal intention of the rules.

"OPTIMUM ENEMY DEFENSE"

"I did this since the crews were operating in an environment of optimum enemy defense. It was these isolated instances reported as protective reaction strikes that resulted in Gen. Ryan recalling me and questioning me on what we were doing.

"I can sit here now and understand his position," Lavelle continued, "but at that time as the commander on the spot concerned with the safety of the crews and, at the same time trying to stop the buildup that was going on, I felt that these were justifiable actions."

The questioning of Lavelle was friendly. The majority of the House Armed Services Committee traditionally has championed the military, with its leadership often blaming Pentagon civilians for the woes of the uniformed services.

Rep. John E. Hunt (R-N.J.), for example, said, "What you did was attack the enemy with successful strikes." Lavelle termed the strikes "very" successful.

The day he ordered his command to stop filing false bombing reports, Lavelle said, "I assigned three men to find out how to continue what we were doing but to report it accurately." He said the reports required too many details to hide the real nature of the bombing raids.

The committee expressed no alarm, either in its public or closed session, about the military circumventing civilian control in picking out what to bomb in North Vietnam.

Committee sources said that Hébert has scheduled no further hearings on that subject nor any other subject involved in the Lavelle case.

After the hearing, Rep. Pike said he found it "impossible to believe that he (Lavelle) was doing what he was doing without any-

body knowing it until Sen. Symington slipped a note to Gen. Ryan."

[From the New York Times, June 14, 1972]

BEHIND THE LAVELLE INCIDENT, WEAK LINKS IN THE CHAIN OF COMMAND

(By Craig B. Whitney)

SAIGON, SOUTH VIETNAM, June 13.—"The system is totally dependent on people being honest," a colonel at the military headquarters here said today in reaction to Gen. John D. Lavelle's testimony in Washington that he ordered unauthorized strikes against North Vietnam last winter. No special measures have been taken, according to command spokesmen here, to prevent a recurrence of what General Lavelle said he did about 20 times between November and March.

General Lavelle testified that he had reported the unauthorized raids as "protective reaction" missions—defensive strikes by pilots who determine that they are threatened by antiaircraft radar, missile and gun sites in North Vietnamese territory. During the pause in sustained bombing of North Vietnam between November, 1968, and April, 1972, such strikes were often reported in connection with the United States' continued program of reconnaissance flights.

REPORTS WIDELY DISTRIBUTED

To disguise regular bombing as "protective reaction," the reports would have to be falsified not only by an officer as high-ranking as General Lavelle but by their originators—in the case of the Air Force the wing commanders, who are colonels commanding three or more squadrons of 20 planes each. No wing commanders have been relieved of duty in connection with the investigation of General Lavelle's actions, according to Air Force spokesmen here. The spokesmen refused to discuss the specific charges made against and answered by General Lavelle in Washington yesterday.

The wing commanders' reports of missions are, in turn, compiled from individual pilot reports. These "operational reports" are sent not only to the Seventh Air Force headquarters in Saigon but also to intermediate headquarters at Udorn, in Thailand, and to Gen. Creighton W. Abram's Military Assistance Command in Saigon as well as the Pacific command in Hawaii, which sends them to the Pentagon.

Since the operational reports are sent to all those addresses simultaneously, an officer at the United States command said, "the only way they can be falsified is at the wing level."

"Once they get here there's no way anyone would question them," he added.

Officers in Saigon said they had no record of the attacks General Lavelle was referring to when he said he had, on his own authority, ordered strikes on targets in North Vietnam without approval from higher headquarters. Consequently, they said, they did not know which wings were involved.

The general's actions are a reminder, though on a much smaller scale, of what Gen. Douglas MacArthur did in Korea 21 years ago, when he was sacked by President Harry S. Truman for insubordination after having publicly advocated the bombing of Chinese bases.

Now, as then, the greatest check on a military commander's freedom of action and ability to exercise the power entrusted to him is not external but, rather, lies in his training, discipline, restraint and unquestioned obedience to orders.

It is at the highest levels—for example in the four-star post of commander of the Seventh Air Force in Saigon, which General Lavelle held until his relief in March—that an officer's internal qualities become most important, for there are fewer outside checks on such high-ranking positions.

It is not secret that President Lyndon B. Johnson's suspension of regular bombing of North Vietnam on Nov. 1, 1968, was unpopular among the military men here who command and fly the Air Force and Navy planes.

Many Air Force and Navy officers who disagreed with the political reasons for the action chafed because they could not strike back at enemy territory. The pause was interrupted more and more frequently in its last year by protective reaction strikes and less frequently, by "limited duration" strategic campaigns against airfields, supply buildups and surface-to air-missile sites.

Before the North Vietnamese began their current offensive south of the demilitarized zone at the end of March, the air officers lobbied hard for permission to strike at the build-up they could see just north of the zone—long-range artillery and record numbers of surface-to-air-missiles and movements of supply trucks.

Two such campaigns, involving a thousand strikes, were announced and carried out before the offensive—one for five days after Christmas and the second against North Vietnamese artillery positions in and just north of the demilitarized zone in February.

RECOMMENDED BY ABRAMS

Both campaigns were authorized by the White House after being recommended by General Abrams's headquarters, in which the commander of the Seventh Air Force is also deputy commander for air operations and supervises the activities of Navy jets from aircraft carriers at sea as well as those of the Air Force planes based in Vietnam and Thailand.

A degree of latitude was always given not only to General Lavelle and his subordinate commanders but also to individual pilots in deciding when to undertake protective reaction strikes on targets in North Vietnam—and there were many of them. Since the Nixon Administration resumed sustained bombing of the North on April 6, the term "protective reaction" has not been used.

At the end of the pause pilots were permitted to fire missiles at or drop bombs on North Vietnamese antiaircraft radar sites that took their planes under observation—a threat, in the eyes of military commanders here, even if the planes were not under fire—without asking Saigon for permission.

The difficulty that General Lavelle apparently got into was in conducting bombing of strategic targets outside the framework of the officially approved limited duration strikes and in reporting them as protective reactions.

RULES OF ENGAGEMENT

There is an extensive set of rules of engagement to instruct the American forces on the conditions under which they may take targets under attack. General Lavelle's actions once again call attention to the rules, which have been central to most of the scandals in which the Army has been involved in Vietnam over the years, most especially at Mylai four years ago.

Rules of engagement on when civilian targets may be bombed or shot at are very strict, generally requiring both advance warning to enable civilians to get out and extreme provocation from the enemy. The rules are also troublesome, and many officers and men have ignored or violated them because of weakness or because they thought the rules endangered their lives.

A Navy commando officer in the Mekong Delta said before his unit was withdrawn late last year, "The rules of engagement kept getting stricter and stricter, and I finally stopped all operations because you would have to disobey them to do anything."

Reports of violations are supposed to be investigated by military channels up the chain of command, but as General Lavelle's case shows, it is sometimes outside of channels that such reports have the best chance of being acted upon. It was a letter that disclosed what General Lavelle admitted in his testimony yesterday.

"REPORTS WERE ACCURATE"

Asked about this during the morning's open session, General Lavelle said: "I had a lot of superiors, and I'm not saying that they all knew—by any stretch of the imagination." He added, however, that he had reported the raids to the Saigon headquarters and that "the reports were accurate."

"I think General Abrams knew what I was doing," General Lavelle said in response to questions. "But I'm positive that General Abrams had no idea what the reporting requirements were. He never worried about or sat down and debated our rules of engagement before we did it."

General Lavelle testified that he ordered the raids, aimed at targets in the southernmost areas of North Vietnam, between Nov. 8, 1971, and March 8 of this year. He took over as commander of the Seventh Air Force in July, 1971.

The targets, he said, included "airfields, radar sites, missile sites, missiles on transporters, equipment with the missiles and heavy guns." The strikes were "very successful," he added.

CITES ENEMY BUILD-UP

The general said that he had authorized the attacks after failing to get authority to begin attacking what he said was a substantial build-up of North Vietnamese equipment such as tanks, aircraft and oil depots in an area 11 to 15 miles north of the demilitarized zone, which straddles the border between South Vietnam and North Vietnam.

The North Vietnamese offensive began late in March with an all-out assault across the eastern half of the DMZ at that point. In April President Nixon authorized the current bombing in North Vietnam.

General Ryan, in his testimony, said that he had removed General Lavelle from his command after an investigation—prompted by a letter from an Air Force sergeant—showed that "some missions had not been flown in accordance with the rules of engagement and there were irregularities in the operational reports."

THREE FALSIFIED REPORTS

General Ryan said the official Air Force investigation had concluded that there were 28 violations of the rules of engagement involving unauthorized strikes by 147 aircraft. In Air Force parlance, a mission can involve one or many individual attacks by aircraft.

The Air Force Chief of Staff also reported under questioning, that three falsified after-action reports had been uncovered by the investigating team. The inquiry was completed on March 23, General Ryan testified, and General Lavelle was quickly ordered back to Washington. After being offered a chance to stay in the Air Force as a two-star general, General Lavelle retired.

"It was determined by my inspector general's team," General Ryan said, "that the impetus behind filing false statements came from General Lavelle."

QUESTIONED BY PIKE

General Lavelle was questioned closely by Representative Otis G. Pike, Democrat of Long Island, whose protests of what he termed a "cover-up" of the incident led to today's open hearings. Regarding the false statements, the General acknowledged that "I told my staff that we could not report no enemy action' " in the official statements filed by the pilots after the unauthorized missions.

In other words, the reports had to indicate that the assaults were made in response to enemy activities. Under the rules at the time. United States warplanes could respond to enemy artillery or missile fire and could even attack a missile site after the enemy's

radar "locked on" a plane, indicating that a rocket would be fired.

General Ryan told the Congressman that no disciplinary action had been taken against either the pilots or their immediate superiors for the falsification of records, most of which are classified .

General Lavelle said that he had taken full responsibiltiy for the false reports. "I'm the commander and the buck stops here," he said. He added that "in my opinion, these were low-level, wonderful people" who were filing "what they thought we wanted."

The general insisted, however, that he had not known of the falsifications until he was informed of them by representatives of the Air Force investigating team. As soon as the falsified documents were shown to him, General Lavelle testified, "I stopped all of those strikes."

"I WOULD DO IT AGAIN"

It was not made clear during the public testimony how General Lavelle could have ordered his subordinates to depict all strikes as "protective reaction" and yet still be unaware of the resulting falsified documents. At one point, the officer, now officially retired as a three-star general pending Senate confirmation, said: "If I had to do it over again, I would do it again, but look into the reporting system first."

He added that he didn't think it was very smart for his subordinates to fake combat reports, "but that's how it happened." "I believe somebody, someplace got overeager," he said.

After the official Air Force investigation and the resulting order to stop all unauthorized attacks, General Lavelle testified, "I assigned three men to find out how we could continue doing what we were doing but report it accurately." The general said he concluded after the study that we were "unable to do so."

ASKED BOMBING AUTHORITY

General Abram's name also came up in the open hearing when General Lavelle maintained that he had made repeated and futile requests to headquarters in Saigon for permission to attack the growing enemy buildup. He testified that he made the requests orally in December, January and February to General Abrams who then forwarded them to higher headquarters in Hawaii and Washington.

"I was told to develop a plan and be prepared to hit them when we got permission from higher headquarters," General Lavalle said.

In two occasions, in late December and mid-February, authority was given to stage heavy bombing raids for a limited time. Such raids were officially called "limited-duration protective-reaction raids."

Generals Ryan and Lavalle were the only witnesses during the hearings, although Representative Hébert announced that Secretary of Defense Melvin R. Laird was "standing by" to testify if needed. No further hearings were scheduled by the subcommittee.

[From the New York Times, June 12, 1972]

GENERAL TESTIFIES HE MADE 20 RAIDS WITHOUT ORDERS—OUSTED COMMANDER ADMITS STRIKES ON NORTH MAY HAVE EXCEEDED LITERAL RULES—SAYS SUPERIORS KNEW—LAVELLE, AT HOUSE HEARING, INSISTS HEADQUARTERS WAS KEPT FULLY INFORMED

(By Seymour M. Hersh)

WASHINGTON, June 12.—Gen. John D. Lavelle acknowledged today that he was dismissed in March as commander of Air Force units in Southeast Asia after ordering his planes to make "in the neighborhood" of 20 unauthorized raids on military targets in North Vietnam and reporting them as "protective-reaction" missions.

"In certain instances," the general said at a House of Representatives committee hearing, "I made interpretations that were probably beyond the literal intention of the rules."

But General Lavelle, the only four-star general in modern United States military history to be demoted upon retirement, also insisted that his superior officers in the chain of command had been kept fully informed of his activities.

FOUR HOURS OF TESTIMONY

The reason for General Lavelle's dismissal was disclosed in The New York Times yesterday.

General Lavelle and the officer who dismissed him—Gen. John D. Ryan, the Air Force Chief of Staff—testified for two hours this morning before a House Armed Services investigating subcommittee headed by Representative F. Edward Hébert, Democrat of Louisiana.

The two generals returned in the afternoon for two more hours of testimony but this time behind closed doors. A subcommittee member said later that part of the secret session was devoted to tracing the extent of knowledge about the unauthorized raids at the highest American headquarters in Saigon, the Military Assistance Command, Vietnam, headed by Gen. Creighton W. Abrams.

[From the Washington Star, June 13, 1972]

LAVELLE BOMBING: TALKS NEARED, RAIDS CAME

(By Orr Kelly)

American warplanes conducted unauthorized attacks on three North Vietnamese airfields on Nov. 8 while Henry Kissinger and Le Duc Tho were planning to resume their secret negotiations seeking an end to the Vietnam war.

The North Vietnamese called off the negotiations without explanation nine days after the raids and said Tho was ill.

The raids were the first in a series of 28 mission—involving 147 strikes by individual planes—over a period of four months carried out in violation of orders from Washington, according to testimony yesterday before the House Armed Services Investigating subcommittee.

The unusual public session of the hearing was called to consider the dismissal of Gen. John D. Lavelle as commander of the Seventh Air Force, the top Air Force command in Southeast Asia.

Both Lavelle and Gen. John D. Ryan, chief of staff of the Air Force, told the committee that Lavelle had been relieved because pilots under his command made attacks on targets in North Vietnam and reported them falsely as "protective reaction" strikes.

American pilots have long been permitted to return fire if they are fired upon. But in the cases cited to the committees, the American pilots hit missile sites, missiles on transporters, radar installations, petroleum stores and airfields even though they had not been fired upon first.

The violations of the rules of engagement, Ryan said, covered the period from Nov. 8 to Mar. 8—the day he learned of the violations following an enlisted man's letter to a U.S. senator and ordered them stopped.

On Nov. 8, the American command in Saigon reported three "protective reaction" raids on airfields at Dong Hai, Vinh and Quang Lang—apparently the beginning of the attempt of pilots under Lavelle's command to break up the North Vietnamese air defenses and disrupt their growing preparations for the offensive which began just before Easter.

At that time, secret negotiations were underway between the United States and North Vietnam.

In a televised address on Jan. 25, President Nixon said he sent a private communication to Hanoi on Oct. 11 proposing an urgent meeting on Nov. 1 between Kissinger, his adviser on national security affairs, and Tho, a member of the North Vietnamese politburo with whom Kissinger had met in previous negotiations.

"On Oct. 25," Nixon said in his address, "the North Vietnamese agreed to meet and suggested Nov. 20. On Nov. 17, just three days before the scheduled meeting, they said Le Duc Tho was ill. We offered to meet as soon as Le Duc Tho recovered, with him, or immediately with any other authorized leader who could come from Hanoi.

"Two months have passed since they called off that meeting. The only reply to our plans has been an increase in troop infiltration from North Vietnam and Communist military offensives in Laos and Cambodia. Our proposal for peace was answered by a step-up in the war," Nixon said.

On Jan. 4, in a televised interview, Nixon talked about a five-day bombing attack against North Vietnam. He said the attack was justified in part, by the North Vietnamese violation of a 1968 "understanding" not to fire upon unarmed American reconnaissance planes.

It is not clear whether or not the unauthorized strikes had any effect on the unexpected failure of the North Vietnamese to turn up for the November meeting. Testimony in yesterday's open session gave no reason to believe that Lavelle knew of the White House's peace efforts or that the White House knew of Lavelle's bombing attacks.

Under questioning by committee members, Lavelle said he thought that Gen. Creighton W. Abrams knew what he was doing but that Abrams did not know reports were falsified.

Rep. Otis Pike, D–N.Y., who instigated yesterday's hearings by speeches asking the reasons for Lavelle's dismissal, said he did not think the bombing attacks had made any difference because the number was relatively small.

Ryan said the 147 unauthorized sorties against North Vietnamese targets were part of some 25,000 sorties carried out in Southeast Asia during that four-month period. However, the number of protective reaction strikes reported in the four-month period was only 123, or between 500 and 600 sorties. The unauthorized strikes thus represented about one-fourth of the total number of attacks on targets in the North in that period.

The hearing, ordered by Rep. F. Edward Hebért, D-La., the committee chairman, consisted of a two-hour open session in the morning and a two-hour closed session in the afternoon. Although the hearing was recessed subject to a call by Hébert, the indication was that the subject had been covered and a report could be expected in about two weeks.

Pike said he did not think the air attacks could have been carried out without other officials knowing about them. But apparently investigation will not be continued in an attempt to determine who else in the chain of command may have known about the strikes.

A major unanswered question, Pike added, is why authorities in Washington, after receiving a number of reports from Lavelle on the build-up of supplies in North Vietnam, refused him permission to strike them, sticking to their policy against bombing in the North. After the North Vietnamese began their invasion, Pentagon officials said a conscious decision had been made not to attack the forces building up in preparation for the attack.

THE DOUBLE STANDARD

(By James Reston)

WASHINGTON, June 13.—The Government of the United States is saying some odd things to the American people these days, and the case of Gen. John D. Lavelle and his private war on North Vietnam is only the latest chapter in a very strange story.

The Government is saying to young men of military age that they can be compelled

to fight in the undeclared war in Vietnam against their will, or go to jail.

It is telling its soldiers on the battlefield to obey orders or go to the brig, and threatening its deserters who jump the country that they will be incarcerated if they come home.

There is no freedom here for men who refuse to engage in the killing when so ordered, but General Lavelle, who admits to bombing and killing on his own authority, is quietly retired on a four-star general's salary of $2,250 a month.

The Government here is also saying that reporters like Seymour Hersh of The New York Times, who broke the Mylai and Lavelle stories, and Neil Sheehan, also of The Times, who dug out the Pentagon Papers, and Jack Anderson, who exposed the Administration's clumsy diplomacy in the Indo-Pakistan war, are troublemakers who embarrass the Government and give aid and comfort to the enemy.

Well, it is a curious time, and the surprising thing about it is not that these things happen but the reaction to them after they do happen.

The Congress was very gentle with General Lavelle, and some members of the House Armed Services Investigating Subcommittee were openly admiring. The general is a handsome and candid man. He admitted everything, or almost everything.

He was worried about the North Vietnamese military build-up along the DMZ and recommended timely and summary action to break it up, and when he didn't get authority to do so, as the general in charge of the U.S. Air Force in Southeast Asia, he went ahead anyway.

As General Lavelle saw it, the men under him were obliged to carry out his orders, but he felt free to defy or "interpret" the orders of the Commander in Chief, the President, and his other superiors, as he pleased—not knowing, incidentally, that precisely at the time he started the bombing, the President had Henry Kissinger trying to open up peace negotiations with Le Duc Tho of North Vietnam in Paris.

To be fair about all this, it would be wrong to suggest that Lavelle is typical of the American general officers of his generation. Many of them no doubt admire him but very few have followed his bold personal initiative. Outside of MacArthur in Korea, there has been very little Caesarism or defiance of civilian authority in the Armed Services of the United States. France had much more trouble with a defeated and humiliated officer corps after its troubles in Vietnam and Algeria.

So Lavelle is an exception but he is a very important exception, and how he is handled in an age of atomic weapons could be very important for the future of the armed services of the United States, trained to fight for "victory" and now living in a more difficult and complicated time when modern arms are too powerful to be used effectively for rational purposes.

Lavelle is only a symbol of a much larger problem. Maybe he defied his officers—though it is hard to believe he could bomb unauthorized taregts for three months without their knowledge; and if he could, there is obviously something wrong with the whole U.S. intelligence system.

But even so, he has been living in an atmosphere of political trickery about Vietnam for years. The whole Vietnam policy has been seething with deception since 1965 under Presidents Kennedy, Johnson and Nixon, and the astonishing thing is not that there has been some deception by generals on the battlefield, but that there have not been more Lavelles.

Still, there is a fundamental question of public policy here. The Government has been caught once more in an obvious deception, which it tried to cover up. And this may be the most important issue before the people of the United States today. Nobody in either party has the answer to all our problems, but it would be reassuring to feel that the Government was telling the truth, even if its policies were wrong.

[From the Washington Post, June 14, 1972]

THE CASE OF GENERAL LAVELLE

To their considerable credit, American military men have been generally obedient to orders of civilian authority in the Vietnam war, though many have chafed under the frustration and casualties of a "limited" war fought with limited means for limited ends and have felt they could win or at least reduce American losses if permitted to unleash their full power. Whether this was ever so is debatable but it is plain enough that the Pentagon's loyalty to civilian authority has by and large prevailed over its frustration—a frustration no doubt confounded by the fact that successive administrations have failed to explain adequately to them, or the American public, why they were waging a "limited" war, or what, indeed "limited" means. So it is that, partly as a result of *carrying out* difficult, controversial and seemingly inexplicable civilian orders, the military has too often been made a scapegoat for the nation's misfortunes in Vietnam.

This is one reason why the case of General John Lavelle, former Air Force commander in Vietnam, is so disturbing. By his own admission he stretched and sometimes ignored orders and conducted raids against unauthorized military targets in North Vietnam. He did it, he told Congress unapologetically on Monday, to serve the safety of his crews and to blunt North Vietnam buildups which he was unable to get higher permission to strike. That is to say, an experienced decorated four-star general—no green second-rate lieutenant—not only made up his own orders but ignored the crucial requirement of a limited war to let the civilian leadership calibrate the military pressure just as it calibrates the diplomatic pressure. He took matters into his own hands. He did this, moreover, at a moment in early 1972 when the administration was trying to engage Hanoi in secret negotiations to end the war—negotiations in which each side's estimate of the other's good faith was bound to be of the essence.

Scarcely less disturbing is the distinct impression left Monday that General Lavelle had at least implicit sanction from some of his military superiors. Official Air Force procedures were not sufficient to forestall the general's promiscuous bombing, let alone to stop them once they were discovered—and they could not have been easily concealed. Unofficial procedures did: a sergeant wrote Senator Hughes, who told Senator Symington, who queried Air Force Chief of Staff Ryan, who only then investigated and relieved General Lavelle. The general subsequently retired with loss of a star.

President Nixon is described as highly disturbed by the disclosures and the apparent breakdown in the chain of command—and understandably. For quite naturally, the episode raises the question of whether officers have similarly conspired in other instances and whether the locks on civilian control of the military are suitably tamper-proof. As commander in chief, Mr. Nixon is duty bound to get satisfactory answers, as delicate to the military's equilibrium and to his own political situation as further pursuit of the matter may be. Unfortunately, the House Armed Services Committee hearings Monday were so limply conducted as to make further inquiry essential. Surely, responsible Air Force officers would want to dispel genuine and justifiable anxieties and suspicions which are bound to be raised in the public by the Lavelle affair.

[From the New York Times, June 11, 1972]

GENERAL BOMBED NORTH BEFORE ORDER BY NIXON—LAVELLE RELIEVED OF AIR FORCE POSITION AFTER REPORTING STRIKES IN EARLY 1972 AS "PROTECTIVE REACTION"

(By Seymour Hersh)

WASHINGTON, June 10.—Gen. John D. Lavelle was relieved as commander of United States Air Force units in Southeast Asia in March and demoted after ordering repeated and unauthorized bombing attacks of military targets in North Vietnam.

He reported the raids to higher headquarters as officially sanctioned "protective-reaction" strikes, military and Congressional sources said in a series of interviews.

General Lavelle, who as head of the Seventh Air Force was responsible for all Air Force combat flights in Southeast Asia, was said by these sources to have ordered the bombing raids over a three-month period that began in early January.

During those months, these sources said, the targets included airfields, radar sites, missile sites and antiaircraft batteries throughout the southernmost panhandle region of North Vietnam.

The current bombing attacks on the North were approvd by President Nixon in April.

THOUGHT IT WAS IMPLIED

During the first three months of this year, Administration spokesmen repeatedly insisted that no bombing of military targets in North Vietnam—such as those struck by General Lavelle's aircraft—was being conducted except for those missions which were publicly announced as "protective-reaction" or "limited-duration" raids.

A high-ranking military source with close knowledge of the incident said that General Lavelle was known to have received no written orders authorizing the strikes but "thought it was implied in the instructions that were given him."

The source added that the strikes ordered by General Lavelle were aimed "only at targets that could hurt the enemy." In General Lavelle's eyes, the source added, he had the authority as a battlefield commander "to make a determination of how far you can stretch rules before going up through the chain of command."

Officials in the Pentagon, the military officer added, had a much different interpretation of how far the rules could be extended.

Other military and Congressional sources close to General Lavelle said that the rational for his repeated violations of orders was the heavy build-up of equipment and matériel in North Vietnam that was being reported by his pilots.

These sources also said that the general was consistently reporting the build-up to the Military Assistance Command—Vietnam, the headquarters superior to his in the chain of command, but became frustrated when his reports "weren't listened to" and when many targets remained on the banned-targets list of the Joint Chiefs of Staff.

In addition, General Lavelle, who is 55 years old, is known to believe that his superiors at headquarters in Saigon were aware of his bombing attacks but nonetheless accepted his reports of protective-reaction strikes at face value.

The four star general was relieved as commander of the Seventh Air Force in March by General John D. Ryan, Air Force Chief of Staff. An official Air Force announcement one month later said that the general had retired "for personal and health reasons."

Last month, more than eight weeks after he was ordered to return to the United States and retire. The White House nominated General Lavelle for retirement at the three-star rank of lieutenant general. It is believed to be the first time in modern military history that a four-star general or admiral has been nominated to retire at a lower rank.

Officials in the Air Force and at the Pentagon and the White House refused to comment on the dismissal of General Lavelle pending an open hearing on the matter beginning Monday by a special investigating subcommittee of the House Armed Services Committee. The hearing was called by Representative F. Edward Hébert, Louisiana Democrat, who is chairman of the committee. Mr. Hébert also refused to comment on the matter.

Committee sources said a prime mover of the hearings was Representative Otis G. Pike, New York Democrat and a former Marine pilot, who made two speeches on the House floor last month questioning the abruptness of General Lavelle's retirement.

After Mr. Pike's speeches, the Air Force issued a second statement stating that the general had been relieved "because of irregularities in the conduct of his command responsibilities."

Another Congressional source said that General Lavelle's apparent violation of orders began after the United States conducted large-scale bombing raids over North Vietnam late last December. "He just didn't stop," the Congressional source said of the general.

General Lavelle's repeated reports of heavy enemy build-ups contrasted sharply with the official position of the Nixon Administration early this year.

High officials in the Pentagon, including Secretary of Defense Melvin R. Laird, are known to have believed until April that North Vietnam was not capable of mounting a sustained offensive.

The term "protective reaction" has been used by the Nixon Administration to describe both offensive and defensive bombing missions over North Vietnam and Laos. The term can include the individual action by an aircraft in response to an attack by an antiaircraft battery or in response to electronic contact with radar controlling a surface-to-air missile site.

In 1971, according to Pentagon statistics, Air Force and Navy planes engaged in a total of 123 acts of protective reaction, 25 of them in December. There were 27 such missions last January, 40 in February, 35 March and 26 until mid-April, when such tabulations were dropped in the wake of the North Vietnamese offensive.

During the early months of this year, North Vietnam has consistently described what it said were United States bombing missions against military targets and populated areas. On March 8, for example, the North Vietnamese Government broadcast a statement accusing the United States of staging a total of 139 bombing missions in February, dropping more than 2,100 bombs and firing nearly 200 rockets, shells and missiles.

The statement added, "Together with the bombing and strafing of North Vietnam during the past months—which Washington termed 'self-protective reactions'—the recent attacks are extremely serious war acts."

United States spokesmen announced a two-day series of "limited-duration" raids in mid-February but said they were aimed only at North Vietnamese artillery positions near the DMZ.

General Lavelle, who took over his position with the Seventh Air Force in July, 1971, is said to have received hundreds of letters from former colleagues and subordinates in support of his actions in Southeast Asia. He is known to believe that his actions were taken in good faith and has told associates that he would "do it again."

General Lavelle, contacted at his home, refused to speak publicly about the matter. He is scheduled to testify before the House investigating subcommittee tomorrow. Secretary Laird and General Ryan, the chief of staff, also are scheduled to appear.

A number of serious questions were left unanswered by the account of General Lavelle's actions and dismissal.

If General Lavelle's superiors in Saigon or elsewhere knew that his planes were conducting bombing missions, as General Lavelle is known to contend, who authorized such missions? Authority for all attacks in North Vietnam at that time in the air war—before the offensive in April—were known to have been carefully controlled by the White House.

No responsible official is contending that White House officials knew of or planned the attacks and ordered them to be reported as protective reaction.

If General Lavelle was replaced in March because higher officials in Washington, Honolulu, Saigon and elsewhere did not know of his repeated bombing attacks, a grave issue of command and control is raised. Is it possible for a battlefield commander to grossly violate operational orders and not be detected for three months?

Qualified military sources insisted that General Lavelle was relieved solely because, as one officer put it, he "was hitting targets in North Vietnam and reporting them as protective-reaction strikes." The strikes conducted by General Lavelle's aircraft, which operated from bases in Thailand and South Vietnam, were said to have been extremely successful in terms of destroying North Vietnamese equipment and radar sites.

On the question why it took three months to detect the bombings and relieve the general of his command, one well-informed Air Force officer would say only, "There definitely are two sides to the story." He had been asked specifically about the statements that General Lavelle had implicit authorization for such attacks.

A Congressional source said during an interview that he believed that General Lavelle had been relieved on orders of someone in the White House or at the top of the military command in Saigon. But that high official may not have learned himself of the repeated violations until March, the Congressional source said, and then did not find out until "somebody squealed" on the general.

The impact of the unauthorized bombing raids on the Paris peace talks is impossible to assess. But one informed diplomat with experience in Paris, after being told of General Lavelle's unauthorized attacks, noted that the incident apparently began in the weeks after secret talks were broken off between Henry A. Kissinger, President Nixon's adviser for national security, and Le Duc Tho, North Vietnam's Politburo member who is often in Paris.

The heavy amount of bombing described as protective reaction would "reinforce the distrust of us by North Vietnam," the Government official said. "And to my mind, the main impediment to negotiations has always been that our credibility with them is very low and their credibility with us is very low."

A former high-ranking Government official, also asked for his reaction to the allegations against General Lavelle, said that the unauthorized bombing undermined the United States protests at the beginning of Hanoi's offensive. Those protests alleged that North Vietnam was violating the 1968 Paris accords that call—in the United States view—for a restriction on ground assaults in return for a bombing halt.

In May, two months after he was ordered to return to the United States and retire, the White House nominated General Lavelle for retirement at the three-star rank of Lieutenant General. It was believed to be the first time in modern military history that a four-star General or Admiral has been nominated to retire at a lower rank.

Along with his unprecedented demotion to lieutenant general, General Lavelle was however, permitted a 70 per cent disability because of emphysema, which means that 70 per cent of his retirement pay will be tax free. His retirement pay is about $2,100 a month.

The general had a distinguished and uncontroversial Air Force career. A native of Cleveland and a graduate of John Carroll University there, he entered the Air Force in 1939 and flew in Europe as a combat pilot.

[From the New York Times, June 12, 1972]

PIKE CHARGES A COVER-UP OVER GENERAL'S DISMISSAL

(By Seymour M. Hersh)

Representative Otis G. Pike, Democrat of New York yesterday accused the Air Force of "trying to sweep a scandal under the rug" by withholding information from Congress on the dismissal three months ago of Gen. John D. Lavelle as commander of the Seventh Air Force in Southeast Asia.

The Congressman, a member of a special House Armed Services investigating subcommittee that will hold a hearing today on the dismissal of General Lavelle, said that the incident involves "a grave question of civilian control of the military."

The Air Force relieved General Lavelle after aircraft under his command repeatedly bombed military targets in North Vietnam without authority. The attacks, which well-informed military and Congressional sources said took place over a three-month period beginning early in January of this year, were reported to higher authorities as officially sanctioned "protective-reaction" strikes.

The current bombing of North Vietnam was authorized by President Nixon in April.

"CURVES THROWN UP TO ME"

Mr. Pike, during a telephone interview from his home at Riverhead, L.I., said that he first learned of General Lavelle's dismissal and the reasons for it late in April.

"I've been trying for six weeks now just to get the facts officially confirmed by the Air Force and all I've gotten is curves thrown up to me," he said.

"I don't honestly know whether General Lavelle is a villain or a hero, but I do think that this is the kind of cover-up which makes the American people lose faith in the credibility of our military."

The Congressman, a former Marine pilot who has generally supported the Nixon Administration in its handling of the Vietnam war, described the issues behind General Lavelle's dismissal as "far more serious than the procurement scandals that we in Congress get so excited about; this involves the whole character of our military operation."

A source on the House Armed Services investigating subcommittee confirmed that the hearing today was being held at Mr. Pike's repeated urging.

General Lavelle and the officer who dismissed him, Gen. John D. Ryan, the Air Force Chief of Staff are both scheduled to testify. A spokesman for the subcommittee said that Secretary of Defense Melvin T. Laird, who was to have testified, would not be asked to appear unless more extensive hearings were held.

Along with being replaced, General Lavelle was officially retired by the White House last month at the rank of lieutenant general, a demotion of one grade. It is believed to be the first time in modern United States military history that a retiring four-star general or admiral suffered a loss of rank.

Mr. Pike said that a key question that he would attempt to resolve concerned the specific orders given to General Lavelle. The general received no authorization for the bombing missions in writing, but reportedly "thought it was implied" in the orders that were given him.

"I wasn't there," Mr. Pike said, "but I believe that General Lavelle did in fact become aware of targets which, in his judgment, should have been attacked as a matter of just plain good military tactics and he went

ahead and attacked them." The Congressman said he had learned earlier of the specific reasons for General Lavelle's reassignment from sources "outside the Air Force," but he refused to elaborate.

The congressman added: "What I want to find out is what orders was he operating under? Were they written or oral? How were they changed to begin the bombing attacks of last December—were those written or oral?"

Mr. Pike was referring to the five days of heavy bombing of North Vietnam authorized by President Nixon at the end of last year. General Lavelle is believed by one well-placed Congressional source to have continued hitting the assigned target after the raids, which were hampered by bad weather, were ordered ended.

General Lavelle is known to believe that officers at the Military Assistance Command-Vietnam, the headquarters immediately superior to his in the chain of command, were aware of the real mission of his bombing attacks but accepted his reports of "protective reaction" without question.

"That's obviously true," said Mr. Pike. "If Lavelle's pilots were attacking unauthorized targets, obviously the men at higher headquarters knew about it. And the pilots get debriefings by operations officers, and the operations officers had to know about it."

The Congressman said that another important question focuses on intelligence estimates of North Vietnamese capabilities early this year. Another reason offered for General Lavelle's unauthorized attacks was that his pilots were describing a North Vietnamese build-up and the general was reported unable to convince higher authorities to permit him to attack the targets.

"Were we aware of the other side's build-up?" Mr. Pike asked. "And if our intelligence was not faulty, could we have prevented the offensive by hitting at their radars and missiles and stockpiles before the offensive took place? And if we could, why didn't we?"

The phrase "protective reaction" was initially coined in 1969 to describe a ground policy in South Vietnam in which field commanders were told to seek out and attack concentrations of North Vietnamese or Vietcong troops to prevent any possible offensive.

It later was extended to cover the air war and was used to justify bombing by American warplanes of missile or anti-aircraft sites that attacked the planes. Eventually, United States planes were given authority to attack such offensive emplacements if the enemy radars "locked on," indicating they were about to fire.

There were about 450 "protective reaction" strikes reported by the Saigon command between November 1968, and April 1972, when such statistics were no longer kept.

At least 17 of those missions were officially defined by the Pentagon as "limited-duration, protective-reaction" strikes involving upward of 200 assault planes attacking targets in North Vietnam from one to five days.

[From the Washington Post, Apr. 8, 1972]

UNITED STATES REPLACES ITS AIR CHIEF IN VIETNAM

The Pentagon yesterday announced the abrupt assignment of a new commander for the U.S. 7th Air Force in Vietnam, in charge of all Air Force strike in Southeast Asia.

The reason for the rapidity of the change—which comes at a time when the United States is rapidly building up its air power in Southeast Asia to oppose the Communist invasion of South Vietnam—was not given.

A Pentagon spokesman said Gen. John W. Vogt Jr., until Thursday scheduled to become chief of staff for Supreme Headquarters of Allied Powers in Europe, had instead been placed in charge of American air activity in Vietnam. He said the reassignment was effective immediately.

The spokesman said Vogt, 52, will replace Gen. John D. Lavelle, 55, "who is retiring for personal and health reasons." Lavelle has commanded the 7th Air Force since last July.

For the past two years Vogt has been director of the U.S. joint staff at the Pentagon, the organization that supports the activities of Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff.

Moorer pinned a fourth star on Vogt's shoulders in an evening ceremony at his office Thursday and presented him with the joint services commendation medal. Defense Secretary Melvin R. Laird awarded Vogt the Air Force Distinguished Service medal in a private ceremony in Laird's office yesterday morning.

Asked the reason of the change and when Vogt would be going to Vietnam, a Pentagon spokesman said, "I can't go beyond our (printed four-paragraph) statement." Informed sources, however, said Vogt would fly to Vietnam today.

Vogt, a native of Elizabeth, N.J., entered the Army Air Corps as an aviation cadet in 1941 and won his wings as a pilot and second lieutenant the next year.

Lavelle, born in Cleveland, joined the Army Air Corps in 1930 and won his wings and second lieutenant's commission in 1940.

[From the Washington Post, May 4, 1972]

AIR FORCE GENERAL TO RETIRE AT LOWER RANK

(By Michael Getler)

The four-star Air Force general who until early last month was commander of the U.S. Seventh Air Force in Vietnam has been nominated by the White House for retirement at the rank of a three-star general.

The action is believed to be the first time in modern U.S. military history that a four-star general or admiral has been nominated to retire at a lesser rank.

On April 7, just one week after the North Vietnamese invasion began across the demilitarized zone and in the midst of a massive U.S. build-up of air power in Southeast Asia, the Pentagon abruptly announced the assignment of a new commander for the Seventh Air Force, which directs all Air Force operations in the war zone.

The Pentagon announcement claimed that four-star Gen. John D. Lavelle, who had commanded the Seventh Air Force since July, 1971, was "retiring for personal and health reasons." Defense spokesmen would offer no further explanation for the action.

The unexpectedness of the move was also dramatized by the appointment on the same day of Air Force Gen. John W. Vogt to replace Lavelle. Vogt, until the previous day was slated to become chief of staff for allied headquarters in Europe.

The retirement of Lavelle has been handled in an unusual fashion since it was first announced.

Normally the announcement of retirement for high-ranking generals is accompanied by the White House nomination for retirement rank. In Lavelle's case, the nomination came several weeks later.

Technically, all active-duty three- and four-star generals at the instant of retirement revert to a permanent two-star rank, which is the highest allowed by law. But the President then nominates them, subject to Senate confirmation, to advancement to higher rank as retired officers.

Spokesmen for the Army and Navy say that to the best of their services' knowledge, no four-star general or admiral has ever been retired at a lesser grade. The Air Force declined to answer a similar query, but Defense Department officials say they also know of no precedent for the current situation.

[From the Washington Evening Star, May 16, 1972]

RYAN SAYS HE OUSTED 7TH AIR FORCE CHIEF

Gen. John D. Ryan, chief of staff of the Air Force, says he personally relieved Gen. John D. Lavelle as commander of the Seventh Air Force in Vietnam "because of irregularities in the conduct of his command responsibilities."

Lavelle, 55, retired on April 7 "for personal and health reasons." Ryan's statement yesterday was the first official acknowledgment of more serious problems between the two men.

The brief statement was handed to reporters at the Pentagon shortly after Rep. Otis Pike, D-N.Y., complained in a speech to the House about the failure of the Air Force to give a satisfactory explanation of the abrupt replacement of the service's top combat commander while his forces were being marshaled to meet a major enemy offensive.

HEARINGS TO BE EXPEDITED

Rep. H. Edward Hébert, D-La., chairman of the House Armed Services Committee, of which Pike is a member, said late yesterday that hearings by the committee's investigating subcommittee would be expedited.

Pike said in a telephone interview that he had "heard all sorts of rumors about the real reasons" for Lavelle's replacement and retirement. But, he said, despite efforts over the last several weeks he had not been able to learn the truth and did not know whether Lavelle is "a hero or a villain."

"But the truth is going to come out," he declared.

Informed sources said last week that the abrupt dismissal of Lavelle stemmed from a dispute with Ryan involving altitudes flown by pilots on combat missions. But other Pentagon sources said yesterday that there were even more important issues involved.

Lavelle, who had been in command of the Seventh Air Force in Saigon since last summer, was called back to Washington in late March—before the enemy offensive began—spent about 10 days in the Andrews Air Force Base hospital and retired on April 7. He reportedly received a 70 percent disability because of emphysema, a debilitating lung disease.

He was replaced by Gen. John A. Vogt Jr., 52, who had been scheduled to take a top Air Force command in Europe after service as director of the joint staff for the Joint Chiefs of Staff.

[From the New York Times, June 10, 1972]

MILITARY WAGING AIR WAR AS THEY WANT

(By Neil Sheehan)

WASHINGTON.—United States military leaders are being permitted to wage the air war as they want in Indochina—sealing off North Vietnam's coast and harbors with mines, followed by the systematic and relatively unrestricted destruction of military and industrial targets throughout the country.

President Nixon's two-month-old air war differs in major respects from the three-and-a-half-year bombing campaign waged by his predecessor, Lyndon B. Johnson. When Mr. Johnson was President, he and his senior advisers, in their phrase, "dribbled out" targets chosen at their Tuesday luncheon meetings.

In the current effort, as before, there are restricted zones at Hanoi and Haiphong as well as a so-called buffer zone along the China border that is about 25 miles deep. On the other hand, the military commanders are free to strike designated military targets in the restricted and buffer zones whenever they feel the need to do so. More important, they have been permitted to restrike these targets to maintain their destruction.

While most senior military leaders are optimistic, some of those interviewed on the bombing campaign are uncertain whether American air power can reduce the flow of supplies overland from China to the point where Hanoi can no longer effectively prosecute the war in the South.

The Joint Chiefs of Staff, it is understood, have made no promises to cripple North Vietnam's war-making capability within a given period. "There have been no specifics along this line," an officer familiar with their thinking said. "There are too many unpredictables."

Unlike the shifting objectives of President Johnson's campaign, which bore the code name Rolling Thunder, the goals of this air war are simple in concept.

Nixon Administration officials say they intend to deny North Vietnam any sea-borne goods that are essential to its long-term war effort. About 85 per cent of the 2.2 million tons it received last year from China, the Soviet Union and Eastern European countries arrived by sea, most through the now-mined port of Haiphong. American military leaders say the mining is reasonably effective.

ATTACK ON LAND ROUTES

Current plans also call for bombing by the Navy from aircraft carriers in the Gulf of Tonkin and by the Air Force to try to reduce the flow of weapons, ammunition, petroleum, food, clothing, medical supplies and other goods moving by alternate routes. The main routes from China consist of two railroads, the northeast line to Kwangsi Province and the northwest line to Yunnan, eight roads and the Red River waterway.

There are to be further attacks on those supplies as they are distributed throughout North Vietnam and moved toward the South through Laos and across the demilitarized zone.

In South Vietnam, meanwhile, a ferocious bombardment—on a par with the previous peak in 1968—is attempting to eliminate the 150,000 North Vietnamese troops there and to destroy what supplies they have stocked in battlefield areas.

American and South Vietnamese fighter-bombers are flying more than 15,000 sorties a month there (a sortie is a flight by a single aircraft) and the six-engine B–52 bombers, each of which carries up to 30 tons of bombs, are averaging about 75 strike sorties a day.

SUPPLIES AND MORALE

The goals are these:

A dearth of supplies will restrain Hanoi's onslaught in the South, particularly the advanced warfare with tanks and the lavish use of artillery and rockets that have prevailed since the offensive began at the end of March.

Sagging morale in the North caused by hunger and the hardships of constant bombing will force the North Vietnamese leadership to sue for peace in Paris on Mr. Nixon's terms.

The President, senior officers say, has given the military a reasonably free hand in the North to achieve those objectives.

Under the code named Operation Linebacker, in deference to Mr. Nixon's enthusiasm for football the air war got under way in three phases. It began with strikes throughout the North Vietnamese panhandle below the 20th parallel on April 6, moved into high gear with a spectacular raid by B–52's and fighter-bombers against petroleum tank farms in the Haiphong and Hanoi areas on April 16, and then settled into a sustained campaign with the President's announcement of the mining of the ports on May 8.

Military leaders say that just after the April 16 raid Mr. Nixon cleared to the Joint Chiefs a long list of targets throughout the North. The exact number is unavailable, but there are at least 200 in the bombing zones that cover the northeastern corner of North Vietnam, including Hanoi and Haiphong.

ANNOUNCED IN ADVANCE

The Joint Chiefs in turn, cleared the list to the Commander in Chief, Pacific, in Hawaii and thence to the commanders of the Seventh Fleet and the Seventh Air Force.

The subordinate commanders decide what targets they ought to strike to achieve the objectives of the campaign and simply report their intentions in advance.

The White House is apparently informed of strikes into the restricted zones by the advance warning to the Joint chiefs, but there have been no reports of interference with repeated raids.

The Longbien Bridge in Hanoi was attacked May 10 and 11. On May 18 a tank farm four miles northeast of the Hanoi center was bombed and Navy jets blasted away the center span of the Haiphong rail-highway bridge a mile from the city center on May 24.

The only military target in Haiphong to remain generally off limits is the dock area, where the foreign ships are trapped.

While precautions such as flying parallel to the border and keeping a close radar watch are being employed to avoid flights over China, two raids have been made within about 20 miles of, or less than a minute's flight time from, the frontier. The first occurred May 24 when Air Force Phantom jets knocked out six spans of the Langgiai rail bridge on the northeast line. Last Tuesday the Phantoms struck both a rail switching yard and a road bridge southwest of Langson, in the same area.

SILENCE ON CASUALTIES

To minimize civilian casualties, the listed targets are of a military or industrial nature. Pentagon spokesmen decline to answer questions about such casualties. There appears to be less concern with the civilians this time in view of the freedom given the air commanders and the attempt to cut off food, clothing and medical supplies.

The main tactical purpose of the bombing has been to keep the railroads from China cut and to destroy as much petroleum as possible. The power plants are being knocked out to impose hardship on the cities and impede the air-defense system.

If the North Vietnamese, as they are expected to, begin a full-fledged operation to truck supplies down the roads from China and to move material by barge along the waterways, the brunt of the bombing will fall on those, which are much more difficult to hit.

The advances in American technology since the 1965–68 campaign are encouraging military leaders. Such students of air power as Robert B. Hotz, editor in chief of Aviation Week and Space Technology, believe that Operation Linebacker is a case example of technological advances making possible a major foreign-policy decision by a President.

The most striking advance is the availability of laser-guided bombs of 500 to 3,000 pounds, which can be directed with a precision only dreamed of in the past.

Reconnaissance photographs of petroleum depots show only a few craters around the targets to indicate misses. The Thanhhoa rail and highway bridge about 85 miles south of Hanoi survived all efforts at destruction in the first air war, its western span was crumpled in a single strike by Phantoms on May 13. The Haiduong rail bridge below Thanhhoa, which took four raids to destroy in the previous air war, did not survive the first attack this time.

An 850-pound television-guided bomb called the Walleye, which was available during the earlier campaign, is being used with greater effect by the fighter-bombers as a result of experience. Furthermore, Navy pilots flying the new A–7E Corsair attack plane have almost doubled their bombing accuracy with a computerized display device.

Another notable advance has occurred in electronic countermeasures, which have reached a Buck Rogers stage of wizardry. During the April 16 raid, when 17 B–52's flew at a level 30,000 feet over Haiphong to bomb the petroleum depots there, a fleet of electronic-countermeasures aircraft virtually blinded the North Vietnamese defenses by jamming the radar of the Soviet-made missile batteries and conventional antiaircraft artillery.

SCORES OF SHOTS, NO HITS

Specially equipped F–105 Thunderchief fighter-bombers, called Wild Weasels, also homed in on the missile batteries and crippled their radar with Shrike missiles, which fly down a radar beam.

Without accurate radar direction, surface-to-air missiles are useless and conventional antiaircraft guns are severely hampered. The North Vietnamese fired scores of missiles at the B–52's on April 16 without making a hit.

As a result, the North Vietnamese defenses are not as effective against the smaller fighter-bombers as before and the B–52's, whose bomb load is the nearest approach to a tactical nuclear weapon, can be employed with acceptable risk.

The guesses as to how long it will take, using the mining of the ports May 8 as a starting point, for a successful campaign to seriously impede the North's war-making capability run from two to six months and up.

The weakest link in the supply system is believed to be petroleum because large amounts are necessary to keep the trucks rolling to fuel the Soviet-built tanks operating in the South.

Prior to the mining North Vietnam was importing 30,000 to 40,000 tons of petroleum a month. Senior officers guess that it may have stockpiled a two-month reserve.

The determination of the North Vietnamese and their willingness to take punishment have made the American military leaders cautious in their assessments. "The enemy has a lot of options that he can exercise to string things out, depending upon the price he is willing to pay," an officer said.

U.S. PERSONNEL STRAINED

Some officers believe that Mr. Nixon has pushed the air and naval build-up in Southeast Asia close to the limits in terms of strain on pilots and other personnel and close to what he can stand in the political repercussions from the economic costs.

On one day toward the end of May, for instance, the Navy had 13 of its 16 carriers at sea either in transit, on training assignment, with the Sixth Fleet in the Mediterranean or on missions in the Gulf of Tonkin.

Gen. John D. Ryan, Air Force Chief of Staff, distributed a special message to the men and their families on April 15 saying that he would try to bring them "home as soon as possible" because most of the pilots and ground crews had served war tours and some had only recently returned.

Secretary of Defense Melvin R. Laird's surprise announcement before the House Appropriations Committee Monday that war costs might double during the fiscal year beginning July 1—to $10-billion to $12-billion—is considered only a preliminary projection. Some Congressional observers think the figure may run higher.

The military effectiveness of further escalating the air war by dispatching more aircraft is questioned by some senior officers. They note that commanders already have authority to strike meaningful military targets and the aircraft to make the attacks.

SHIFT ON TARGETS POSSIBLE

They believe that if Mr. Nixon wants to escalate the war significantly in response to North Vietnamese ground initiatives in the

South, he may have to begin attacking civilian targets—the cities and the flood control dikes in the northern edges of the Tonkin Delta. Moreover, if the present campaign fails to achieve results, some officers would not be surprised if Mr. Nixon, having "made his commitment," changed his mind on such targets, perhaps after adequate warning to the North Vietnamese.

The B–52 raid on the Haiphong petroleum area on April 16 is regarded by senior officers as having as much a psychological as a military objective. Mr. Nixon, they believe, was demonstrating the destructive force he can loose if Hanoi does not come to terms. Three B–52's in formation can obliterate an area more than half a mile wide and nearly two miles long.

In the meantime, the military leaders are conscious that the President has put the air weapon to a greater test than ever and that the reputation of air power rides on the outcome.

"The President is retreating on the ground and advancing in the air," a Congressional student of military affairs said. "He's told the Air Force and Navy to go ahead and do their stuff. They'll prove themselves one way or the other this time."

THE COST OF PHUCLOC

(By Anthony Lewis)

LONDON, June 11.—Several weeks ago in this space there was a report from the North Vietnamese village of Phucloc. It described the damage done when, as the villagers and North Vietnamese officials said, American planes bombed Phucloc at 2:20 on the morning of April 16. They said that of the population of 611, 63 were killed and 61 injured.

The Defense Department in Washington was asked to comment, to say how such a nonmilitary place could have been bombed. Phucloc is a village of mud huts, a small island in a sea of rice fields, about five miles south of Haiphong.

The Pentagon reply, received in due course, was a flat denial that American bombers had attacked Phucloc. A B–52 raid on Haiphong on April 16 had been announced shortly after it took place, an official said. But it was against Pentagon policy to bomb populated areas, he said, and there had been no raid on Phucloc.

There is an almost Alice-in-Wonderland logic to that Pentagon comment: We do not bomb civilian targets, so we could not have bombed Phucloc. In its blandness it really suggests that there was no bombing, that the whole affair was made up or a mirage.

The difficulty is that anyone who actually saw Phucloc after April 16 will believe otherwise. It would be extremely difficult to fake the bomb craters that I saw there with my own eyes. It would be a remarkable piece of theater to stage the screaming women in the rubble, and the people who spoke of their families being killed. And others have seen Phucloc.

It would be one thing for a Pentagon official to say that no such civilian village is an American bombing target but that a mistake could not be altogether excluded that close to Haiphong. It is another to imply that there was no bombing of Phucloc at all—especially when United States intelligence photographs could well have shown the damage.

The Pentagon comment thus unintentionally illuminates one grave cost of this war to Americans: the damage to our candor and humanity.

It is not only Phucloc, of course. A number of Western correspondents over many years have reported on bomb damage to civilian facilities in North Vietnam, to schools and houses and hospitals. But American official policy is evidently to ignore all such reports, to brush them aside, to deny that mistakes can have occurred.

The official announcements continue to speak of B–52's raiding gasoline dumps and bridges and electrical plants, and of ships offshore shelling "Communist military targets." It is as if there were no human beings involved at all. But common sense, like the eyewitness accounts, tells us that any large-scale bombing or shelling hits some innocent civilians. Why, then, does the United States Government ignore or deny it?

Some of those involved in the policy of heavy bombing and shelling must, unconsciously or otherwise, regard the Vietnamese as *untermenschen*, as creatures somehow not so human as us. Others, actually facing the truth about the human damage that American bombs and shells and chemicals have done, still think our political objectives are more important.

But many Americans, probably most, have simply tuned out. The continuing death and destruction in Vietnam are no longer in their consciousness.

That is why public opinion can be so inert when Seymour Hersh of The New York Times discloses secret findings that another massacre occurred on the same morning as Mylai in 1968. The official report speaks of "murder," and of "pretense" and "misrepresentation" in covering it up, but hardly anyone in Washington—in the military, in Congress or in the press—really seems to care deeply.

In a way, concealing the truth or not caring is worse than killing women and children at Mylai or bombing them by mistake at Phucloc. Nor does it help to say that the Communists have killed countless innocent people in Vietnam. Americans have to worry about their own souls.

[From the New York Times, June 10, 1972]

WITH AIR WAR WIDENING, U.S. AIR POWER SURGES

WASHINGTON.—President Nixon has nearly doubled Air Force fighter-bomber strength in Southeast Asia and tripled the number of aircraft carriers, and he is quadrupling the force of B-52 Stratofortresses there.

The Air Force's 18-plane F-4 Phantom squadrons at bases in Thailand and at Danang, in northern South Vietnam, have gone to 21 from 11.

The attack aircraft carriers in the Gulf of Tonkin have increased from two to six, with an average of 65 fighter-bombers to a carrier. A seventh, the antisubmarine carrier Ticonderoga, is on patrol duty. More than 40 destroyers and cruisers, the largest such task force in recent memory, are protecting the carriers and hurling shells at enemy positions along the coasts.

Two more attack carriers, the America and the Oriskany, have sailed for the Gulf of Tonkin, although it is still undetermined whether they will relieve carriers on station.

The B-52 force has climbed from 45 planes stationed in southern Thailand at the beginning of the year to about 145 there and on Guam. More are being added and the figure is expected to reach 190—almost half the B–52's in the Air Force—by mid-June.

The number of men involved is unavailable, but it is estimated at 40,000 to 60,000 if support personnel at bases on Okinawa and in the Philippines are included.

About two-thirds of the attack sorties against the North are being flown by Navy planes because of the heavy commitment of the Air Force to the battlefields in the South.

In April about 1,900 sorties were launched by both services against northern targets. By the end of May the number was 5,400, but the rate is not at peak reached in 1967, when an average of 8,000 sorties a month were flown.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. SYMINGTON. Mr. President, let me congratulate the able Senator from Iowa for again bringing this matter to the attention of the Senate, something he first attempted many weeks ago. As a distinguished combat infantryman of World War II, he cannot be criticized by those who have some kind of euphoria with respect to the military, therefore do not attempt to find out just how the organization that annually takes so many billion dollars of the taxpayers' money is actually functioning.

A small matter, so as to correct the record: After the able Senator sent me the letter in question from this enlisted man, I took it up promptly by letter with the Secretary of the Air Force, not with the Chief of Staff. But I was assured later by the Chief of Staff that the matter was going to be handled, and handled promptly; and I was also so assured by the Secretary of Defense. This whole situation is most unfortunate, and to me just another illustration of the many tragedies involved in this unfortunate war. Ironically, the proper removal of this general for violating his instruction involved a degree of bombing not remotely commensurate with the degree of bombing currently going on at the direction of this administration.

Again let me respectfully commend the Senator for bringing this matter to the attention of the Senate.

Mr. HUGHES. I thank the distinguished Senator from Missouri.

Mr. MANSFIELD. Mr. President, I want to express to the distinguished Senator from Iowa my commendation for the temperate tone in which he has called this matter to the attention of the Senate.

I am disturbed by a number of factors connected with what has recently been brought to light and would not have seen the light of day had not the distinguished Senator from Iowa received a letter from a sergeant in Thailand who happened to be one of his constituents.

What disturbs me is the position in which it places the President, as the civilian Commander in Chief, under the Constitution. What disturbs me is the effect it might have had on the secret negotiations being carried out by the President's agent, Dr. Henry Kissinger with Le Duc Tho, Hanoi's chief delegate at just about that time.

The juxtaposition of time does raise questions. Frankly, I knew nothing about the secret meetings between Dr. Kissinger and Le Duc Tho in Paris until the President announced them. It appears to me that the diplomatic illness of Le Duc Tho after agreeing to the last meeting, which was never consumated, fits into a pattern which might be tied up with what happened around this particular time.

I would hope that this war in some way could be settled, because it has been a cancer on the body of this Nation. Not only has it caused 55,000 Americans to die and 303,000 Americans to be wounded; it also has cost this country more than $130 billion in expenditures, going back to 1961.

Furthermore, so far as the bombing is concerned, it is my understanding that we have used in Indochina approxi-

mately three times the tonnage that was used in the Pacific and European theaters during all of World War II. It is my further understanding that, on the basis of this accelerated bombing, the Secretary of Defense is going to request an additional $3 billion in the defense appropriation bill—that is through September; and if it lasts through the end of the year, $5 billion. So it is costing us a great deal in many ways, and I have not even begun to list the disasters which have resulted in this country because of our tragic and mistaken involvement in this war, in which we have no business, in which our vital interests are not concerned, in Southeast Asia.

But, for the time being, I am concerned about the position of the President in relation to this matter, in his constitutional capacity as civilian Commander in Chief. I am concerned because of the effect this action may have had on the possibility of successful negotiations between Dr. Kissinger and Le Duc Tho at that time and the reasons why that particular meeting was cancelled between the emissaries of the United States and the North Vietnamese Governments.

So I wanted to express my views on the matter and to commend the distinguished Senator from Iowa. Once again I want to say that I appreciate the temperate way in which he has discussed this most serious problem. It goes far beyond one man; it encompasses the constitutional processes of a democratic system and perhaps the future of this Nation as well. I commend the Senator.

Mr. HUGHES. I thank the Senator from Montana.

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 extend beyond 11 a.m., with statements therein limited to 3 minutes.

CRUDE OIL SHORTAGE ON WEST COAST

Mr. STEVENS. Mr. President, I would like to call the attention of my colleagues, particularly those from Far Western States, to the crude oil shortage that is overtaking the west coast and to the two alternative solutions to that problem.

Historically, the west coast has supplied its crude oil from the oilfields of California and those of southern Alaska. This ready availability of oil has been a most beneficial factor in the development of the Far West. Now, however, trends are changing rapidly. The west coast is using more oil every day, while every day its own oilfields are producing less and less crude oil.

By the year 1980 the west coast will only be able to produce half the oil it will be consuming by then. The remainder must be obtained elsewhere, either from foreign countries or, more likely, from the newly discovered North Slope reserves in Alaska.

Ecological considerations are attracting ever more attention on the west coast. Consequently, the alternative of importing foreign oil in fleets of foreign tankers manned by foreign crews has alarmed some leaders. If Alaskan oil is permitted to come to market in California, the outside half of the west coast's oil supply will be American oil, shipped in modern, American-built, American-flag tankers manned by American officers and crews.

The plan for tanker operations takes into account prudent limitations on the size of vessels serving various ports. The Valdez terminal, deep, broad, sheltered, and ice free would be able to handle tankers ranging in size from 30,000 to 250,000 deadweight tons. By far the most prevalent size of ship would be those in the 70,000- to 120,000-ton category. Vessels up to 120,000 tons will carry crude oil from Valdez to Long Beach, Calif., and to terminals in Puget Sound. Tankers serving San Francisco Bay, however, will be limited in size to 80,000-tonners.

I have been asked whether the tanker traffic to Puget Sound points would not cause congestion in those waterways. Tanker operations to the sound from Valdez would have increased by no more than one arrival per week by 1980.

It is interesting to note in this regard that the Marine Exchange of the Seattle Chamber of Commerce has calculated today's Puget Sound tanker traffic to be only half of what it was 10 years ago. It is also noteworthy that a review of 50 years of marine activity in Puget Sound does not reveal one serious collision. Nor have tanker movements there ever caused a major oil spill.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORTS ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Secretary of Defense, transmitting, pursuant to law, reports on overobligations of certain obligations (with accompanying reports); to the Committee on Appropriations.

FEDERAL PLAN FOR MARINE ENVIRONMENTAL PREDICTION

A letter from the Secretary of Commerce, transmitting, pursuant to law, the Federal plan for marine environmental prediction for fiscal year 1973 (with an accompanying document); to the Committee on Commerce.

NOTICE RELATING TO CHILDREN'S SLEEPWEAR

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, a notice to be published in the Federal Register relating to children's sleepwear (with an accompanying paper); to the Committee on Commerce.

REPORT OF FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Commerce.

PROPOSED AMENDMENT OF INTERNAL REVENUE CODE OF 1954

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses (with an accompanying paper); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Survey of the Application of the Government's Policy on Self-Insurance", dated June 14, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION No. 32

"A concurrent resolution to urge and request the Louisiana Public Service Commission and the Interstate Commerce Commission to take any and all actions necessary to reject and/or disapprove any requests or other application by the Southern Pacific Transportation Company to abandon the Lake Charles-DeRidder branch line of the Southern Pacific Railroad

"Whereas, it has come to the attention of the members of the Louisiana Legislature that officials of the Southern Pacific Transportation Company have informed its customers in the DeRidder area of its intention to abandon the branch line between DeRidder and Lake Charles; and

"Whereas, any such discontinuance in the operation of said branch line will effect irreparable injury to the citizens of Louisiana residing in the parishes of Calcasieu and Beauregard in that said discontinuance will cause the businesses which use the services of the branch line to relocate in areas where such services are available; and

"Whereas, representatives of the governing bodies of the communities affected, numerous officials and concerned businessmen and citizens have urged and requested the administration of the Southern Pacific Transportation Company that the operation and maintenance of the branch line as described hereinabove be not discontinued by said railroad company in that same would effect an unbearable and costly burden and economic strain on the businessmen and citizens of the areas in which said line passes.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring therein, that the Louisiana Public Service Commission and the Interstate Commerce Commission are hereby strenuously urged and requested to take any and all action necessary to reject and/or disapprove any application or request by the Southern Pacific Transportation Company which would effect the discontinuance of the operation and maintenance of the branch line railroad above cited for the reasons expressed herein.

"Be it further resolved that copies of this Resolution be immediately forwarded to the following: the Chairman of the Louisiana Public Service Commission, the Chairman of the Interstate Commerce Commission, the Governor of the state of Louisiana, the President of the Southern Pacific Transportation Company and the members of Louisiana's delegation in the Congress of the United States."

Joint resolutions of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION GG

"A joint resolution ratifying the proposed amendment to the constitution of the United States relating to equality of persons regardless of sex

"Resolved by the Senate and the House of Representatives of the State of Michigan, That the ninety-second Congress of the United States of America, at its session, in both Houses, by a constitutional majority of two-thirds thereof has made the following proposition to amend the constitution of the United States:

"'JOINT RESOLUTION

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

"'ARTICLE —

"'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

"'Section 3. This amendment shall take effect two years after the date of ratification.'"

"Therefore, in the name of, and on behalf of, the people of the State of Michigan, we do hereby ratify, approve and assent to the proposed amendment to the Constitution of the United States.

"Resolved further, That certified copies of this joint resolution be transmitted by the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States."

"HOUSE JOINT RESOLUTION LLL

"A joint resolution ratifying the proposed amendment to the constitution of the United States relating to equality of persons regardless of sex

"Resolved by the Senate and the House of Representatives of the State of Michigan, That the ninety-second Congress of the United States of America, at its session, in both Houses, by a constitutional majority of two-thirds thereof has made the following proposition to amend the constitution of the United States:

"'JOINT RESOLUTION

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

"'ARTICLE —

"'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

"'Section 3. This amendment shall take effect two years after the date of ratification.'"

"Therefore, in the name of, and on behalf of, the people of the State of Michigan, we do hereby ratify, approve and assent to the proposed amendment to the Constitution of the United States.

"Resolved further, That certified copies of this joint resolution be transmitted by the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge (Rept. No. 92-859).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. PASTORE, from the Committee on Commerce:

Michael A. Gammino, Jr., of Rhode Island, Joseph D. Hughes, of Pennsylvania, Gloria L. Anderson, of Georgia, Theodore W. Braun, of California, and Neal Blackwell Freeman, of New York, to be members of the Board of Directors of the Corporation for Public Broadcasting.

Mr. PASTORE. Mr. President, from the Committee on Commerce, I also report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

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

The nominations, ordered to lie on the desk, are as follows:

George F. Martin, and sundry other Reserve officers, to be permanent commissioned officers in the regular Coast Guard; and

Paul J. Balzer, to be a permanent commissioned warrant officer in the Coast Guard.

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. MAGNUSON (for himself, Mr. RIBICOFF, Mr. JACKSON, Mr. KENNEDY, Mr. HUMPHREY, Mr. MCGOVERN, Mr. TUNNEY, Mr. CRANSTON, Mr. WILLIAMS, Mr. BAYH, Mr. BROOKE, Mr. JAVITS, and Mr. CASE):

S. 3704. A bill to provide for a 6-month extension of the Emergency Unemployment Compensation Program; and

S. 3705. A bill to amend section 203(2)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator. Referred to the Committee on Finance.

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

S. 3706. A bill to amend chapter 55 of title 10, United States Code, to provide maternity care for a pregnant member of the Armed Forces of the United States for a limited period after her discharge or release from active duty and to provide such care to the pregnant wife of a member of the Armed Forces for a limited period after the discharge or release from active duty of such member. Referred to the Committee on Veterans' Affairs.

By Mr. MONDALE (for himself and Mr. INOUYE):

S. 3707. A bill relating to the mortgage insurance premiums applicable to home mortgages insured by the Secretary of Housing and Urban Development, and requiring certain reports to the Congress by the Secretary with respect to the funds used by the Secretary in carrying out the various home mortgage insurance programs, and the premium levels necessary to sustain such funds. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. GURNEY):

S.J. Res. 244. A joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself, Mr. RIBICOFF, Mr. JACKSON, Mr. KENNEDY, Mr. HUMPHREY, Mr. MCGOVERN, Mr. TUNNEY, Mr. CRANSTON, Mr. WILLIAMS, Mr. BAYH, Mr. BROOKE, Mr. CASE, and Mr. JAVITS):

S. 3704. A bill to provide for a 6-month extension of the Emergency Unemployment Compensation Program; and

S. 3705. A bill to amend section 203(2)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill calling for a 6-month extension of the Emergency Unemployment Compensation Act of 1971 and a bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator.

In light of the continued high rate of unemployment in the Nation, I feel the Congress has a duty to assist the people hardest hit by recent economic conditions. By enacting these measures, Congress will provide relief in the States where unemployment has had the most severe impact. In my own State, 87,430 workers have qualified for benefits under the so-called "Magnuson Extension." I believe that without this program, the economic hardships faced by thousands in my State would have been even more severe. Nationally, over 700,000 workers had received benefits during the 3-month period ending April 29, 1972, according to the Department of Labor statistics. These workers received an average benefit of $54.69 per week.

The second bill provides the States with an opportunity to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator.

This bill allows for the suspension of a provision of the 1970 act which unfairly discriminates against States with persistently high rates of unemployment. For example, Washington State has had a very high rate of unemployment over the last 2 years. Because the rate is not 120 percent of what it was during the previous 2 years, Washington State has triggered out of the Federal-State Extended Unemployment Compensation Program. Unless a national trigger goes "on," the unemployed in our State will no longer be able to receive Federal-State extended benefits. The Emergency Unemployment Compensation Act expires on June 30, 1972; thus, after June 30 the long-term unemployed in Washington State will only receive regular State benefits. The same situation exists in a number of other States and such an inequity can be corrected if this bill passes.

I am disturbed that as of today no substantive recommendations have been made to the Congress on what the administration believes should be done on this vital question. Public Law 92-224 required the Secretary of Labor to make substantive recommendations by May 1, 1972. As of today, Congress has received only a factual report, not a substantive report on what should be done for the long-term unemployed. I am concerned that this delaying tactic is intended to kill any chance for congressional action. As the Department of Labor should recall, Congress acted in a 10-day period during the Christmas season last year in order to aid the long-term unemployed. I hope that Congress is again willing to act. I noted with great pleasure that Congressman BURKE of Massachusetts has introduced similar legislation on the House side and has been joined by a large group of cosponsors, including the powerful chairman of the Ways and Means Committee, Congressman WILBUR MILLS of Arkansas.

Last December, Chairman MILLS provided immense support when he skillfully guided the original act through a very difficult conference and through last minute House floor action. Obviously, his cosponsorship and leadership are vital in this effort. I, of course, would be remiss if I did not mention the equally significant effort of the distinguished chairman of the Senate Finance Committee, Senator RUSSELL LONG. Without his support and leadership, the Emergency Unemployment Compensation Act of 1971 could not have happened. The Finance Committee, at his urging, reported a bill (H.R. 6065) late last December and this bill provided a vehicle for attaching the so-called Magnuson amendment.

Thus today, I am pleased to introduce these two bills which will provide badly needed financial support for the hardest hit of the long-term unemployed. Of course, I realize that without positive House action and a favorable report from the Nixon administration, this will certainly be an uphill battle.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters and articles on this question, along with a press release issued by the Senator from New Jersey (Mr. CASE).

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

MAY 1, 1972.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am transmitting herewith a report on this Department's study and review of the program established by the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, Title II).

Section 206 of the Act which directed me to conduct such a study and review and to submit the report on or before May 1, 1972, also specified that the report shall cover the period ending March 31, 1972. In view of the time required to obtain and analyze reports from the participating States on claims filed and benefits paid, it has been necessary to limit the coverage of this report to the period ending March 25, 1972.

The first week for which benefits could be paid under the terms of the Act was the week of January 30-February 5, 1972. The data available concerning the program for our study and review was limited to eight weeks' experience which is not enough experience upon which to act. For this reason I recommend that no action with regard to continuance of the program be taken at this time.

The report I am now submitting shows the results of our study and review of the limited benefit payment experience under the program, projections of benefit payments which will be payable under the program after March 25, 1972, and the funding of the benefits payable under the program.

I plan to submit to the Congress another report on the program as soon as we receive and analyze data on the operations for the month of April, which should be in early June.

Respectfully submitted.

J. D. HODGSON,
Secretary of Labor.

MAY 31, 1972.

HON. JAMES D. HODGSON,
Secretary, Department of Labor, Department of Labor Building, Washington, D.C.

DEAR SECRETARY HODGSON: I have thoroughly reviewed the report you transmitted to Congress on May 2, 1972 regarding the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, Title II).

Your cover letter indicated that you were recommending "that no action with regard to continuance of the program be taken at this time." I understand that one additional month's data will be critical in any evaluation made by the Department of Labor.

As the author of the Emergency Unemployment Compensation Act of 1971, I believe that this measure has been worthwhile and has aided hundreds-of-thousands of long-term unemployed workers in states experiencing the highest rates of unemployment. As you recall, my original proposal called for a 26-week emergency program. I still believe that a program of that duration is needed. Therefore, I am very hopeful that your "substantive recommendations" will include at least a 13-week extension of Title II of P.L. 92-224. I also hope that those recommendations will be received in the next few days in order to give Congress a week or two to consider your recommendations before Title II of P.L. 92-224 expires.

As Chairman of the Labor, Health, Education, Welfare and Related Agencies Appropriations Subcommittee, I am deeply concerned, as are the members of my Subcommittee, about the economic dilemma facing the long-term unemployed worker. I hope that your report will reflect positive interest in providing aid for these workers.

Your cooperation and prompt reply will be deeply appreciated by me.

Sincerely,

WARREN G. MAGNUSON,
U.S. Senator.

JOBLESS PAY ACT TO BE CONSIDERED

Further extension of the Emergency Unemployment Compensation Act of 1971 will be considered by the House Ways and Means Committee, Sen. Warren Magnuson announced yesterday.

Magnuson authored the Act, which passed Congress last December.

Benefits under the Magnuson Bill ran out in early May for those who qualified for the 13-week maximum starting last Jan. 31.

Those who exhausted other regular and extended state and federal jobless benefits and entered the "Magnuson" program, with full qualification, later in the year, can continue to collect weekly unemployment compensation checks through September.

About 87,500 Washington State citizens have received benefits totaling nearly $35 million in the last four months.

"I am very pleased that the House Ways and Means Committee is taking up this question. In light of the continued high rate of unemployment—5.9 per cent nationally and 12 per cent in Washington State—an extension appears to be the best course of action," Magnuson said.

Magnuson urged a six-month extension of emergency benefits in a strongly-worded letter to Secretary of Labor James Hodgson on May 31. He said:

"The Administration has consistently opposed my efforts to aid the long-term unemployed. The Administration, under law, was supposed to make its substantive recommendations by May 1, 1972, but delayed filing a report with Congress because of an alleged lack of facts."

JOBLESS ACTION SOUGHT

Democratic members of the ad hoc Legislative Tax Reform Committee will ask today that a special legislative session consider the problems of economic recovery and unemployment, along with tax reform.

A resolution calling for expansion of the session will be considered by the committee. It says 60,000 workers have exhausted all unemployment compensation.

Pushed by Rep. Bill Chatalas, House Democratic caucus chairman, the resolution says 30,000 to 40,000 additional workers will have run out of unemployment benefits within the next several months.

Gov. Dan Evans has said he'll call a special legislative session if two-thirds of the legislators can agree on a tax reform package.

Chatalas also announced yesterday that the Unemployed Workers' Organizing Committee has more than 6,000 signatures on a petition calling for another . . .

CONGRESS WILL REVIEW JOBLESS PAY

Because of continuing unemployment in some areas, Congress will take a new look at another round of jobless-pay benefits. Senator Warren G. Magnuson said yesterday in Washington.

Meanwhile, in the state, a group of Democrats again urged Gov. Dan Evans to call a special session of the Legislature to take some state action on unemployment.

They suggested a new extension of the state jobless-pay program and a broader eligibility.

That is unlikely. Evans frequently has said he doesn't think the state fund can afford another extension.

Magnuson said he was pleased that the House Ways and Means Committee will consider an extension of the Emergency Unemployment Compensation Act of 1971.

Magnuson was author of that act.

Approved by Congress last December, it has allowed qualified workers in high-unemployment areas to receive 13 extra weekly checks.

Magnuson had tried to get 26 weeks of benefits. But the original program was cut in half in a congressional compromise.

About 84,000 citizens in this state have

received $36 million in benefits during the past four months, Magnuson said.

DAVIS WANTS LEGISLATURE TO EXTEND BENEFITS

Joe Davis, president of the State Labor Council, called on Gov. Dan Evans to call a special session of Legislature to provide an extension of unemployment compensation benefits.

In the past three weeks Davis said, 50,000 Washington workers have exhausted all unemployment compensation benefits. He said more are exhausting the benefits each week and indicated that by the end of the year up to 100,000 will have exhausted all benefits.

"This is a more substantive issue and more pressing than the tax issue," Davis said.

Evans had said he will call a special session on the question of tax reform if Republicans and Democrats reached agreement prior to the session.

Davis said interest-free Federal funds are available to pay unemployment benefits. "I think it would be foolish not to take advantage of these funds," he said.

"It's money that's costing nothing. Simple economic analysis shows that when you can borrow money at a zero rate of interest to sustain the state's economy, it is a wise thing to do," he said.

Figuring on inflation, Davis said the debt alone would would be repaid with 90 cents on the dollar borrowed.

Davis said the state must establish a mechanism that will permit an automatic extension of unemployment compensation benefits if unemployment is at a certain level. The present extended-benefits formula requires the rate of unemployment to increase each year, no matter how high it was at the starting point.

"But," be added, "in light of the continued high rate of unemployment—6.9 per cent nationally and 12 per cent in Washington State—an extension appears to be the best course of action."

The Democratic senator criticized the administration for, as he said, opposing "my efforts to aid the long-term unemployed."

He said the administration was required to make new recommendations to Congress May 1 but hasn't so far "because of an alleged lack of facts."

Representative Wilbur Mills' committee will take up the issue despite the lack of a report from the administration, Magnuson said.

A 6-per cent jobless rate during the past year and a half "is enough evidence" that something more should be done for the long-term jobless, Magnuson added.

State Representative William Chatalas, Seattle Democrat and chairman of his party's caucus in the state House, appeared at a news conference yesterday with representatives of the Unemployed Workers Organizing Committee.

They said a petition being circulated by that group asking for a state extension of 13 weeks of unemployment pay—has gathered more than 6,000 signatures.

Their statement said "employed or unemployed, all working people pay for the economic crisis through lower wages, higher taxes and fewer jobs. . .

"We, the citizens of the state, demand another 13-week benefit extension . . .

More than 60,000 workers in this state have exhausted regular or extended benefits, the U.W.O.C. spokesmen said, "Within the next several months, another 30,000 to 40,000 jobless will run out of benefits.

"Clearly a total reform of the unemployment-compensation system is urgently needed," it added.

The committee also urged that state law be changed to allow compensation for workers idled by a labor dispute and to raise minimum benefits (now $17 a week) to the equivalent of minimum wage for a 40-hour week—about $66.

Chatalas suggested that the unemployment-compensation issue be taken up at a special session of the Legislature, whether or not agreement is reached on a tax-reform package.

The governor said he would call a special session if there is bipartisan House and Senate agreement beforehand on tax reform.

A task force of legislators was meeting today to seek such agreement.

Trigger Notice No. 66, May 26, 1972—Refer to UIPL Nos. 1103 and 1156 for Public Law 91-373 Extended Benefits, and sec. 617.11-12 of Temporary Compensation Regulations for Public Law 92-224 Temporary Compensation Benefits

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91-373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF MAY 20, 1972

NATIONAL INDICATOR INSURED UNEMPLOYMENT RATE FOR MOST RECENT AVAILABLE 3 MONTHS: (SEASONALLY ADJUSTED)—FEBRUARY, 4.25 PERCENT; MARCH, 4.32 PERCENT; AND APRIL, 3.98 PERCENT.

	Public Law 91-373 extended benefit				Public Law 92-224 temporary compensation benefit			
	Periods		Indicators (percent)		Rates (percent)		Periods	
State	1st day	Elapsed weeks[1]	Public Law 91-373 IUR	Prior 2 years	Exhaustion	Public Law 92-224 UR (cols. 4 + 6)	1st day	Elapsed weeks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9
Alabama	Jan. 2, 1972	20	4.00	120	0.79	4.79		
Alaska			14.03	107	1.98	16.01	Jan. 30, 1972	16
Arizona			2.82	107	.58	3.40		
Arkansas			3.84	88	.84	4.68		
California			5.71	88	1.54	7.25	Jan. 30, 1972	16
Colorado			1.48	90	.24	1.72		
Connecticut	Oct. 11, 1970	84	7.46	119	(2)	(2)	Jan. 30, 1972	16
Delaware			2.73	108	.59	3.32		
District of Columbia			2.02	113	.43	2.45		
Florida			2.39	115	.63	3.02		
Georgia			1.52	83	.58	2.10		
Hawaii	Oct. 10, 1971	32	5.02	177	.90	5.92		
Idaho			5.23	102	.90	6.13	Apr. 9, 1972	6
Illinois	Jan. 2, 1972	20	4.04	129	(2)	(2)		
Indiana		(2)	3.28	114	.91	4.19		
Iowa	Jan. 2, 1972	20	(2)	(2)	.76	(2)		
Kansas			3.06	63	.95	4.01		
Kentucky			3.89	99	.71	4.59		
Louisiana			4.22	97	1.08	5.30		
Maine	Mar. 21, 1971	61	8.14	122	1.97	10.11	Jan. 30, 1972	16
Maryland	Jan. 2, 1972	20	4.33	145	.72	5.05		
Massachusetts	Oct. 11, 1970	84	6.71	121	1.42	8.13	Jan. 30, 1972	16
Michigan			(2)	(2)	(2)	(2)	do	16
Minnesota	Jan. 2, 1972	20	5.10	127	.93	6.03	Apr. 9, 1972	6
Mississippi			2.36	74	.44	2.80		
Missouri			3.98	97	.78	4.76		
Montana			5.78	105	1.03	6.81	Feb. 20, 1972	13
Nebraska			2.50	115	.60	3.10		
Nevada	Mar. 21, 1971	61	6.53	142	1.49	8.02	Jan. 30, 1972	16
New Hampshire			(2)	(2)	.32	(2)		
New Jersey	Jan. 3, 1971	72	INA	INA	(2)	(2)	Jan. 30, 1972	16
New Mexico			(2)	(2)	(2)	(2)		
New York	Jan. 10, 1971	71	5.58	122	.96	6.54	Jan. 30, 1972	16
North Carolina			2.13	80	.40	2.53		
North Dakota			6.30	120	(2)	(2)	Feb. 27, 1972	12
Ohio		(1)	3.36	115	.59	3.95		
Oklahoma	Jan. 2, 1972	20	4.41	122	1.07	5.48		
Oregon			5.77	87	.87	6.64	Jan. 30, 1972	16
Pennsylvania	Jan. 31, 1971	68	5.02	134	.61	5.63		
Puerto Rico	Jan. 2, 1972	20	14.35	161	3.59	17.94	Mar. 12, 1972	10
Rhode Island			6.28	102	1.70	7.98	Jan. 30, 1972	16
South Carolina			2.29	81	.68	2.97		
South Dakota			3.11	119	.45	3.56		
Tennessee			2.94	75	.72	3.69		
Texas			1.88	111	.50	2.38		
Utah			4.08	101	.75	4.83		
Vermont	Jan. 3, 1971	72	7.84	135	1.12	8.96	Jan. 30, 1972	16
Virginia			1.34	93	.28	1.62		
Washington			8.76	78	2.75	11.51	Jan. 30, 1972	16
West Virginia	Jan. 2, 1972	20	5.09	125	.54	5.63	Mar. 19, 1972	9
Wisconsin			4.28	110	.65	4.93		
Wyoming			2.47	103	.31	2.78		

[1] Elapsed weeks of nonpayment from last extended benefit period is 7 for all States unless otherwise noted in parentheses.

[2] INA.

Trigger Notice No. 66, May 26, 1972—Refer to UIPL Nos. 1103 and 1156 for Public Law 91–373 Extended Benefits, and sec. 617.11–12 of Temporary Compensation Regulations for Public Law 92–224 Temporary Compensation Benefits

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91-373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF MAY 6, 1972

NATIONAL INDICATOR INSURED UNEMPLOYMENT RATE FOR MOST RECENT AVAILABLE 3 MONTHS: (SEASONALLY ADJUSTED)—FEBRUARY, 4.25 PERCENT; MARCH, 4.32 PERCENT; AND APRIL, 3.98 PERCENT

	Public Law 91-373 extended benefit				Public Law 92-224 temporary compensation benefit			
	Periods		Indicators (percent)		Rates (percent)		Periods	
State	1st day	Elapsed weeks[1]	Public Law 91-373 IUR	Prior 2 years	Exhaustion	Public Law 92-224 IUR (cols. 4 + 6)	1st day	Elapsed weeks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Alabama	Jan. 2, 1972	18	4.17	124	0.80	4.97		
Alaska			14.77	109	2.06	16.83	Jan. 30, 1972	14
Arizona			3.07	113	.61	3.68		
Arkansas			4.21	91	.87	5.08		
California			6.04	92	1.57	7.61	Jan. 30, 1972	14
Colorado			1.60	93	.25	1.85		
Connecticut	Oct. 11, 1970	82	7.77	123	(2)	(2)	Jan. 30, 1972	14
Delaware			3.36	122	.62	3.98		
District of Columbia			2.08	111	.43	2.51		
Florida			2.58	123	.65	3.23		
Georgia			1.58	84	.61	2.19		
Hawaii	Oct. 10, 1971	30	5.20	179	.88	6.08		
Idaho			5.77	104	.94	6.71	Apr. 9, 1972	4
Illinois	Jan. 2, 1972	18	4.30	135	.75	5.05		
Indiana		(0)	3.63	118	.89	4.52		
Iowa	Jan. 2, 1972	18	3.80	123	.77	4.57		
Kansas			3.47	70	1.08	4.55		
Kentucky	Mar. 5, 1972	9	4.16	99	.72	4.88		
Louisiana			4.47	102	1.09	5.56		
Maine	Mar. 21, 1971	59	8.62	127	1.96	10.58	Jan. 30, 1972	14
Maryland	Jan. 2, 1972	18	4.59	146	.71	5.30		
Massachusetts	Oct. 11, 1970	82	6.95	121	1.42	8.37	Jan. 30, 1972	14
Michigan			5.98	97	1.27	7.25	do	14
Minnesota	Jan. 2, 1972	18	5.43	129	.95	6.38	Apr. 9, 1972	4
Mississippi			2.56	77	.46	3.02		
Missouri			4.41	104	.79	5.20		
Montana			6.50	108	1.06	7.56	Feb. 20, 1972	11
Nebraska			2.89	119	.62	3.51		
Nevada	Mar. 21, 1971	59	6.91	147	1.45	8.36	Jan. 30, 1972	14
New Hampshire			3.58	108	.33	3.91		
New Jersey	Jan. 3, 1971	70	7.22	121	1.27	8.49	Jan. 30, 1972	14
New Mexico			4.37	93	.69	5.06		
New York	Jan. 10, 1971	69	5.79	123	.96	6.75	Jan. 30, 1972	14
North Carolina			2.27	82	.42	2.69		
North Dakota			6.98	119	.59	7.57	Feb. 27, 1972	10
Ohio	Jan. 2, 1972	18	3.69	120	.60	4.29		
Oklahoma	do	18	4.62	125	1.08	5.70		
Oregon			6.24	90	.90	7.14	Jan. 30, 1972	14
Pennsylvania	Jan. 31, 1971	66	5.26	136	.62	5.88		
Puerto Rico	Jan. 2, 1972	18	14.66	163	3.50	18.16	Mar. 12, 1972	8
Rhode Island			6.76	107	1.70	8.46	Jan. 30, 1972	14
South Carolina			2.42	83	.71	3.13		
South Dakota			3.52	119	.48	4.00		
Tennessee			3.17	76	.75	3.92		
Texas			1.92	112	.52	2.44		
Utah			4.49	105	.77	5.26		
Vermont	Jan. 3, 1971	70	8.14	135	1.11	9.25	Jan. 30, 1972	14
Virginia			1.45	94	.29	1.74		
Washington			9.62	84	2.88	12.50	Jan. 30, 1972	14
West Virginia	Jan. 2, 1972	18	5.55	126	.53	6.08	Mar. 19, 1972	7
Wisconsin			4.71	114	.64	5.35		

[1] Elapsed weeks of nonpayment from last extended benefit period is (7) for all States unless otherwise noted in parentheses.

[2] INA.

SENATOR CASE CALLS FOR EXTENSION OF FEDERALLY FINANCED EMERGENCY UNEMPLOYMENT COMPENSATION BENEFITS—RELEASES JOINT REPUBLICAN LETTER TO SECRETARY OF LABOR

Citing the forthcoming exhaustion of emergency unemployment benefits affecting thousands of jobless workers in 18 states and Puerto Rico, Senator Clifford P. Case in a letter released today urged Secretary of Labor James D. Hodgson to support the extension of the Emergency Unemployment Compensation Act of 1972.

Joining Senator Case in the letter to Secretary Hodgson were the following Republican Senators from states affected by the June 30 expiration of this emergency legislation: Lowell P. Weicker, Jr. (Connecticut); Jacob K. Javits (New York); Edward W. Brooke (Massachusetts); Len B. Jordan (Idaho); Mark O. Hatfield (Oregon); Robert T. Stafford (Vermont); Margaret Chase Smith (Maine); Robert W. Packwood (Oregon); George D. Aiken (Vermont); Robert P. Griffin (Michigan); Ted Stevens (Alaska); Milton R. Young (North Dakota).

Senator Case emphasized that in New Jersey alone upwards of 3,000 jobless workers per week exhaust their regular unemployment benefits and have become entitled to the further 13 week extension authorized by this law. Senator Case said that the total of 53,000 workers in New Jersey who have received $31 million under the terms of this program since January of this year would have had no other recourse if the emergency legislation had not been in force.

The text of Senator Case's letter follows:

Hon. JAMES D. HODGSON,
Secretary of Labor,
Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Within the next few days you will be submitting to the Congress your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972.

Unless this act is extended—and your recommendations will be of critical importance to its prospects in the Congress—thousands of unemployed workers in 18 states and Puerto Rico will face an early exhaustion of their benefits and have no other recourse but to seek relief from already hard-pressed state and local governments. As of May, these included: Alaska, California, Connecticut, Idaho, Michigan, Maine, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Oregon, Puerto Rico, Rhode Island, Vermont, Washington, and West Virginia.

In the less than three month period ending April 29, according to your department's statistics, 700,000 workers received average benefits of $54.69 per week which they would not have received had this emergency 13 week extension not been in effect.

While we expect that the national employment picture will continue to improve over the course of the next year, many states with higher-than-average rates of unemployment will take longer to catch up with the average improvement taking place nation-wide.

The unevenness of the unemployment picture underlines a fundamental fact we believe you should consider in arriving at your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972—that is, to the extent that the economic plight in these especially hard-hit states is not eased, overall national recovery will be hindered and slowed.

As you know, 18 states and Puerto Rico have over 6.5 percent unemployment which entitles them to benefits under the soon-to-expire 1972 act. Another six states (Alabama, Hawaii, Illinois, Maryland, Oklahoma and Pennsylvania) qualify for a 13 week extension under the terms of 1970 legislation.

If unemployment continues at a plateau, even though at relatively high levels, 1970 act entitlements could in addition be sharply reduced. Alaska, West Virginia, Oregon,

Washington, Michigan, California and Rhode Island did in fact lose such entitlements since late last year.

The bleak outlook is that expiration of the Emergency Unemployment Compensation Act of 1972, combined with a leveling off of unemployment at relatively high rates, could leave thousands of workers in half of the states in the union with no benefits beyond the normal 26 weeks of unemployment compensation routinely available during the least difficult of times.

We urge you to give full weight to these special circumstances and solicit your support for the extension of the Emergency Unemployment Compensation Act of 1972.

Mr. RIBICOFF. Mr. President, today Senator MAGNUSON and I, along with other Senators, are introducing legislation to extend the Magnuson-Ribicoff Emergency Unemployment Compensation Act of 1971 for 6 months.

This legislation, which was enacted last December, expires at the end of June 1972. The law extended unemployment compensation for an additional 13 weeks to workers whose other unemployment benefit had been exhausted. The law was triggered into effect once a State's rate of unemployment reached 6.5 percent for a 13-week period.

Connecticut and 17 other States whose unemployment rate exceeds the 6.5-percent figure have been able to benefit substantially from this program.

Since the program took effect, 637,000 unemployed workers across the country have received benefits averaging $55 a week, which they would not have received without this law.

In Connecticut by March 25 almost 25,000 workers had applied for benefits, and total benefits paid to Connecticut beneficiaries during the first 8 weeks of the program amounted to $6.6 million. The weekly average benefits paid in Connecticut under the Magnuson-Ribicoff law was $59.52.

It is crucial for unemployed workers in Connecticut and elsewhere that the Emergency Unemployment Compensation Act of 1971 be extended for 6 months.

Unemployment continues to plague Connecticut. Annual average total unemployment more than doubled in the State from 51,700 in 1969 to 122,700 in 1971. Substantial declines in durable goods manufacturing as well as decreases in machinery, fabricated metals, transportation equipment, and military prime contracts awards have kept Connecticut's unemployment rate at a disastrously high rate.

While I have introduced long term adjustment assistance legislation to aid economically depressed industries, assist in conversion to a peacetime economy, and slow the outmigration of industry from Connecticut, Connecticut workers must be given immediate help now.

I am also introducing legislation to waive certain provisions of the extended unemployment compensation benefits program to assure Connecticut's continued participation.

Under the provisions of that law, recipients could receive 13 weeks of benefits in addition to the basic 26 weeks of coverage. States remained eligible for this program only if their unemployment rate exceeded 120 percent of the rate for the 2 previous years. For 84 weeks—since October 11, 1970—Connecticut was eligible for this program.

Unfortunately, as of May 26, Connecticut triggered out of the program because, although its unemployment rate is very high, its "trigger" rate was only 119 percent of the 2 preceding years—1 percent short of the requirement. The additional measure I am introducing would waive the 120-percent requirement. Due to the Federal-State nature of this program, however, it will be necessary for State legislatures to waive the 120-percent requirement in State law.

I urge Congress to take immediate action to extend this vitally needed legislation for at least 6 months.

Mr. TUNNEY. Mr. President, the Emergency Unemployment Compensation Act of 1971 has been of very great benefit to hundreds of thousands of long-term unemployed workers in the many States experiencing prolonged and abnormally high rates of employment.

By providing an extra 13 weeks of benefits for those who have exhausted their initial entitlements, it has helped alleviate some of the deep human distress caused by the dismal condition of the national economy.

It has made it possible for many families to make ends meet—buy the food, pay the rent—at a time of financial crisis for them.

It is a program prompted by and responding to need. It makes absolutely no sense that it should be cut off preemptorily on June 30, when the need will be just as great as at the time of enactment.

Unemployment rates in many States will still be distressingly high. People will still be out of jobs. The food will still have to be bought, and the rent paid.

The need will still exist—there can be no dispute about that—and the assistance must be continued.

My settled opposition to writing an arbitrary cutoff date into the legislation has been based on the conviction that genuine concern for those who have been put out of work for a long time should not be expressed in hit-and-run action. To have more than haphazard meaning, there must be a consistent approach, a constant resource for those with difficulties to fall back on, whenever those difficulties might occur.

Such arbitrary cutoffs of support are without justification in general, and particularly at this time in the face of the continued and pressing needs of hundreds of thousands of families who have been deprived of the opportunity to earn their own living.

Given the fact, however, that such a cutoff was written into the law, I consider it of the utmost importance that it should be extended.

Of the two bills which we are joining Senator MAGNUSON in introducing today, the first seeks to have these emergency compensation benefits extended for a further 6 months, until December 31 of this year. Last week, Senators from both parties wrote to the Secretary of Labor seeking vigorous administration support for extension. I find it hard to comprehend why there has been such a lack of response to such urgent and clearly identified need.

The sorry state of the national economy which has caused the distress is the responsibility of the National Government. There can be no excuse for failure to shoulder the parallel responsibility of protecting the victims from its consequences.

It would be my earnest hope that the 6-month extension we seek today will be enough to see us through the worst of our present situation. If it is not, I shall—and I am sure my distinguished colleagues who are supporting this legislation will also—press for further extension.

Failure to extend this act will mean that the unemployed in California, 17 other States, and Puerto Rico will be left without the support this program was intended to bring to people in precisely their position.

The situation of the unemployed in California and six other States—Alaska, Washington, West Virginia, Oregon, Michigan, and Rhode Island—is aggravated by the loss of their entitlement to the basic extended benefits provided under the Federal-State Unemployment Compensation Act of 1970.

This is not a reflection, as one might expect, of a considerable improvement in the unemployment situation in these States, or of a considerable lessening of the identifiable need of their out-of-work families.

In fact, it is quite the reverse. By a perversity of the eligibility formula in this act, it is the continuation of their troubles which has disqualified them from access to benefits.

For a State to qualify, its unemployment rate must have reached 4 percent, and at the same time be at least 120 percent of the rate obtaining in the corresponding period of the previous 2 years.

In January 1971, for example, California's insured unemployment rate was 5.84 percent, which was 160 percent of the rate in the corresponding period for the preceding 2 years. Thus, the State qualified and its unemployed workers were entitled to a further 13 weeks compensation when their initial entitlements ran out.

In the week ending May 13 this year, however, the rate was 5.87 percent, slightly higher than for January 1971. Yet by this time the State had been triggered out of the program and its unemployed were denied those extended benefits.

The need in terms of people out of work was obviously no less. But because the unemployment rate in the intervening period had been uniformly high, this 5.87 percent represented only about 90 percent of the rate in the corresponding periods for the previous 2 years. The unemployed in California were pushed aside by a mathematical quirk.

The eligibility formula has thus been shown to be seriously deficient in responding to a situation of extended recession. The longer the recession lasts and the more people who are out of work, the more difficult it makes it for assist-

ance to be delivered to those who need it.

Mr. President, we must not allow a mathematical quirk to stand in the way of the urgent needs of hard-pressed families. They need help. We have a program which could deliver it. We must see that it is delivered.

The second of the bills we are introducing today permits States to suspend the operation of the 120-percent rule which has caused the cutoff in these seven States, with retroactivity to April 1 to restore continuity.

These extensions of support which we seek are the least that must be done to alleviate the plight of the long-term unemployed. I urge Senators to act quickly and support them fully.

Mr. CASE. Mr. President, I am delighted to join Senator MAGNUSON today in introducing legislation to provide emergency unemployment compensation payments for those thousands of jobless workers who have exhausted or will soon exhaust their regular State benefits.

The first of these bills—to renew the Emergency Unemployment Compensation Act of 1971 for a period of 6 months—would authorize the continuation of the 13-week federally financed extension for workers in New Jersey and 17 other States.

Less than 2 weeks ago, every Republican Senator in the 18 States affected joined me in a letter to Secretary of Labor Hodgson urging his support for renewal of this legislation. Thereafter, 20 Democratic Senators joined in a similar letter to the Secretary. With such strong bipartisan backing, the bill will, I hope, move expeditiously through the legislative process.

In this connection, it is encouraging that Chairman WILBUR MILLS of the Ways and Means Committee has cosponsored identical legislation in the House.

The second bill which I have today joined Senator MAGNUSON in introducing would authorize the States to suspend the "120 percent" requirement for the 13-week extension of emergency benefits payable under the Federal-State Extended Unemployment Compensation Act of 1970. Until now, States have been required to suspend these payments if the unemployment rate falls below 120 percent of the rate of the preceding quarter.

As I indicated in my June 5 letter to the Secretary of Labor, the 1970 act as now written is geared only to handle sharp or rapid surges in employment. Seven States where unemployment has continued on a plateau—even though at a high level—have lost these entitlements since late last year. New Jersey itself could soon face a similar prospect: even though unemployment is at 7.3 percent—far above the Nation's average—it has leveled off at 122 percent of the previous quarter, or within 2 percentage points of the mandated cut-off. New Jersey is, therefore, in jeopardy of losing entitlement to both these benefits as well as those contained in the 1971 act which expires this month.

I believe it would be unconscionable, both in terms of the human hardships involved and in view of the already severe claims upon the resources of State and local governments, to permit these federally financed emergency programs to lapse or become suspended at this time.

I hope that Congress will act speedily on these two bills.

Mr. KENNEDY. Mr. President, I am pleased to join Senator MAGNUSON, Senator RIBICOFF, and a number of other Senators in sponsoring the bills introduced today to extend the existing emergency unemployment compensation legislation for another 6 months, and to suspend the overly restrictive trigger for extended unemployment benefits. Congressman JAMES BURKE of Massachusetts has introduced similar legislation in the House, also with broad support, and I am hopeful that Congress will move promptly to enact these needed measures.

Month after month, we have seen the same dismal story of serious unemployment across the Nation. Perhaps the greatest single failure of our current economic policy is the failure to alleviate the crushing burden of unemployment. Ten days ago, we heard that unemployment for May had remained constant at 5.9 percent—5 million Americans out of work throughout the Nation. Unemployment reached that level in November 1970, and in the 18 months that have elapsed since then, it has hovered constantly between 5.7 and 6.2 percent—a continuing reminder of the daily hardship we are inflicting on millions of our citizens.

The hardship is even greater in my own State of Massachusetts, where unemployment stood at 7.9 percent in April—more than 200,000 men and women out of work, our highest unemployment rate for any month since 1958. And the rate is even higher in many cities in the Commonwealth—it is over 8 percent in Worcester. It is over 9 percent in Springfield, in Brockton, and New Bedford, in Fall River and Lawrence. And it is over 11 percent in Lowell.

In the face of these grim statistics and continuing human hardship, I believe that Congress can do more, much more, to alleviate the plight of those who have lost their jobs, especially those who have suffered the burden of unemployment for extended periods.

The bills we are introducing today will help to meet the problem in two important ways. First, by extending for 6 additional months the Emergency Unemployment Compensation Act, which expires on June 30, we will continue to make available 13 extra weeks of unemployment compensation to workers whose other unemployment benefits have run out. This program has been of enormous value to many workers unable to find employment in the depressed conditions of today's labor market, and Senator WARREN MAGNUSON of Washington deserves great credit for the effective way in which he conceived and implemented this legislation last year. According to Labor Department figures, approximately 700,000 workers across the country, 45,000 of them in Massachusetts, have received benefits averaging about $55 a week under this emergency legislation. In the first 8 weeks of the program, more than $12 billion was paid out to workers in Massachusetts. Given the established success of the legislation, it would be unconscionable for Congress to cut the program off this month, at a time when there has been no perceptible improvement in the Nation's employment situation. Clearly, at a time of long-term unemployment, we can do no less for the long-term unemployed.

The second bill will suspend the so-called 120 percent "off" trigger contained in the Federal-State Extended Unemployment Compensation Act of 1970, which provides 13 weeks of further unemployment compensation in addition to the basic 26 weeks. Under the trigger in the present law, the extension program is suspended in States where the level of current unemployment is less than 120 percent of its level in the 2 preceding years. Whatever virtue such a trigger may have in conditions where unemployment is declining into the full employment range, it is unacceptable where unemployment, though not increasing, continues at a level of serious hardship.

According to the most recent available information for Massachusetts made public at the end of May, the relevant figure for the trigger in the Commonwealth was 121 percent. Thus, the commonwealth has managed to escape the trigger so far, but only by a hairline. New trigger notices are due momentarily, and the people of Massachusetts may not be so fortunate the next time around. A number of other States with serious unemployment, such as our neighbor State of Connecticut, have recently failed the test, and extended unemployment benefits have now been halted. I am pleased, therefore, to join in supporting legislation to restore this program for States unfairly caught by the trigger in the present economic squeeze.

One more point needs to be made. The Emergency Unemployment Compensation Act of 1971 directed the Secretary of Labor to report to the Congress by May 1972, on the operation of the program, including recommendations with respect to extended benefits in times of substantial unemployment. The report received last month by Congress is full of figures and statistics on the implementation of the program, but we look in vain for any recommendations for the future. Once again, we see that the unemployed are the forgotten men and women in the administration's economic policy. Once again, it is time for Congress to fill the vacuum.

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

S. 3706. A bill to amend chapter 55 of title 10, United States Code, to provide maternity care for a pregnant member of the Armed Forces of the United States for a limited period after her discharge or release from active duty, and to provide such care to the pregnant wife of a member of the Armed Forces for a lim-

ited period after the discharge or release from active duty of such member. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, today the Senator from New Jersey (Mr. WILLIAMS) and I am introducing legislation to provide maternity care for the pregnant wife of a member of the Armed Forces for a limited period after the discharge or release from active duty of such member or for a pregnant member of the Armed Forces for a limited period after her discharge or release from active duty. The need for this measure was brought to my attention by Mr. Ralph Braun, department commander, VFW, State of Minnesota.

A serviceman has complete medical coverage while on active duty, but these benefits—including maternity care—terminate at midnight on the date of his discharge or release from service. When a veteran applies for civilian health insurance on the day following release from active duty, he finds most—if not all—policies specifically exclude maternity benefits for the first 9 months. Consequently, a veteran faces a 10-month void in maternity care that he can circumvent only if he subscribes to a civilian plan 10 months prior to his release from active duty—a plan which is probably unnecessary to him except for the maternity care it provides.

Servicemen should not be expected to extend their enlistment in order to provide for maternity benefits. And for many—in view of the current cost of hospital and medical charges—paying for maternity care from their own funds can be an extreme hardship.

For these reasons, I feel that legislation to alleviate this problem is not only necessary, but overdue.

By Mr. MONDALE (for himself and Mr. INOUYE):

S. 3707. A bill relating to the mortgage insurance premiums applicable to home mortgages insured by the Secretary of Housing and Urban Development, and requiring certain reports to the Congress by the Secretary with respect to the funds used by the Secretary in carrying out the various home mortgage insurance programs, and the premium levels necessary to sustain such funds. Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSAL TO REDUCE FHA MORTGAGE INSURANCE RATES

Mr. MONDALE. Mr. President, the bill I am introducing today could cut homebuyers' costs for FHA mortgage insurance by 50 percent.

My proposal which is cosponsored by Senator INOUYE, will do this by cutting the FHA insurance premium from ½ of 1 percent to ¼ of 1 percent. This would save a Minnesota family with an average of $19,000 mortgage as much as $943. A family with a $25,000 mortgage could save $1,280.

If my proposal is accepted, it would lower the present inflated cost of buying a house appreciably. Mortgage interest rates for FHA insured mortgages have been above 7 percent for the past 4 years. During 1969 and 1970, when President Nixon was making his disastrous effort to control inflation by depressing the housing industry, mortgage rates soared to 8.26 percent and 9.05 percent respectively. And they have not come down to normal levels yet. In fact, they may be rising again. This is bad news for the homebuyer.

A reduction in mortgage insurance premium levels has the same effect as a reduction in mortgage interest rates. Homebuyers pay a ½ of 1 percent insurance charge on their outstanding mortgage balance every month. This payment usually goes in with the check for the mortgage payment. Cutting the insurance fee in half is exactly like lowering the mortgage interest rate by ¼ of 1 percent.

There is little doubt that a reduction of 50 percent in the premium is actuarially conservative and sound. The current one-half of 1 percent has been charged homebuyers since 1934. It is designed to cover a long-term default rate almost as severe as was experienced during the worst year of the Great Depression.

This overly pessimistic assumption has led to an enormous and unnecessary accumulation of reserves. Since 1934, the FHA has collected over $4 billion in premiums while paying out only $1.1 billion to cover defaults. See Table I.

TABLE I

Cumulative net losses through June 30, 1970 on acquired properties and assigned mortgages:

	Million
Mutual mortgage insurance fund	$716
General insurance fund	375
Cooperative management housing insurance fund [1]	
Special risk insurance fund [2]	1
	$1,092

[1] A profit of less than $0.5 million.
[2] Very few losses on acquired properties had not been realized by June 30, 1970.

FHA insurance fund reserves now total about $1.6 billion, 50 percent or $500 million more than total defaults since 1934. Table II shows the combined reserve situation.

TABLE II

FHA INSURANCE FUND RESEARCH RESERVES—ALL FHA FUNDS COMBINED

End of:	*Million*
Fiscal year 1971	$1,561
Fiscal year 1972	1,596
Fiscal year 1973	1,670

Using FHA's own inflated estimates of reserves necessary to ensure safety, $76 billion of fiscal year 1971 reserves are classified as "excess." These reserves are largely in what is now the Mutual Mortgage Insurance Fund, but they are available to the new fund structure. FHA projections suggest that "excess" reserves will rise to about $175 million at the end of fiscal year 1972, by a further $140 million in fiscal year 1973, and so on. They could reach $4 billion by 1980 if the insurance premium is not reduced.

Instead of accumulating another $140 million of "excess" reserves in fiscal year 1973, my proposal would lead to some reduction in already excessive reserves in the short run. This is as it should be. Reserves should be brought down in the next few years, and the FHA forced to seek more economy in its operations.

By lowering the rate to one-fourth of 1 percent, my proposal would cut the fat out of the FHA's insurance programs. It will force the FHA to take a careful look at its administrative costs so that it can get by on the lower premium.

Over the years, 38 percent of the insurance premium has been going to pay FHA's expenses. More of the homeowners' premium payments are going to cover FHA expenses than to meet mortgage defaults. FHA administrative costs should be reduced, and I believe that my bill will help accomplish this goal.

Mr. President, the Senate has recently passed new housing legislation superseding the National Housing Act. The House Banking and Currency Committee is now working on its version of this legislation. The House Subcommittee on Housing has reported a bill to the full Banking Committee for consideration.

Both the Senate bill and the House bill, as passed by the subcommittee, consolidate FHA insurance funds into two main funds, one for general insurance, and the other for special risk mortgages. Both bills retain a third fund, which is much smaller, for cooperative housing as well.

My bill would lower the premium for all these funds. For the subsidized mortgages under the special risk program, this makes sense because the high premium for subsidized mortgages simply adds to the Federal housing subsidy payment. Charging the occupant a premium raises the cost of the subsidy. This is so because the occupant's payment is limited to a given percentage of his income. The difference has to be made up by the subsidy voted by the Congress.

My bill, therefore, also requires the Secretary of HUD to consider the cost saving which could be achieved by eliminating the premium altogether for subsidized housing.

To summarize, my bill stipulates that within 30 days of the effective date of the legislation, mortgage insurance premium rates on all new FHA-insured mortgage loans would be reduced to no higher than one-fourth of 1 percent per annum on outstanding balances. Rates on older mortgages would drop to this level also within a few months.

Within 90 days after the effective date of the legislation, the Secretary of HUD would be required to provide Congress with recommendations with respect to the transfer of as large a part as possible of FHA insurance reserves accumulated in the past to new insurance funds set up under new housing legislation.

The Secretary will also be required to make recommendations concerning further premium reductions or to justify a higher premium level if this seems to be required after the Congress has determined that all possible economies have been made. The Secretary must also evaluate the administrative savings which might be achieved by eliminating the premiums on subsidized housing.

My bill requires that in the future, the Secretary of HUD make an annual report on the level of the insurance premium so that Congress may be certain that the homebuyer is getting the lowest possible premium rate.

Mr. President, the American homebuyer has paid a very high price for ill-conceived economic policies in the past few years. He has paid and continues to pay outrageously high mortgage rates. The Congress needs to attack this problem, and accepting my proposal on insurance premiums is one important way to do so.

I ask unanimous consent that my 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. 3707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the insurance premium for any mortgage insured by the Secretary of Housing and Urban Development under the National Housing Act, or any Act supplementary thereto, shall not exceed one-fourth of 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time. With respect to any such mortgage which is outstanding on the effective date of this section, the Secretary shall adjust the insurance premium applicable to such mortgage in conformity with this section at such time (not later than 12 months after such effective date) as the next annual premium amount for such mortgage is determined.

(b) This section takes effect upon the expiration of 30 days after the date of enactment of this Act.

SEC. 2. (a)(1) The Secretary of Housing and Urban Development shall, not later than 90 days after the date of enactment of this Act, report to the Congress his recommendations with respect to transferring as large a part as practicable of the reserves of the Mutual Mortgage Insurance Fund, created by section 202 of the National Housing Act, to the General Insurance Fund and the Special Risk Insurance Fund, created respectively by sections 519 and 238(b) of such Act. In making such recommendations the Secretary shall have regard to (A) the fact that the General Insurance Fund and the Special Risk Insurance Fund are now the principal funds for carrying out the home mortgage insurance programs administered by the Secretary, (B) the fact that the reserves of the Mutual Mortgage Insurance Fund were accumulated in significant part through premium payments by mortgagors whose interests in the properties covered by insured mortgages have been transferred, and (C) the paramount interest of the Government in view of the ultimate underwriting of risk by the United States and the importance of spreading the risk over an extended period of time.

(2) The report required under paragraph (1) shall also include the recommendation of the Secretary with respect to a reduction of the premium for the insurance of any mortgage by the Secretary to a level lower than one-fourth of 1 per centum per annum of the amount of the outstanding principal obligation of the mortgage. If the Secretary determines that it is not practicable to recommmend a reduction of the premiums below one-fourth of 1 per centum per annum or if he determines that a premium greater than one-fourth of 1 per centum per annum is necessary then he shall recommend that minimum per centum which he deems to be feasible not to exceed four-tenths of 1 per centum per annum. In making any such recommendation the Secretary shall have regard to the recommendations made under paragraph (1) and shall indicate the actuarial factors assumed.

(3) The report required under paragraph (1) shall also include the Secretary's recommendation with respect to the feasibility of reducing administrative costs by eliminating mortgage insurance premiums in the case of that class of mortgages for the insurance of which premiums are now collected and deposited in the Special Risk Insurance Fund, and his recommendations for reducing mortgage insurance operating expenses in other areas.

(b) In addition to the report specified in subsection (a), the Secretary shall report annually to the Congress (1) his analysis of the financial condition of each of the mortgage insurance funds administered by him in the light of the then current risk experience and actuarial assumptions, and (2) his recommendations on the basis of such analysis, of the appropriate mortgage insurance premium levels. The first such report shall be made not later than one year after the date on which the report required under subsection (a) is submitted, and subsequent reports shall be made at annual intervals thereafter.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. GURNEY):

Senate Joint Resolution 244. A joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy. Referred to the Committee on Foreign Relations.

Mr. RIBICOFF. Mr. President, new and formidable challenges have been posed to international travel by increasing numbers of skyjackings and by the Lod Airport massacre. Expressions of sorrow and shock, however, will not be enough. If future tragedies are to be averted, strong, coordinated actions by airlines and governments are needed.

If safety and sanity are to be restored to international air traffic, our own country must take the lead in accomplishing this goal. While I welcome the creation of a government task force to spur international action, it should be noted that this was done only after the Airline Pilots Association threatened a 24-hour strike for June 19.

Clearly more stringent security standards are required at all airports. The added costs, and inconvenience to passengers, must be weighed against the grave risks to life and limb and the disruption of vital communications between nations.

All nations must adhere to stricter and more thorough searching of passengers and baggage, the policing of aircraft and airports and tighter screening of suspects. Hijacked aircraft, all passengers and crew must be promptly returned. The hijackers must be brought to justice in appropriate courts.

Any nation which in any way assists or harbors hijackers or terrorists who interfere with international travel should be treated as an international outlaw. International air travel to such countries should be stopped, and their landing rights in other countries should be rescinded. All nations which desire to benefit from international aviation must make it clear that they will comply with the 1970 Hague Convention on hijacking and the 1971 Montreal Convention on air attacks and sabotage.

The recent Lod tragedy has brought this growing menace into a bloody focus. It has revealed not only the murderous plans of political fanatics, but the shocking irresponsibility of two governments—Egypt and Lebanon.

For years Egypt has given its official blessings to indiscriminate assaults on civilians by terrorist groups as an instrument of its policies against Israel. Cairo and Beirut have openly hosted the terror organizations which plan and train for the aerial piracy and sabotage abroad. The headquarters of the main terrorist organizations, including the Popular Front for the Liberation of Palestine, are in Beirut. It was there that the training of the three Japanese terrorists was carried out, and there that official spokesmen of the PFLP boasted of their great victory in massacring 26 innocent civilians. Both of these governments, along with the other governments which have in the past harbored hijackers, must be made to understand that their support of terrorist acts against civilian aviation constitutes complicity in grave crimes against the world community. The only way to do this is to mobilize international action against these countries by denying them the benefits of international aviation.

I am joined in the resolution I am introducing today by the distinguished senior Senators from New York, Massachusetts, and Florida. We invite our colleagues to cosponsor this measure. I note that similar legislation in the form of two separate resolutions was introduced in the other body last Thursday by Congressman BADILLO with more than 30 cosponsors.

Our resolution is a call for new coordinated international efforts to be spearheaded by the United States acting through international agencies. Certainly with our stake in expanded international aviation and travel it is a most appropriate role for the United States.

The world has lived with this growing menace for too long. The senseless slaughter of 26 civilians should have convinced even the most apathetic and indifferent nations that the time for effective action is now. The American public and decent men everywhere expect an end to this new barbarism which threatens important links between nations.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

S. J. RES. 244

Whereas acts of terrorism and violence against international civilian carriers and passengers now constitute a growing menance to travel and threaten communications between nations and the transportation of people and goods, and

Whereas many governments and airlines have failed to take the necessary security precautions to prevent aerial piracy and ensure the safety and well-being of persons of international travel: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, through the United Nations, the International Civil Aviation Organization or other suitable international body, a world conference for the purpose of estab-

lishing uniform, stringent security standards and procedures for the protection of human life in and around aircraft and airports, including restrictions on international flights to those countries which harbor, assist or fail to take appropriate action against individuals or groups within their borders who plan, conspire, or engage in activities leading to violent interference with international travel.

Mr. KENNEDY. Mr. President, I join today with Senator RIBICOFF, Senator JAVITS, and Senator GURNEY in introducing a joint resolution which seeks to respond to the shocking and barbarous act of terrorism at Lod Airport in Tel Aviv, Israel, last week.

The death toll of 25 is staggering because it cannot be blamed on war. It cannot be blamed on a natural disaster. It was the conscious and deliberate act of murder and assassination against innocent families, against innocent men, women, and children.

The number of survivors who will live the rest of their lives disabled physically or emotionally from the senseless act of violence by hired terrorists is unknown. Nothing that we do, nor anything that any other government does, can ever restore their lives or the lives and futures of their loved ones.

But what we must do is to take every step, enact every precaution, establish every possible security against the recurrence of that barbarism.

Nor was this latest act of violence the only evidence of the need for concerted international action.

In the past several years the numbers of terrorist activities surrounding airlines and airports in the Mid-East has increased astronomically as the terrorists have decided to use fear as a weapon against the people of Israel.

I can recall all too vividly the anxiety and fear that surrounded the lives of all members of my family when it was learned that my nephew was aboard a plane hijacked on a flight for New Delhi, where it was forced to land at Aden, the capital of South Yemen.

Yet despite this series of incidents, the Congress and the administration have not taken any action.

The Lod Airport massacre cannot be ignored. It happened and if we do not act decisively soon, we will be inviting its repitition.

For that reason, I join with my colleagues in offering this joint resolution. It represents the minimal action that we can take on this matter.

First, it directs the President to seek international action through the United Nations, the international organism to organize a world conference for the purpose of establishing stringent security stands and procedures for the protection of individuals in and around aircraft and airports.

Second, it urges consideration of placing restrictions on international flights to any nation which harbors or assists or fails to act against those within their borders who plan, conspire, or engage in activities leading to such violence as we have just experienced.

Clearly, we must take firm action to stir those governments which have the power to halt acts of terror before they occur. Restricting flights to those nations is one possibility that may be proposed. There are others including denying landing privileges at other international airports to airlines from those nations.

But what is most evident is that vigorous and expeditious action on an international level must be taken. Therefore, I urge that other Members will join with us in this resolution and that we can pass this measure with all due speed.

Mr. GURNEY. Mr. President, I am pleased to join the distinguished Senator from Connecticut (Mr. RIBICOFF) in introducing this joint resolution calling for action to protect international travelers from acts of aerial piracy and sabotage.

The killing of 24 people and the wounding of 54 others in a shoot-out at Israel's Lod Airport several weeks ago simply reinforces the realization that something most be done to end this terrible violence that is threatening the entire system of international air travel.

Over the last 11 years things have gotten progressively worse. Since 1961 there have been 147 United States and 217 foreign airliners hijacked; the cost in terms of human suffering and material loss has been terrific. During this time, seven Americans, including three hijackers, have died during skyjack attempts and eight more have been wounded. Dollarwise, the direct cost of hijacking has been estimated at about $10,000 per incident, excluding extortionist ransoms, aircraft damage, special insurance surcharges and legal settlements for deaths, injuries, and other claims. Surely, none of us can forget the four airliners that were blown up in the Mideast in September 1970, the recent preannounced bombing of a TWA jetliner in Las Vegas, or the Western Airlines jet just hijacked to Algeria.

What we are now witnessing is instance after instance of people hijacking planes for ransom or political effect, often with tragic consequences. Is it any wonder that the airline pilots are becoming increasingly concerned for the safety of their planes and, particularly, for those that fly in them?

Hijacking is almost as old as commercial aviation, having first occurred in 1930, but it has only been in the last 10 years or so that it has become popular. Hence, efforts to put a stop to the practice have, likewise, been fairly recent and, unfortunately, have not had the desired effect.

The first major agreement concerning hijacking came in 1963 at Tokyo. Then, in 1970 the so-called Hague Convention for suppression of unlawful seizure of aircraft was agreed to by 81 nations, but, to date, only 15 have ratified it. Subsequently, in 1971 at Montreal an agreement was signed dealing with air attacks and sabotage but, as yet, no country has ratified it. Perhaps even more important than the fact that not all nations have agreed to these two conventions is the fact that no practical enforcement procedures for making them effective have been implemented.

Passage of this resolution will indicate to the world that the Congress of the United States is deeply concerned about this problem and feels that action cannot be delayed any longer. It will also give support to the year-old United States-Canadian proposal for creation of a special commission that would recommend measures to insure compliance with the agreements signed at The Hague and at Montreal. Moreover, this resolution will compliment the efforts of the State Department to spur further international action on this most serious matter.

Airline hijacking and sabotage is a worldwide problem calling for worldwide response. By following up on what he has already done and by urging an international conference, the President will increase the likelihood that steps can soon be taken to reduce the hijack danger that so gravely threatens all those who travel by air. Establishing "uniform, stringent security standards for the protection of human life in and around aircraft and airports" is not too much to ask of any nation, and placing restrictions on international flights to any nation which does not take action against hijacking plots is certainly in order, not only as a punitive step but also as a safety measure for international travelers.

I therefore urge speedy passage of this joint resolution and hope that the day will soon come when peoples of all nations can travel free from the dangers of air piracy and sabotage.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 5

At the request of Mr. ROBERT C. BYRD for Mr. MONDALE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 5, the Full Opportunity and National Goals and Priorities Act.

S. 2108

At the request of Mr. CRANSTON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2108, the proposed Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971.

S. 3262

At the request of Mr. CURTIS, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 3262, a bill to amend the Occupational Safety and Health Act of 1970, and for other purposes.

S. 3549

At the request of Mr. TOWER, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 3549, a bill to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

S. 3612

At the request of Mr. HUMPHREY, the Senator from Montana (Mr. METCALF),

the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. Moss), the Senator from Tennessee (Mr. BAKER), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 3612, a bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for the reform of the judicial system in the United States, and for other purposes.

S. 3641

At the request of Mr. PEARSON, the Senator from North Dakota (Mr. YOUNG) and the Senator from Virginia (Mr. SPONG) were added as cosponsors of S. 3641, a bill to establish a National Energy Resources Advisory Board.

S. 3650

At the request of Mr. NELSON, the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 3650, a bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program.

SENATE JOINT RESOLUTION 106

At the request of Mr. HARRY F. BYRD, JR., the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 106 proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years.

SENATE RESOLUTION 320—ORIGINAL RESOLUTION REPORTED MAKING $30,000 AVAILABLE TO THE COMMITTEE ON APPROPRIATIONS

(Referred to the Committee on Rules and Administration.)

Mr. ELLENDER, from the Committee on Appropriations, reported the following resolutions:

S. RES. 320

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, Senate Resolution 11, agreed to March 1, 1971, and Senate Resolution 229, agreed to March 6, 1972.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1232

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

Mr. CANNON submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1233

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

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1234

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

Mr. INOUYE, for himself and Mr. JAVITS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14989), supra.

AMENDMENTS NOS. 1235 AND 1236

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

Mr. HRUSKA submitted two amendments intended to be proposed by him to the bill (H.R. 14989), supra.

AMENDMENT NO. 1236: REDUCING U.S. CONTRIBUTION TO THE UNITED NATIONS BUDGET

Mr. HRUSKA. Mr. President, the United States contribution to the United Nations budget is too high.

It should be reduced, and substantially.

It should be reduced as soon as possible and with certainty.

Mr. President, I send to the desk an amendment to H.R. 14989, which would achieve this objective. I ask unanimous consent that it be printed and lie on the desk.

This amendment would achieve a substantial, assured and orderly reduction of the U.S. contribution. In brief, it provides that after December 31, 1973, no such payment shall be made in excess of 25 percent of the annual assessment. The present percentage is 31.52 percent. In past years, it has been as high as 39.89 percent. Much progress has been made. More should be.

Mr. President, the date January 1, 1974, for limitation to 25 percent is advisedly chosen. Calendar year 1973 at the rate of 31.52 percent is included as part of the United States commitment honorably and legally contracted. We should keep our word on it and abide by it.

Since the start of the United Nations, the United States assessment has been arrived at by negotiation pursuant to the statutory authority contained in the Participation Act by which this Nation became active in the United Nations Organization.

These negotiations have been reached at 3-year intervals. The resulting agreements each time have been for 3-year terms. This is long established precedent approved by Congress in its statutory authority and by its acquiescence through the years.

Calendar year 1973 is the third year of the agreement negotiated in 1970. It is at a percentage of 31.52 percent.

It would be most unseemly that Congress would take action to repudiate and dishonor an obligation so authorized and approved by it. My amendment would prevent such repudiation.

The bill as reported by the committee in its present text—line 24, page 5 through line 6, page 6—limits payment to 25 percent for calendar year 1973. If allowed to stand thus, a default in our duly contracted obligation would occur.

My amendment would correct this by calling for completion of the 3-year commitment—including calendar year 1973—at 31.52 percent, but setting a limit of 25 percent thereafter.

The text of that portion of the bill pertinent here, upon adopting of my amendment, would then read:

Provided, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

The 25-percent figure would thus become an instruction to our representative in the United Nations for use in the March 1973 assessment negotiations of the United Nations. The agreements reached at that time would be for the 3-year period commencing January 1, 1974.

Mr. President, there is little disagreement that dues to these organizations are too high. The President has indicated that this is his feeling; so have the Secretary of State and Ambassador Bush. It is my information that the administration is engaged in negoiating a reduction in the contribution. The President has indicated, however, that "we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

It is my hope that this body will perceive that the proposed amendment will achieve the desired result at the earliest practical time, and that this end will be gained without default on our part.

Mr. President, I urge that the amendment be approved.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 804

At the request of Mr. TOWER, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Amendment No. 804 intended to be proposed to the bill (H.R. 7117), to amend the Fishermen's Protective Act of 1967.

AMENDMENT NO. 999

At the request of Mr. MANSFIELD for Mr. CHURCH, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program to make improvements in the medicare, medicaid, and maternal and child health

programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICE OF HEARINGS ON S. 3148—THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary is continuing its hearings on S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972. This bill is designed to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

These hearings have been scheduled for June 27 and 28, 1972, at 10 a.m., in room 2228, New Senate Office Building.

Those who wish to file statements for inclusion in the record of the hearings should contact Mathea Falco, staff director and chief counsel of the subcommittee at 225-2951.

ADDITIONAL STATEMENTS

CRIME CONTROL AND THE CONSTITUTION—A PROGRESS REPORT ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, "Crime in the streets" was a major political issue during the presidential campaign of 1968 and the Congressional campaign of 1970. President Nixon vowed to make Washington, D.C., a model of safety for the rest of the Nation.

In order to implement the President's campaign slogan the Justice Department made a number of proposals for controlling crime in Washington and the rest of the Nation. Several of these proposals were of considerable merit and upon implementation have had a significant impact upon the spiralling crime rate here in the District of Columbia. For the most part these proposals were noncontroversial—reform of the courts of the District of Columbia, increasing the size and quality of the local police department and the office of the U.S. attorney, and upgrading the Bail Agency, to name a few. These reforms enjoyed bipartisan support because they grew out of years of careful study by previous administrations, based on the work of various commissions and other experts on the crime problem here in the District, and because they sought to control crime by improving the machinery of justice.

Unfortunately, the Justice Department also decided to do some creative thinking of its own in the crime control field and came up with a set of proposals which were not only controversial, but in my mind unconstitutional, unnecessary and unworkable. The D.C. Crime Bill became a grab-bag of bizarre proposals—many of which contravened hundreds of years of Anglo-American jurisprudence.

Of course, the most notorious examples were preventive detention, no-knock searches, and widespread wiretapping. But there were other less renowned, though no less objectionable proposals such as elimination of many due process safeguards for juvenile defendants, unconstitutional multiple offender sentencing procedures, automatic mental commitment prior to a hearing, mandatory minimum sentencing, and a shift in the classical burden of proof in insanity cases, to name a few.

The administration has not restrained its creativity in the crime field to the District of Columbia but would experiment with the liberties of all our citizens. The Justice Department has proposed the expansion of preventive detention nationwide. It proposes that police be authorized to detain, but not arrest, citizens for the purpose of subjecting them to tests and experiments and other so-called nontestimonial identification procedures. The administration is compiling the names of narcotics users and has established a heroin hotline whereby citizens can anonymously report to the Government on the activities of their neighbors. The President's chief advisor on drug abuse asserts that it might be necessary to identify the Nation's half million narcotics users through involuntary urinalysis and quarantine them from the rest of society.

According to the administration, it is compelled to pursue these proposals by the ineluctable forces of necessity. In the words of the Acting Attorney General of the United States.

> Society's interest in the public safety transcends other interests when danger is clear.

By these words he ignores the fact that Government's first and noblest obligation is to administer justice. Manifestly, the administration believes that the public safety cannot be protected without harsh measures. According to Mr. Kleindienst—

> Pretrial detention is essential to any serious effort to reduce crime in the District of Columbia.

The Justice Department argued that no-knock, wiretapping, and the other controversial provisions of the crime bill were also indispensable to crime control in the District. The same arguments can and will be advanced in favor of the other proposals—nationwide preventive detention and nontestimonial identification procedures are said to be indispensable to crime control; and the epidemic in heroin addiction, in the view of some administration officials, necessitates a quarantine of hundreds of thousands of our citizens without the benefit of the due process afforded a criminal defendant.

This administration contends that to enforce some laws—the criminal laws—it must ignore others—the Constitution. Justice Louis Brandeis in his dissent in the famous wiretapping case, *Olmstead* v. *United States* (1928) 277 U.S. 438, 485, warned of the dangers of this logic:

> If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself, it invites anarchy. To declare that in the Administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.

I could spend hours detailing the constitutional infirmities of many of the administration's crime control proposals—indeed, I did so in the case of the District of Columbia Crime bill. I firmly believe that anyone willing to listen to these arguments would agree that the constitutional shortcomings of these proposals outweigh their necessity. However, the alarming fact about the administration's effort to implement many of these controversial proposals is that it has never been required to demonstrate that any of these expedients are workable or likely to have an impact on the crime and disorder that plagues our country. A case in point is preventive detention.

During the time that the D.C. Crime bill was before the Congress, the Department of Justice never made out a case for the necessity or practicability of preventive detention. The Department offered no studies to show that certain types of criminals were prone to commit crimes during pretrial release. There was not even an accurate assessment of the amount of crime committed on bail or an examination of alternative approaches to the problem. The Justice Department supported its position, for the most part, by reciting individual cases in which defendants were continually rearrested while released on bail and by rhetorical appeals. Yet on close examination most of the cases it cited would not have been prevented by the administration's 60-day detention bill.

Only after repeated demands for a scientific analysis of preventive detention did the Justice Department commission a study by the National Bureau of Standards. Significantly, this study was not authorized until August 1969 after the Department had already submitted its preventive detention bill. The study was released in April 1970, after the Department had succeeded in getting its legislation added to the D.C. Crime bill in the House District of Columbia Committee. At first, the Department was tempted to suppress the study but decided simply to ignore it. The Department's reaction is understandable since the National Bureau of Standards analysis showed that many of the assumptions upon which the proposal was based could not be supported and there was no accurate way for a judge to predict who the dangerous defendants would be. A study of this report should have made it obvious to everyone—including the Justice De-

partment—that preventive detention was simply untenable and unworkable.

In March of 1971 another study was released which examined the fundamental assumption underlying preventive detention—the proposition that judges are capable of predicting criminal behavior. On May 12 of last year I summarized for the Senate the results of this study conducted by the Harvard Civil Rights-Civil Liberties Law Review, and placed excerpts of that study in the CONGRESSIONAL RECORD. In short, that study confirms the conclusions of the National Bureau of Standards report that judges do not have the god-like ability to predict human behavior and that preventive detention would simply be impractical.

In March of this year the Institute of Criminal Law at Georgetown University and the Vera Institute of Justice in New York City released a report that bears out the predictions I made and which were enforced by the National Bureau of Standards and Harvard studies. This report entitled "Preventive Detention in the District of Columbia: The First Ten Months" describes Washington's experience with preventive detention during the period February 1 through November 30, 1971.

The basic conclusion of this new study is that, despite the histrionics by the Justice Department, preventive detention has rarely been used.

The law was invoked against only 20 suspects out of a total of more than 6,000 felony defendants who entered the District of Columbia criminal justice system during the 10-month period. Of the 20, only 10 were actually ordered detained and five of these detention orders were reversed. In one case the defendant was released after the grand jury failed to indict on the underlying charges.

The study concludes that the local criminal justice system has found preventive detention unnecessary and unworkable. In the report's own words—

> Since prosecutors and judges can safely be presumed to be doing their utmost to reduce pretrial crime, the infrequent use of the preventive detention law suggests that, contrary to the continued protestations of its proponents, the criminal justice system has not seen the need for the law to be overwhelming—otherwise it would have seized the opportunity to use it.

The opponents of preventive detention have contended not only that preventive detention is unnecessary but that in practically every case in which the administration intended to use preventive detention, either some constitutional alternative exists to solve the problem or that the legislation does not apply. For example, the Metropolitan Police Department submitted a list of 10 cases in which they felt that preventive detention would be applied. Careful study of these cases by the staff of the Subcommittee on Constitutional Rights found the following:

> The ten case histories, submitted by the Metropolitan Police Department of the District of Columbia to illustrate the need for preventive detention, involve ten individuals and a total of thirty-four alleged offenses. There are twenty-four alleged offenses after the first arrest which are presumed to be affected by preventive detention.
>
> Trials within sixty days of the first arrest could have prevented thirteen of the cases. In four instances of arrest the defendant would have been unjustly detained, if preventive detention had been applied, since the final disposition resulted in dismissal or a finding of not guilty. In two cases the crime was allegedly committed while the defendant was on parole, probation, or after a conviction, when means other than preventive detention are available for detaining the defendant. In addition, one alleged crime, committed subsequent to a crime on parole, could have been prevented if the parole had been revoked. Thus, the above twenty-three alleged offenses could have been precluded by trials within sixty days or other means of control presently available.

A study of the 20 cases for which preventive detention was actually sought in the first 10 months of its operation will demonstrate exactly the same thing—a constitutional, less objectionable alternative existed in every case.

Of the 20 defendants, 14 were on pretrial release at the time they were arrested on the charge for which preventive detention was sought. Instead of seeking preventive detention in these 14 cases the U.S. attorney could have moved for a modification of the conditions of the defendant's release or could have requested that the court hold the defendant in contempt for violating a court order—pretrial release conditions may properly be considered a court order.

Of the remaining six of the 20 defendants for whom preventive detention was sought, 5 were on probation, parole, or work release at the time that they were arrested. Instead of seeking preventive detention in these cases a better, constitutional alternative would have been revocation of probation, parole or work release. The statutory provisions relating to these dispositions clearly provide for a modification of release conditions or even incarceration where a convict or a defendant is arrested while on supervised release from prison or jail.

Some of these five defendants were detained under subsection (e) of the preventive detention section (23–1322). That subsection, the so-called 5-day hold provision, allows for up to 5 days of detention for defendants arrested while on parole, probation, or mandatory release. The only purpose of this section is to allow the court, U.S. attorney, Probation Department, Corrections Department, and other components of the criminal justice system to gather together sufficient information to determine whether the defendant has actually violated probation, parole, or work release. If the agencies charged with supervising these defendants were adequately staffed and these defendants were seen frequently, the probation or parole officers could report to the court in a matter of hours on whether the defendant should have his probation or parole revoked. Instead of unconstitutionally holding a defendant without bail for 5 days the staff of these agencies should be enlarged and improved. For example, in the adult probation department of the superior court here in the District there are only 37 probation officers supervising over 3,200 defendants. It is no small wonder that it takes 5 days for the probation officers to even discover that one of their probationers has been arrested, much less whether he has violated conditions of his probation.

That leaves only one of the 20 defendants for whom preventive detention was sought in the first 10 months. That defendant was a 28-year-old male with no prior criminal record or pending charges, who was arrested for attempting to hack his wife's legs off with a meat ax after lying in wait for her. Superior Court Judge Halleck decided that his was an ideal case for preventive detention and urged the Government to so move and the Government did so. The Government subsequently withdrew the motion because the defendant having no past convictions, pending charges or indications of drug use, failed to meet the statutory criteria for preventive detention. He was eventually committed to St. Elizabeths to determine whether he was competent to stand trial pursuant to D.C. Code section 24–301.

Just as the subcommittee staff found with the 10 cases submitted by the police department, a careful study of the 20 actual preventive detention cases indicates that speedy trial would have an appreciable impact on pretrial crime. Thirteen of the 24 offenses involved in the police department cases could have been prevented had a 60-day trial provision been in effect. Of the 20 defendants for which preventive detention was actually sought, 14 had charges pending at the time of their arrest. All 14 of these defendants had at least one charge pending for more than 60 days. Therefore, if trials had been held within 60 days, the subsequent criminal activity probably would have been avoided and preventive detention unnecessary.

An excellent example of delay leading to preventive detention is the case of the very first defendant subjected to the preventive detention procedures. Only 10 days after preventive detention went into effect the Government sought preventive detention of a defendant charged with assault with a deadly weapon and simple assault. At the same time the Government moved for preventive detention the defendant had two other pending charges—a robbery charge pending for over a year, and a second-degree murder charge pending for over 6 months. Obviously, if the Government had tried and convicted the defendant within a few months of his arrest on either of these pending charges, the preventive detention procedure could have been avoided.

Indeed, it is ironic that the Justice Department has spent inordinate amounts of time pursuing preventive detention in these cases when it could have been seeking speedy trials for these defendants and have achieved far better results. An excellent example of the amount of time consumed in preventive detention proceedings involves the 13th defendent for which preventive detention was sought.

He was arrested on April 9, 1971, on

a narcotics sale charge. At the time he had two charges pending growing out of crimes allegedly committed one and a half years and 4 months prior to the narcotics charge. The defendant's initial presentment was the day following his arrest, April 10. The Government obtained a 3-day continuance during which time he was held without bond. On April 13 a preliminary hearing was held at which time the arresting officer, an undercover agent and a narcotics branch officer testified. Once probable cause was found the judge proceeded to hold a preventive detention hearing which lasted about an hour. The court heard evidence on the defendant's criminal history for the prior 9 years. The court ordered the defendant detained on the 13th. On April 19 a standard bond review motion was filed but the motion did not reach the judge until May 13 because the case jacket had been lost. At that time the case had already been assigned to another judge for trial. At the arraignment on May 12 an effort was made to seek review of the preventive detention order. Two hearings were held on this motion, the first on May 17, taking about an hour and the second on May 21 consuming about a half hour. Finally, the second judge reversed the preventive detention order.

Forty-three days and six hearings later the defendant was back on the street in a work release program. In late September the defendant was told that he was going to be incarcerated for violating the conditions of his work release and he abscounded. By November 5, the defendant had been apprehended and incarcerated after failing to post a $40,000 bond. As of December 31, 1971, he was in jail in lieu of bond awaiting trial. So more than 8 months after his arrest, having consumed hours of precious court time in seven hearings and the energies of the U.S. attorney's office and defense counsel, the defendant still had not been tried. Indeed, the Justice Department had not even succeeded in preventively detaining him.

If all of this effort had been expended in trying and convicting this defendant by June 9, within 60 days after his arrest, the people of the District of Columbia would be much better off today. This case exemplifies a prediction that a number of opponents made in regard to preventive detention. We contended that preventive detention would be a monstrosity—an albatross around the neck of an already overloaded judiciary—and that the energy of the Justice Department would be much more wisely spent upon speedy trial for dangerous or violent defendants.

The Justice Department concedes that preventive detention proceedings are long and complicated affairs. As Thomas Flannery, then U.S. attorney for the District of Columbia, stated in a letter to Representative LAWRENCE J. HOGAN:

> In this case the preliminary and detention hearings took at least 5 hours, or 15 times as long as the hearings in a typical case. Therefore, it cannot be said that the extraordinary care and caution which attended this hearing and the other detention hearings to date have been improper or unfair to the accused. On the contrary, these hearings reveal that everyone concerned had leaned over backwards to protect the defendant's interests.

While I would disagree with the former U.S. attorney as to the fairness of these hearings, I agree that they have been lengthy, complicated proceedings. Norman Lefstein, Director of the Public Defender Service for the District of Columbia reflects my view of these proceedings completely:

> Basically, the preventive detention hearing should be approached as if it were a minitrial—one where the court is contemplating punishment without normal safeguards.

The contentions that preventive detention is unnecessary, and that it would be cumbersome and impractical were two among many arguments used against preventive detention. Quite clearly, these predictions have been borne out by the first 10 months' experience with preventive detention.

But the most important argument against preventive detention is that it is unconstitutional, unjust, and alien to Anglo-American jurisprudence. There are at least nine different constitutional objections to preventive detention. While the hearings conducted by the Subcommittee on Constitutional Rights contain a detailed explanation of these arguments, let me briefly summarize the constitutional infirmities of preventive detention.

The most obvious constitutional objection to preventive detention is that it violates the eighth amendment prohibition against excessive bail. To deny the opportunity of any bail at all makes a mockery of the right, necessarily implicit in the eighth amendment, to reasonable bail. Further, the traditional purpose of bail is to assure that the defendant appears in court for his trial. Preventive detention changes the rationale to one of protecting the innocent, which is not the historical basis of the eighth amendment.

Second, preventive detention violates due process by imposing a criminal penalty, 60 days in jail, on the basis of some future criminal activity, and not upon proof that the defendant has actually committed a crime.

Third, preventive detention undermines the presumption of innocence, deprives liberty on the basis of a vague standard of guilt—substantial probability—without the benefit of the traditional rules of evidence, also all violations of the due process clause of the fifth amendment.

Fourth, preventive detention impairs the privilege against self-incrimination by requiring a candidate for preventive detention to establish his defense prior to trial.

Fifth, preventive detention raises a double jeopardy issue under the fifth amendment where the Government seeks preventive detention and the defendant succeeds in establishing that there was no substantial probability that he committed the crime. Yet he will then have to face another criminal trial in which his guilt must be established beyond a reasonable doubt, which is a higher standard.

Sixth, a final problem under the fifth amendment is that the requirement of a grand jury indictment might be applicable to the 60-day imprisonment provided for by preventive detention.

A seventh constitutional objection to preventive detention is that it militates against access to counsel and the opportunity to participate in the preparation of a defense and therefore violates the sixth amendment right of an accused to the effective assistance of counsel.

Eighth, preventive detention undermines the sixth amendment right to trial by jury.

Ninth, the cumbersome and lengthy preventive detention proceedings are burdening the courts, thereby frustrating the goal of a speedy trial, as articulated in the sixth amendment.

None of these constitutional issues were raised in these first 20 cases. Preventive detention was actually ordered in 10 of these 20 cases and only five of the 10 preventive detention orders were appealed. In all 5 cases the preventive detention order was reversed on nonconstitutional grounds.

Indeed, as a practical matter the courts will probably never resolve the constitutional questions raised by preventive detention because in most cases the constitutional claims will be moot by the time they reach the appellate level. Since preventive detention orders can only last 60 days, all defendants are released or convicted by the end of 2 months and it is unlikely that the Supreme Court could hear a case in that short a period.

It is therefore unlikely that the many constitutional questions raised by the opponents of preventive detention will ever be resolved. Furthermore, to my astonishment there have been unanticipated abuses of preventive detention which will likewise remain unchecked by judicial review.

For example, the great majority of preventive detention proceedings to date have been held behind closed doors. I have already expressed my dismay at this unanticipated result of preventive detention in a speech given in the Senate on May 12, 1971, where I likened this new breed of preventive detention to a star chamber proceeding.

Thomas Flannery, U.S. attorney at the time that several of these secret preventive detention sessions were held, attempted to justify them by pointing out that in each case the defense counsel had moved to close the proceedings. In his own words:

> In each such instance, however, the hearings have been closed at the request of the defendant's counsel. At no time has my office moved for a closed hearing; we have simply not objected to motions by attorneys for the defense.

I am not satisfied with Mr. Flannery's rationalization.

In fact, the defendant is faced with an inescapable dilemma. He must either run the risk of prejudicial publicity at this minitrial in which the rules of evidence do not apply, and all kinds of prejudicial, inadmissible evidence is offered. Or, he must give up his constitutional right to a public trial. True, it is the de-

fense which has moved for closed hearings, but it is the Government, by the enactment and use of preventive detention, which forces the defendant to give up his constitutional rights. Furthermore, the U.S. attorney, like the defense counsel and the judge, is an officer of the court and has a duty to assure that any proceedings in which he is involved meet constitutional standards. Therefore, the responsibility for these star chamber proceedings must be shared by all the parties involved. Hopefully, more judges in the superior court and the district court will have the courage of Judge Gesell who would not allow the defense and prosecution attorneys to sway his view of the sixth amendment:

The Constitution is explicit as to this, and any motion in my Court that is made with respect to that by defense counsel will be denied, unless we reach a situation of immediacy and of great public importance.

Another practice that has emerged in the first 10 months of operation of preventive detention which I find disturbing is the initiation of such proceedings by the judge. Section 23–1322 of the District of Columbia Crime bill requires a Government certification that there is no condition or combination of conditions which will assure safety to the community before a judicial officer can even consider a preventive detention order. In at least two cases in the first 10 months, judges either ignored this first step or suggested that the prosecutor proceed with a preventive detention motion where the prosecutor had not even contemplated such a certification. This practice may not be violative of the Constitution but it certainly undermines the traditional adversary process which is fundamental to our criminal justice system. These judges have, in essence become prosecutors. Even the Justice Department, which drafted the preventive detention legislation, could not have intended to eliminate their own agents from any effective role in such proceedings and to adopt the continental "inquisitorial" system of criminal justice.

A third unfortunate development has been the frequent utilization of section 23–1322(c)(3) which authorizes detention for up to 5 days without a hearing and without any guiding standard for the judge—in other words detention by judicial whim. As in the case of secret hearings, the defenders of preventive detention blame this practice upon the defense attorneys because such detention results from a continuance motion by defense counsel. However, section 23–1322(c)(3) does not require detention without bond where a defense counsel moves for a continuance. There is nothing preventing a judge from releasing upon conditions or setting a money bond in this situation. As in the case of the secret hearings, the blame rests with all the parties but especially with the judge for not considering this alternative. In almost half of the preventive detention cases in the first 10 months the judges have not had the courage to consider these alternatives and preventive detention by whim has occurred.

Certainly the most serious development in the use of preventive detention in the last year is that the hearings themselves have deteriorated into kangaroo court proceedings. Aside from being denied the protection of a public proceeding, the defendant is required to meet a bewildering new standard of proof—substantial probability—to counter a wide variety of otherwise incompetent evidence, including hearsay and unsworn testimony, and is not allowed access to statements of government witnesses used against him in preventive detention hearings.

While the proponents of preventive detention contend that substantial probability means something less than reasonable doubt but more than probable cause, many judges and especially defense attorneys have no idea what it means. For example in the case of one defendant, the arresting officer testified to probable cause at the preliminary hearing. Instead of recalling the officer to testify to substantial probability at the preventive detention hearing, the judge incorporated the officer's testimony at preliminary hearing into the preventive detention record. In other words, in this case probable cause and substantial probability were the same.

As for the evidence adduced in the hearings, in at least three cases the defense counsel sought copies of statements taken from government witnesses who were called to establish substantial probability, arguing the Jencks rule applies to such proceedings. In every case the motions were denied. The Justice Department has proved dangerousness by using hearsay evidence, introducing evidence without proving its accuracy, by using juvenile records, by offering charges which were dropped, dismissed or which resulted in nolle prosequies, and by using conduct which did not even result in involvement with the law. In one case dangerousness of the defendant was based upon the prosecution's contention that a 1968 robbery was violent despite the fact that the assault with a dangerous weapon count had been dropped and the complaining witness' affidavit in support of the complaint did not allege that the defendant had a gun. Certainly one of the worst hearings was held in the preventive detention of a defendant who was required to counter considerable hearsay evidence, including a letter from community members and organizations asking that the defendant be preventively detained. That is preventive detention by mob rule. These cases show that the lack of rules of evidence means preventive detention is proved by rumor, unsupported and incorrect records, and extremely prejudicial hearsay against which there is no possible defense. This is shoddy justice by anyone's standards.

Aside from its necessity, the Justice Department argued before Congress that preventive detention was the only alternative to the hypocrisy of high money bail. In testimony before the Subcommittee on Constitutional Rights then Deputy Attorney General Richard Kleindienst contended that:

Open pretrial detention would eliminate hypocrisy from the bail system. Under the legislation we propose, the defendants would be afforded a due process hearing in which they would gain a significant measure of protection against arbitrary determinations.

The administration is opposed to a system in which a rich dangerous defendant can gain his freedom but poor nondangerous defendants cannot.

The Georgetown-Vera study indicates that though the Justice Department might assert this conviction, it seems unwilling to do anything about it. The Georgetown-Vera study found that instead of seeking preventive detention, the local U.S. attorney continues to seek high money bond for dangerous or violent defendants eligible for preventive detention. For example, the study found that 52 percent of those eligible for preventive detention were required to post high money sureties instead of being provided the so-called protections of preventive detention. In fact, the population of the District of Columbia jail, 80 percent of which is composed of persons awaiting trial, has actually increased since the advent of preventive detention. In February of 1971, when preventive detention went into effect, the jail population was 1,116 but by December of last year the jail population was at 1,266 and had been well over 1,200 for the preceding 3 months.

The adverse effects of such pretrial detention are well known. The seminal studies of the bail problem by the District of Columbia and Manhattan bail projects found that there is a significant correlation between pretrial detention and conviction rates and imposition of sentences.

A survey conducted by the American Friends Service Committee of inmates in pretrial detention as a result of high money bail sheds some light on the reason for these findings. The major reason is that incarcerated pretrial detainees have limited access to their attorneys. In their interviews with 596 inmates in the District of Columbia jail, 223 said they had no personal contact with their attorneys. Of these 223, 110 had been in jail for a month or more and four had been there for more than a year.

There are at least three lessons to be learned from the preventive detention experience.

First, the critics of preventive detention have been vindicated. In opposing this most unfortunate proposal we contended that preventive detention was unnecessary, impractical, and unconstitutional. The best proof that preventive detention is unnecesary is the fact that the Justice Department which sought enactment of preventive detention has not been anxious to use it. The few times it has been used it has proved to be a time-consuming procedure.

Unfortunately, we may never see the procedure struck down by a court as unconstitutional because the Justice Department is afraid to hold a defendant under the act long enough for an appeal. This indicates to me that the Justice Department itself has grave doubts about their proposal surviving a constitutional test.

Second, I believe that we must be much more skeptical about legislation such as the District of Columbia Crime bill, for which much is claimed in the name of law and order. Proponents of such legislation,

which infringes upon the liberties of our citizens, at least must be made to carry a heavy burden to demonstrate the proposal's necessity and effectiveness. When the administration came before the Congress with preventive detention it should have been required to demonstrate conclusively that no less objectionable alternative existed to control pretrial crime and that preventive detention would have an impact on crime. Only then should this body have undertaken the agonizing task of debating the proposal's constitutionality. Only then should this body have considered adopting legislation which might threaten the constitutional protections provided our citizens.

If that standard had been applied to preventive detention, it would have never even gotten out of the House District of Columbia Committee. I venture to guess that if that standard had been applied to some of the other controversial provisions of the District of Columbia Crime bill, including wiretapping and no-knock, the Congress would have likewise found that these provisions were not necessary to the control of crime here in the District, and certainly not at the cost of our liberties.

A third valuable lesson to be learned from the preventive detention experience is that although preventive detention has not solved the problem of pretrial crime, there do exist constitutional and effective solutions to this and other perplexing problems faced by the Nation's criminal justice systems.

For example, a solution to the problem of pretrial crime is suggested by the Constitution itself in the sixth amendment:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy trial. . . .

The National Bureau of Standards study indicates that if the Congress implemented the Constitution's command and required that defendants be tried within 60 days of arrest, pretrial crime would be virtually eliminated. That study found that most pretrial releases commit crimes after they have been on release more than 60 days.

The 10 horrible cases offered before the Constitutional Rights Subcommittee at its hearings during May and June of 1970, and the 14 of 20 cases subjected to preventive detention under the law, all could have been dealt with satisfactorily if a 60 day trial rule were in effect in Washington, D.C.

Fifty-three of us in this body are now backing S. 895, a speedy trial bill, which would accomplish this result. We believe that S. 895 provides the opportunity for Congress to combat crime and at the same time to display our fundamental concern for the individual rights guaranteed to all by the Constitution.

Aside from requiring trials within 60 days in all Federal criminal cases, the bill provides the way for each Federal district to chart its own course for speedy trial and to communicate with Congress if it requires special assistance to carry out the bill's provisions. It is a vehicle through which we can bring long overdue improvements into our system of criminal justice. It is a constitutional and effective means of controlling crime.

What have we learned, then, from our flirtation with preventive detention? False claims that necessity justifies tampering or infringing or suspending constitutional guarantees in the name of law and order or security should be rejected whenever they are offered. If we are willing to sacrifice hard-won freedom in a vain search for security, we will no doubt find ourselves with neither liberty or security.

Instead of clamoring after panaceas offered in the name of law and order, it would be better to address ourselves to the slow, hard, and expensive course of improving and reforming our criminal justice system. By such reform as the Bail Reform Act, the Criminal Justice Act, and the speedy trial bill, we not only improve justice and achieve more true law and order, but at the same time we fulfill the promises of our Constitution. The unfortunate episode of preventive detention has shown us that the best way to have law and order is to insure justice.

ALLIED SERVICES ACT

Mr. TOWER. Mr. President, I am pleased to cosponsor S. 3643, the Allied Services Act. One of the greatest problems facing government today is its inability to administer and carry out its programs in a logical and effective way.

It is for this reason that the Allied Services Act is so greatly needed. This legislation is designed to enable State and local governments to better coordinate and become more intensively involved in the variety of social service programs funded by the Federal Government. It will encourage States, upon the advice of local governments, to establish single planning authorities to better coordinate the programs they directly or indirectly oversee. The Secretary of Health, Education, and Welfare will be authorized to consolidate the planning of all departmental programs into one planning grant to a State once the State submits an approved State plan to him.

Further, the Secretary will be authorized to waive some of the administrative guidelines which would not work to the best advantage of a coordinated program. In addition, State and local officials will be allowed to transfer up to 25 percent of their HEW funds between programs included in the State plan.

The intent of this legislation is quite simple. In the 5-year period between 1965 and 1970, total social welfare expenditures in the public sector at all levels increased by 13 percent. In fiscal year 1971, total expenditures increased to $170.8 billion—an increase of 17.5 percent from the previous year's total of $145.4 billion. These vast expenditures have proved to be less than totally satisfactory in meeting the needs of our citizens. A primary reason is the omnipresence of duplication of some services. Further problems include programs that work at cross purposes, and the total inability of some people to become acquainted with the programs available to their needs.

Mr. President, it is redundant to repeat the fact that the categorical grant system of providing Federal funds for needed purposes has generally failed. What is needed in place of that system are programs which emphasize a decentralization of administration and better communication between local and Federal interests.

President Nixon has properly recognized this need. His revenue sharing proposals and the purpose behind his program to reorganize the Federal structure are intended to make the Federal Government more responsive to the needs of the American people. The Allied Services Act, I am convinced, can contribute to our goal of reforming the public sector by making programs emanating out of the Department of Health, Education, and Welfare less confusing, while gearing them to a singular purpose of providing the necessary social services with as little bureaucratic waste as possible.

The cost of this act is minute when compared to some of the extravagant proposals which have been introduced. These programs could cost billions upon billions of dollars and would only add a top layer to the duplication of effort we already have.

HUD AND GSA IMPLEMENT RIBICOFF PROPOSAL

Mr. RIBICOFF. Mr. President, on March 16, 1971, I introduced S. 1282, the Government Facilities Location Act, which is designed to insure proper housing for employees of Government agencies and Government contractors.

I took this action because too often employees of agencies and companies moving to new offices lost their jobs because they were unable to find decent housing near the new location. In Washington, D.C., for example, many Federal agencies such as the Atomic Energy Commission have moved far out into the suburbs. For higher income employees this has often meant that their jobs were now closer to their homes in the suburbs. But for many low-income employees dependent on public transportation this means the loss of their jobs due to the unavailability of suburban housing and the high cost of public transportation.

Under my proposal agencies and contractors would not be allowed to locate a new facility or expand an existing one until the community in which the facility is to be located provides an adequate supply of housing for the low- and moderate-income employees of the facility.

Although the Department of Housing and Urban Development opposed S. 1282, the Senate Banking, Housing and Urban Affairs Committee incorporated sections of my bill relating to Federal agencies into the Housing Act of 1972.

Now it appears that HUD has changed its position. HUD and the General Services Administration have issued regulations that would impose essentially the same requirements on Federal agencies as those sections of my bill adopted by the Senate.

This is an important first step for the administration and a recognition of the

immense impact of Federal facilities in the development of urban areas in this country. It is hoped that HUD and GSA will soon extend these rules to Federal contractors who have an equal obligation to insure decent housing for their employees.

I ask unanimous consent that the new regulations be printed in the RECORD.

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

[Docket No. N–72–106]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Office of the Secretary)

NEW AND RELOCATING FEDERAL FACILITIES

Procedures for Assuring Availability of Housing on Nondiscriminatory Basis for Low- and Moderate-Income Employees

Notice of the Department of Housing and Urban Development's proposed procedures for implementing the Memorandum of Understanding Between HUD and GSA Concerning Low- and Moderate-Income Housing was published in the FEDERAL REGISTER on December 11, 1971 (36 F.R. 23642). Comments were received from ten interested organizations and consideration has been given to each comment. The procedures have been revised as set forth below, and are effective on publication.

Several comments criticized the threshold levels for application of the procedures (25 low- and moderate-income employees for site selections for public buildings and 100 such employees for lease actions) as not being sufficiently inclusive. One of the comments suggested that there did not appear to be adequate justification for different threshold levels, and another comment proposed 25 for both types of actions. In view of the large volume of GSA construction and lease actions it is deemed a more effective utilization of the resources of the two Departments to concentrate on the more significant actions, i.e., those involving a substantial number of low- and moderate-income employees. The thresholds have been changed to be 100 for both lease and new construction, and paragraph 5(d) has been added to cover actions of special importance where fewer than 100 low- and moderate-income employees will be involved.

There were a number of comments to the effect that GSA should not be permitted to select a site which HUD has reported inadequate with respect to the accessibility of the location to low- and moderate-income housing on a nondiscriminatory basis. This criticism must be rejected, since by statute and Executive order GSA has the authority and responsibility for making location determinations with respect to the construction of Federal buildings and the acquisition of leased space and must take into account factors other than those which are the subject of the Memorandum of Understanding. It was in recognition of the fact that some selections may be made contrary to the recommendation of HUD that the Memorandum of Understanding included a provision for a written Affirmative Action Plan to ensure that an adequate supply of low- and moderate-income housing on a nondiscriminatory basis will be available no later than 6 months after the building or space is to be occupied. In this connection, it was asserted in some of the comments that the housing should be made available before the building or space is to be occupied. The 6-month period is provided for in the Memorandum of Understanding, and it is appropriate to permit this leeway in these initial procedures. The Memorandum of Understanding does provide that the Memorandum will be reviewed at the end of each year and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience. The validity of the 6-month period will be examined at the time the Memorandum is reviewed.

Several of the comments suggested that the procedures provide for more assurance that an Affirmative Action Plan will be carried out. The provisions relating to the Affirmative Action Plan have been revised to provide that all agreements which constitute the Plan will be signed not only by the appropriate representatives of HUD, GSA, and the Federal agency involved, but also by community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the Plan. In addition, the Plan will provide assurance by the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for the agency's low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility as provided in the Plan. Since several of the other provisions of the Plan set forth in the proposed procedures were adopted verbatim from the provisions of the Memorandum of Understanding, it is considered unnecessary to repeat these provisions, and they have instead been incorporated by reference to section 9(g) of the Memorandum of Understanding.

Several other comments criticized the procedures for not addressing the issue of nondiscrimination in the sale and rental of housing, in addition to the matter of an adequate supply of low- and moderate-income housing on a nondiscriminatory basis, since discrimination in housing can occur at higher levels as well. Revisions have been made in the procedures to include a determination by HUD of the extent of discrimination in sales or rentals in all housing, not just low- and moderate-income housing. Affirmative action plans will contain appropriate provisions designed affirmatively to further nondiscrimination in the sale or rental of housing.

The definition of "low- and moderate-income" has been revised to take into account the variations in income levels in different housing market areas.

There were several comments with respect to transportation standards, and there was criticism particularly of the difference in travel time permitted between that of low- and moderate-income employees. The criticism is well taken, and the 15-minutee difference has been deleted. In addition, the travel time requirements for lease actions were inadvertently omitted from the proposed procedures and they have now been included. Also, with respect to transportation, the revised procedures provide that the Affirmative Action Plan will insure that there is adequate transportation from housing to the site.

In response to a comment requesting particularity with respect to information which will be made available to the public, the procedures now contain a specific provision that the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

These procedures provide the elements essential for implementation of the Memorandum of Understanding and were never intended to contain all the details of implementation. The Department has initiated the preparation of a Handbook which will include a more detailed explanation of the procedures. In this connection, there were numerous other comments suggesting inclusion of items in the procedures. The suggestions raised by these comments will instead be considered for inclusion in the Handbook. Examples of such comments are: Consideration of restrictive zoning ordinances and building codes and existence of an adequate local fair housing law in making determinations regarding discrimination in housing as well as in setting requirements of Affirmative Action Plans; provision of counselling services for the involved Federal agency's employees; consultation with outside organizations, such as civil rights groups, during the investigation period; and standards and methods for determining that there is nondiscrimination in housing and that an adequate supply of low- and moderate-income housing is available on a nondiscriminatory basis.

One comment suggested that a general area survey be done for the Washington Metropolitan Area as soon as the procedures are implemented, in light of the high concentration of Government facilities in the area. Priorities for the conduct of general area surveys will be determined and surveys will be conducted in accordance with the priorities by the appropriate regional offices as soon as feasible. The Washington Metropolitan Area will be among the earliest areas surveyed.

The procedures are as follows:

1. *Purpose.* This notice establishes the procedures by which the Department of Housing and Urban Development (HUD) will implement the Memorandum of Understanding between the Department of Housing and Urban Development and the General Services Administration Concerning Low- and Moderate-Income Housing executed on June 12, 1971, and published in the FEDERAL REGISTER on December 1, 1971 (36 F.R. 22873). The Memorandum of Understanding is intended to insure the availability of housing on a nondiscriminatory basis for low- and moderate-income employees of new and relocating Federal facilities. For the purpose of these procedures, "low- and moderate-income" is defined as income up to and including the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees: "low- and moderate-income" is inclusive of all grade levels from GS–1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area; "high-income" is defined as all General Salary Schedule grade levels above such grade level.

2. *Background.* (a) Decisions of the Federal Government concerning location or relocation of Federal facilities may have a major impact on Federal employees, particularly lower grade and minority employees.

(1) The impact on employees can be seriously adverse if facilities are established in areas with an inadequate supply of low- and moderate-income housing.

(2) The problem is even more acute for minority employees if problems of racial and ethnic discrimination further constrain the housing supply near a new or relocated facility.

(b) The General Services Administration (GSA) has responsibility for planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

(c) The Secretary of the Department of Housing and Urban Development has the responsibility under the Federal fair housing law (title VIII of the Civil Rights Act of 1968) for coordinating the efforts of all Federal Departments and Agencies to administer their programs of housing and urban development in a manner affirmatively to further the goals of fair housing.

(d) The Department of Housing and Urban Development has prime responsibility for assisting the development of the nation's supply of low- and moderate-income housing.

(e) The Memorandum of Understanding was agreed to as a means of coordinating the respective responsibilities of GSA and HUD.

3. *Responsibility.* (a) The Department of

Housing and Urban Development has the responsibility:

(1) To investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing to Federal employees on a nondiscriminatory basis to serve proposed locations for a federally constructed building or a major lease action.

(2) To participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in or readily accessible to the delineated area within which specific sites will be considered.

(3) To develop jointly with GSA, the Federal agency involved and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

(4) To give priority consideration to applications for assistance under HUD housing programs for housing proposed to be provided in accordance with the Plan.

(b) *The General Services Administration has the responsibility:*

(1) To consider the availability of low- and moderate-income housing on a nondiscriminatory basis to the maximum possible extent compatible with other considerations in making determinations with respect to the location of federally constructed buildings and the acquisition of leased space.

(2) To provide HUD with the information necessary to carry out its responsibilities, including, but not limited to, notice that GSA is undertaking a project development investigation, notice of the time and place for site investigations, copies of the prospectus for each public building or lease-construction project, and any pertinent information supplied to GSA by the agency involved in the relocation, including number of low- and moderate-income employees expected to be employed at the new location.

(3) To advise HUD when the GSA site investigators recommend a site for selection which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

(4) To provide HUD with a written explanation when, after headquarters' review, a location is selected which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

(5) To develop jointly with HUD, the Federal agency involved and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

(c) Federal agencies considering relocation have the responsibility:

(1) To consider to the maximum possible extent the availability of low- and moderate-income housing on a nondiscriminatory basis to employees likely to be employed at a new site.

(2) To provide such data with respect to employees being relocated as may be requested by GSA and HUD.

(3) To develop jointly with HUD, GSA and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

4. *Responsibilities within HUD for implementation of the HUD–GSA Memorandum of Understanding.* (a) The Assistant Secretary for Equal Opportunity is responsible for the implementation of the Department's responsibilities under the Memorandum of Understanding. He will maintain liaison at the national level with the Commissioner, Public Buildings Service, GSA, concerning questions of policy and overall implementation.

(b) The HUD Regional Administrator is responsible for coordinating the implementation of this program in the Region, and for providing GSA with HUD's recommendation on specific sites.

(c) The Assistant Regional Administrator for Equal Opportunity is responsible for consolidating information and recommendations to the HUD Regional Administrator including any Affirmative Action Plans that may be required. In this connection, he shall be asssisted by the Assistant Regional Administrators for Housing Production and Mortgage Credit and for Community Planning and Management, the Regional Economist and other appropriate staff.

(d) Directors of Area Offices are responsible for providing the data needed for making recommendations to the HUD Regional Administrator concerning the adequacy of specific sites with respect to the availability of low- and moderate-income housing on a non-discriminatory basis for the Federal employees that will occupy the facility at such location.

(e) The Director of the Equal Opportunity Division in the Area Office will serve as the Department's representatives on site investigation teams.

5. *Actions subject to the procedures in this notice.*

(a) All project development investigations are subject to the procedures herein.

(b) Site selections for public buildings (or leased space in buildings to be erected by the lessor) are subject to the procedures herein in all cases in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

(c) Lease actions (other than those included in (b) above) are subject to the procedures herein where:

(1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased, and

(2) If the lease involves residential relocation of a majority of the existing low- and moderate-income work force at a presently existing facility, or a significant increase in their transportation or parking costs, or travel time to the new location will exceed 45 minutes or a 20-percent increase if travel time to the present facility already exceeds an average of 45 minutes.

(d) GSA may request HUD review in actions of special importance not covered by (b) and (c).

6. *Project development investigation.* (a) Project development investigations are general surveys of a metropolitan area conducted by GSA for the purpose of identifying specific needs for Federal or lease construction or major alteration projects for housing Federal activities.

(b) The Regional Director, Public Buildings Service (PBS), will inform the HUD Regional Administrator of the initiation of a project development investigation and the area being surveyed.

(c) The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

(1) Summary information on general type, location, cost, and vacancy rates for all low- and moderate-income housing in the survey area. Recent FHA market analyses are acceptable for this purpose.

(2) A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235.)

(3) An estimate, by general location, of the supply of other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) Chapters 2 and 4. The estimated racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

(4) A listing, by location, of all subsidized housing planned within the survey area for the 1-year period following the survey.

(5) A listing of competing displacement needs for the subsidized housing planned in (4), above.

(6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

(7) A delineation of those subareas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

(8) A determination of the extent of discrimination in the sale and rental of housing.

7. *Site investigation and selection for new construction.* (a) In cases where the Regional Office of GSA is investigating sites for construction of a specific proposed facility, the Regional Director, PBS, wiill transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

(2) The delineated area within which specific sites will be considered or, if available, the sites under consideration.

(b) The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

(1) If there exists a General Area Survey (see 6(c), above), completed within the preceding 12 months,

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(2) In the absence of a current General Area Survey, the HUD Regional Administrator will:

(A) Develop a survey of the delineated area similar to the General Area Survey described in 6(c), above.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(c) Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing available on a nondiscriminatory basis on a regular schedule providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average eight hours' wage of low-

and moderate-income employees at the facility.

(d) The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a non-discriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(e) The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in (d), the HUD Regional Administrator shall promptly so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings, GSA, of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator. The Assistant Secretary and the Commissioner will agree on the time required to properly present HUD's views.

(f) GSA will provide a written explanation when, after Headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in (d), in accordance with the HUD–GSA Memorandum of Understanding.

(g) Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal Agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan.

The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under (d).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for its low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal Agency involved, community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(h) The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

(i) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

8. *Site investigation and selection for lease actions.* (a) In cases where the Regional Office of GSA is seeking to lease space meeting the tests set forth in 5(c) of this Circular, the Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the leased space is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

(2) The delineated area within which lease action is anticipated.

(b) The HUD Regional Administrator, within 4 weeks or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

(1) If there exists a General Area Survey (see 6(c), above), completed within the preceding 12 months.

(A) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(A) Develop a survey of the delineated area similar to the General Area Survey described in 6(c), above.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b)(1)(A).

(c) Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing available on a nondiscriminatory basis on a regular schedule providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of (c)(1), above, travel time by automobile to the facility from any low- or moderate-income housing available on a nondiscriminatory basis should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wages of low- and moderate-income employees at the facility.

(d) The HUD Regional Administrator will transmit to the Regional Director, PBS his evaluation of the delineated area. Where the delineated area (or sub-areas within it) is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(e) The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or sub-areas within it) is identified by HUD as inadequate on one or more of the grounds set forth in (d), the HUD Regional Administrator shall promptly so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within five workdays after notification to the HUD Regional Administrator. The Assistant Secretary and the Commissioner will agree on the time required to properly present HUD's views.

(f) GSA will provide a written explanation when, after Headquarters' review, GSA selects a delineated area which was wholly or in part reported by HUD as inadequate on one or more of the grounds set forth in (d), in accordance with the HUD–GSA Memorandum of Understanding.

(g) Prior to the award of a lease contract, where the entire delineated area is deemed inadequate by HUD, or the space to be leased is located within a sub-area deemed inadequate by HUD, the involved Federal Agency, GSA, HUD, and the community in which the space to be leased is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan.

The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of six months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under (d).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for its low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the designated representatives of HUD, GSA, the Federal agency involved, the lessor, community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(h) The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

(i) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601; sec. 2 of the Housing Act of 1949, 42 U.S.C. 1441)

Effective date: These procedures are effective upon publication in the FEDERAL REGISTER (6–7–72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc. 72–8537 Filed 6–6–72; 8:50 am]

GENERAL SERVICES ADMINISTRATION

SELECTION OF SITES FOR FEDERAL BUILDINGS

Consideration of Socioeconomic Impact

Notice is hereby given that the Public Buildings Service has issued the following procedures to its employees for implementing the Memorandum of Understanding Between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA) Concerning Low and Moderate Income Housing. Proposed procedures were published in the FEDERAL REGISTER December 1, 1971, 36 F.R. 22873.

Comments were received from the Department of Housing and Urban Development, the U.S. Commission on Civil Rights and from four other non-Federal organizations. Many comments related to the necessity for procedures to be issued by the Department of Housing and Urban Development, and those comments, as well as all others received by GSA, were referred to that Department for appropriate action. The HUD procedures have been developed and are also published.

A comment was received recommending that the procedures apply to all lease and utilization actions. GSA and HUD agreed that this was administratively impossible and instead adopted rules for determining which cases are significant, thus permitting more effective utilization of the resources of the two departments to concentrate on the more significant actions, that is, those involving a substantial number of low- and moderate-income employees. Comments were received which suggested that discriminatory housing practices in the area should be reported to GSA and HUD. The revised procedures provide for such investigations and call for a report by HUD to GSA on such practices.

Comments were received recommending that GSA should not be permitted to proceed when HUD has reported inadequacy of low- and moderate-income housing. This comment must be rejected, since by statute and Executive order, BSA has the authority and responsibility for making final location determinations for the construction of Federal buildings and the acquisition of leased space and must take into account factors other than those which are the subject of the memorandum of understanding.

A recommendation was received which proposed making the employees participants in the location of selecting decisions. This recommendation was rejected on the basis that such decisions are management prerogatives. However, the memorandum of understanding provides for provision of special employee counseling and referral service by the agencies involved.

Dated: June 2, 1972.

A. F. SAMPSON,
Commissioner,
Public Building Service.

[PBS 7000.11]

GSA ORDER

JUNE 2, 1972.

SUBJECT: Availability of low- and moderate-income housing—DHUD/GSA Memorandum of Understanding of June 12, 1971.

1. *Purpose.* This order provides procedures for implementing the memorandum agreement between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA).

2. *Background.* Executive Order 11512 of February 27, 1970, provides guidance for the planning, acquisition, and management of Federal space, Executive Order No. 11512 supersedes Executive Order No. 11035 of July 9, 1962.

3. *Agreement with Secretary of Housing and Urban Development.* In further implementation of sections 2(a) (2) and (6) of Executive Order 11512, the Administrator, General Services Administration, entered into an agreement with the Secretary of Housing and Urban Development (HUD) to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to site selections and major lease actions having a significant socioeconomic impact on a community. Under the agreement, HUD will advise GSA on the availability of low- and moderate-income housing in connection with locating Federal facilities. HUD will also advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, as well as to assist in increasing the availability of such housing through its own programs. The text of the agreement is included in figure 1.

4. *Definitions*—a. *Low and moderate income.* Equal to or less than the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees: "low and moderate income" is inclusive of all grade levels from GS–1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area.

b. *Regional Director, PBS.* References to the Regional Director, PBS, shall be construed to mean, also, the Assistant Commissioner for Operating Programs for all actions to acquire space in the States of Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

5. *Obtaining socioeconomic data.* a. The Regional Director, PBS, is responsible for obtaining data and advice from the regional offices of the Department of Housing and Urban Development; Health, Education, and Welfare; Commerce; and others, as appropriate.

b. GSA regional requests for consultation, advice, or reports shall be in writing and shall request a reply in writing. Requests to HUD shall be directed to the Regional Administrator, HUD.

6. *Classifications for actions to which HUD–GSA Memorandum of Understanding applies.* The actions described in this paragraph are subject to the provisions of the HUD–GSA Memorandum of Understanding and the procedures which follow.

a. All project development investigations.

b. Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

c. Lease actions (other than those included in b.) where:

(1) One hundred or more low- or moderate-income employees are expected to be employed in the space to be leased; and

(2) The lease involves residential relocation of a majority of the existing low- and moderate-income work force; a significant increase in their transportation or parking costs; or travel time to the new location will exceed 45 minutes, or a twenty-percent increase if travel time to the present facility already exceeds an average of 45 minutes.

d. GSA requests HUD review in lease actions of special importance not covered by (b) and (c).

7. *Project development investigation.* a. Prior to undertaking project development surveys for the purpose of identifying specific needs for Federal or lease construction or major alteration for housing Federal activities, the Regional Director, PBS, will inform the Regional Administrator, HUD, of the initiation of a project development investigation and the areas being surveyed and request information relating to present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where such a project might be located. This data will constitute the basic information concerning housing considerations at this stage of project planning. The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

(1) Summary information on general type, location, cost, and vacancy for all housing in the survey area. Recent FHA market analyses are acceptable for this purpose.

(2) A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235.)

(3) An estimate, by location, of all other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) chapters 2 and 4. The racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

(4) A listing, by location, of all subsidized housing planned within the survey area for the 1-year period following the survey.

(5) A listing of competing displacement needs for the subsidized housing planned in (4).

(6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

(7) A delineation of those subareas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

(8) A determination of the extent of discrimination in the sale and rental of housing.

b. The PBS regional Operational Planning staff will prepare the Project Development Report which will delineate the general area or areas for the project. The Regional Administrator of HUD will be advised at the earliest possible time with respect to such decision.

c. The Office of Operational Planning shall be responsible for providing to the Headquarters office of HUD copies of all prospectuses approved by the Public Works Committees of the Congress.

8. *Site investigation and selection for new construction.* a. Upon receipt of a site investigation directive, the Regional Director, PBS, shall initiate necessary actions in accordance with other PBS directives. The site investigation directive will delineate the area or areas in which the proposed project will be located. The Regional Director, PBS, is required to provide advance notice of the site investigation to State and local governments, clearinghouses, and local elected officials. At the same time, the Regional Administrator, HUD, in whose region the facility is to be located will be informed of the planned site investigation, will be provided with a copy of the site investigation directive, and will be requested to designate an appropriate HUD official to participate in the site investigation work. The HUD representative will be required to survey, determine, and furnish GSA with a written report on availability of low- and moderate-income housing on a nondiscriminatory basis and the accessibility of such housing to the delineated area(s) in which the proposed building will be located. The Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at new or relocated facilities when fully staffed.

(2) The delineated area within which specific sites will be considered or the sites under consideration.

b. The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current Gen-

eral Area Survey (See 7a) (completed within the preceding 12 months):

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1)(a).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7a.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1)(a).

c. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of c(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

d. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate in one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

e. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in d, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator and agree on the time required to properly present HUD's views.

f. GSA will provide a written explanation when, after Headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in d, in accordance with the HUD–GSA Memorandum of Understanding.

g. Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to the following points:

(1) The corrective actions specified by HUD under d;

(2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal agency involved, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

h. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

1. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of non-compliance HUD and GSA shall undertake appropriate action to secure compliance.

9. *Lease actions.* a. For lease actions where the regional office of GSA or the Office of Operating Programs is seeking to lease space meeting the tests set forth in 6c, the Regional Director, PBS, and the regional Assignment and Utilization (A&U) Branch shall be responsible for delineating the area for lease actions consistent with 41 CFR 101–18.102, so as to exert, to the greatest extent practicable, a positive economic and social influence on the development and redevelopment of areas in which such facilities are to be located. The area circumscribed thereby shall be sufficiently large to assure full and free participation by potential offerors. In determining this area, A&U shall consult with the agency to be housed, the Acquisition Branch, and the Operational Planning staff.

b. Whenever an agency initiates a space request which will result in a lease action as defined in 6c, the GSA Regional Director, PBS, shall contact the HUD Regional Administrator in whose region the leased space is to be located and provide the following information if available:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed; and

(2) The delineated area within which lease action is anticipated.

c. The HUD Regional Administrator, within 4 weeks, or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current General Area Survey (see 7a) completed within the preceding 12 months:

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas; and

(b) Make recommendations to the Regional Director, PBS as to those areas reviewed, with respect to the matters referenced in 8b(1)(a),

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7a; and

(b) Make recommendation to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in 8b(1)(a).

d. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of d(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

e. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the delineated area. Where the delineated area (or subareas within it) is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

f. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or subareas within it) is identified by HUD as inadequate on one or more of the grounds set forth in e, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by GSA to the HUD Regional Administrator, agree on the time required to properly present HUD's views.

g. GSA will provide a written explanation when, after headquarters' review, GSA selects a delineated area which was wholly or in part reported by HUD as inadequate on one or more of the grounds set forth in e, in accordance with the HUD–GSA Memorandum of Understanding.

h. Prior to the award of a lease contract, where the entire delineated area is deemed inadequate by HUD, or the space to be leased is located within a subarea deemed inadequate by HUD, the involved Federal agency, GSA, HUD, and the community in which the space to be leased is located will utilize the items indicated in the report of

the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will insure that an adequate supply of low- and moderate-income housing will be available on a non-discriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under *d*;

(2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area, transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the designated representatives of HUD, GSA, the Federal agency involved, the lessor, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

i. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

j. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

PURPOSE: The purpose of the Memorandum of Understanding is to provide an effective, systematic arrangement under which the Federal Government, acting through HUD and GSA, will fulfill its responsibilities under law, and, as a major employer, in accordance with the concepts of good management, to assure for its employees the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin, and to consider the need for development and redevelopment of areas and the development of new communities and the impact on improving social and economic conditions in the area, whenever Federal Government facilities locate or relocate at new sites, and to use its resources and authority to aid in the achievement of these objectives.

1. Title VIII of the Civil Rights Act of 1968 (42 U.SC. 3601) states, in section 801, that "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." Section 808(a) places the authority and responsibility for administering the Act in the Secretary of Housing and Urban Development. Section 808(d) requires all executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of title VIII (fair housing) and to cooperate with the Secretary to further such purposes. Section 808(e)(5) provides that the Secretary of HUD shall administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of title VIII.

2. Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) declares the national policy of * * * "the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family * * *." This goal was reaffirmed in the Housing and Urban Development Act of 1968 (secs. 2 and 1601; 12 U.S.C. 1701t and 42 U.S.C. 1441a).

3. By virtue of the Public Building Act of 1959, as amended; the Federal Property and Administrative Services Act of 1949, as amended; and Reorganization Plan No. 18 of 1950, the Administrator of General Services is given certain authority and responsibility in connection with planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

4. Executive Order No. 11512, February 27, 1970, sets forth the policies by which the Administrator of General Services and the heads of executive agencies will be guided in the acquisition of both federally owned and leased office buildings and space.

5. While Executive Order No. 11512 provides that material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and functions of the facilities involved, there are six other guidelines set forth, including:

The need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area; and

The availability of adequate low and moderate income housing, adequate access from other areas of the urban center, and adequacy of parking.

6. General Services Administration (GSA) recognizes its responsibility, in all its determinations with respect to the construction of Federal buildings and the acquisition of leased space, to consider to the maximum possible extent the availability of low and moderate income housing without discrimination because of race, color, religion, or national origin, in accordance with its duty affirmatively to further the purposes of Title VIII of the Civil Rights Act of 1968 and with the authorities referred to in paragraph 2 above, and the guidelines referred to in paragraph 5 above, and consistent with the authorities cited in paragraphs 3 and 4 above. In connection with the foregoing statement, it is recognized that all the guidelines must be considered in each case, with the ultimate decision to be made by the Administrator of General Services upon his determination that such decision will improve the management and administration of governmental activities and services, and will foster the programs and policies of the Federal Government.

7. In addition to its fair housing responsibilities, the responsibilities of HUD include assisting in the development of the Nation's housing supply through programs of mortgage insurance, home ownership and rental housing assistance, rent supplements, below market interest rates, and low-rent public housing. Additional HUD program responsibilities which relate or impinge upon housing and community development include comprehensive planning assistance, metropolitan area planning coordination, new communities, relocation, urban renewal, model cities, rehabilitation loans and grants, neighborhood facilities grants, water and sewer grants, open space, public facilities loans. Operation Breakthrough, code enforcement, workable programs, and others.

8. In view of its responsibilities described in paragraphs 1 and 7 above, HUD possesses the necessary expertise to investigate, determine, and report to GSA on the availability of low and moderate income housing on a nondiscriminatory basis and to make findings as to such availability with respect to proposed locations for a federally constructed building of leased space which would be consistent with such reports. HUD also possesses the necessary expertise to advise GSA and other Federal agencies with respect to actions which would increase the availability of low and moderate income housing on a nondiscriminatory basis, once a site has been selected for a federally constructed building or a lease executed for space, as well as to assist in increasing the availability of such housing through its own programs such as those described in paragraph 7 above.

9. HUD and GSA agree that:

(a) GSA will pursue the achievement of low- and moderate-income housing objectives and fair housing objectives, in accordance with its responsibilities recognized in paragraph 6 above, in all determinations, tentative and final, with respect to the location of both federally constructed buildings and leased buildings and space, and will make all reasonable efforts to make this policy known to all persons, organizations, agencies and others concerned with federally owned and leased buildings and space in a manner which will aid in achieving such objectives.

(b) In view of the importance to the achievement of the objectives of this memorandum of agreement of the initial selection of a city of delineation of a general area for location of public buildings of leased space, GSA will provide the earliest possible notice to HUD of information with respect to such decisions so that HUD can carry out its responsibilities under this memorandum of agreement as effectively as possible.

(c) Government-owned Public Buildings Projects:

(1) In the planning for each new public buildings project under the Public Buildings Act of 1959, during the survey preliminary to the preparation and submission of a project development report, representatives of the regional office of GSA in which the project is proposed will consult with, and receive advice from, the regional office of HUD, and local planning and housing authorities concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). A copy of the prospectus for each project which is authorized by the Committee on Public Works of the Congress in accordance with the requirements of section 7(a) of the Public Buildings Act of 1959, will be provided to HUD.

(2) When a site investigation for an authorized public buildings project is conducted by regional representatives of GSA to identify a site on which the public building will be constructed a representative from the regional office of HUD will participate in the site investigation for the purposes of providing a report on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation. Such report will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a).

(d) *Major lease actions having a significant socioeconomic impact on a community.* At the time GSA and the agencies who will occupy the space have tentatively delineated the general area in which the leased space must be located in order that the agencies may effectively perform their missions and programs, the regional representative of HUD will be consulted by the regional representative of GSA who is responsible for the leasing action to obtain advice from HUD concerning the availability of low- and moderate-income housing on a nondiscriminatory basis to the delinated area. Such advice will

constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). Copies of lease-construction prospectuses approved by the Committee on Public Works of the Congress in conformity with the provisions of the Independent Offices and Department of Housing and Urban Development appropriation acts, will be provided to HUD.

(e) GSA and HUD will each issue internal operating procedures to implement this memorandum of understanding within a reasonable time after its execution. These procedures shall recognize the right of HUD, in the event of a disagreement between HUD and GSA representatives at the area or regional level, to bring such disagreement to the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low and moderate income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the HUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9d with respect to an area or site indicates that the supply of low and moderate income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low and moderate income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provisions of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to application for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of 1 year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

Dated: June 11, 1971.

ROBERT L. KUNZIG,
Administrator,
General Services Administration.

Dated: June 12, 1971.

GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development.

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EDMUND WILSON—1895–1972

Mr. JAVITS. Mr. President, Edmund Wilson, the celebrated critic and man of letters, died Monday, June 12, at his home in Talcottville, in upstate New York, where he lived for many years to the age of 77. He was one of the most distinguished of New Yorkers and was the dean of American letters and one of the most preeminent literary critics of our time. Indeed, Mr. Wilson's last published book was "Upstate, Records and Recollections of Northern New York."

Mrs. Javits and I extend our deepest sympathies to his family. His loss will be deeply felt in the world of literature and of the arts.

I ask unanimous consent that the obituary and two articles from the New York Times of June 13, 1972, be printed in the RECORD.

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

EDMUND WILSON DIES

TALCOTTVILLE, N.Y., June 12.—Edmund Wilson, who read and wrote with encyclopedic thoroughness on literature, history, anthropology and economics, died here today in the 172-year-old stone house that served as the setting of his last published book: "Upstate Records and Recollections of Northern New York." He was 77 years old.

Some have called Mr. Wilson the dean of American letters and the pre-eminent literary and social critic of our time. But his works, which included poems, short stories and a novel, shattered disciplines and made it hard to categorize him.

Mr. Wilson had suffered from a heart condition for the last two years. He is survived by his widow, Elena Thornton Wilson; their daughter, Helen; a son, Reuel, by his marriage to the author Mary McCarthy; and another daughter, Rosalind, by his marriage to Mary Blair. He had also been married to Margaret Canby, who died.

The family said that the body would be cremated and a memorial service would be held in Wellfleet, Mass.

ERUDITE AND PRODUCTIVE

(By Alden Whitman)

Celebrated primarily as a critic, Edmund Wilson was accounted by common consent the most erudite of them, the most omniscient, the most productive, the most finicky and the most dyspeptic. There was, inevitably, some question as to whether he was the most sagacious or the most perceptive; but there was no doubt, as the years passed, that he was the most didactic and probably the most influential.

For 50 years, Mr. Wilson, who regarded literature as "a history of man's ideas and imaginings in the setting of the conditions which have shaped them," wrote elegantly, chiefly for the intellectually elite. Yet such was the force of his value-judgments that he conferred reputations on writers and fashioned as a result the reading tastes of millions, to whom he himself was but a shadowy figure.

Like Dr. Johnson and his own mentor, Hippolyte Taine, the 19th-century French historian and critic, and like Charles Sainte-Beuve, also a 19th-century French critic, Mr. Wilson was a man of letters in the broadest sense. Besides being a critic, he was a novelist, short-story writer, playwright, poet, historian, Bible authority, essayist, literary quarreler, self-interviewer and autobiographer. Having troubled as an adult to learn Hebrew, Russian and Hungarian and fluent from adolescence in Greek, French, Italian and German, he ranged effortlessly in Western literature and culture. And from a mind so well furnished he was able to draw apposite allusions and examples to illuminate his diverse writings, the bulk of which were essentially criticism.

"For me," he once remarked, "literary criticism has always meant narrative and drama as well as an estblishing of comparative values.

"On the comparative side, my function has, I think, been to make an effort to see in relation to one another, to bring into the same cultural sphere, a number of literary fields which have been in some cases hardly aware of one another."

Four of Mr. Wilson's books represented direct attempts to apply his humanist and historical values to writers and the culture that nurtured them. These were "Axel's Cast" in 1931, "To the Finland Station" in 1940, "The Wound and the Bow" in 1941 and "Patriotic Gore" in 1962. The first analyzed the work of Yeats, Eliot, Pound and Joyce in terms of the French Symbolist movement; the second dealt with Vico, Saint-Simon, Taine, Marx, Engels, Lenin and Trotsky in terms of the revolutionary tradition in Europe; the third concerned the dualism of Dickens, Kipling, Casanova, Edith Wharton, Hemingway and Joyce; and the fourth treated Harriet Beecher Stowe, Lincoln, Grant, Sherman and a number of others who left a record of their experiences leading up to or in the Civil War.

In other works the critic paid his respects to many of his contemporaries—Fitzgerald, Steinbeck, Faulkner, Aldous Huxley, Louis Bromfield, Katherine Anne Porter, Dorothy Parker, John O'Hara, Thornton Wilder, Malraux and Sartre, among others.

Contemplating O'Hara, Mr. Wilson found that his work derived from Hemingway and James M. Cain, but that "his writing really belongs to a different category of fiction."

"O'Hara," he declared, "is primarily a social commentator [who] subjects to a Proustian scrutiny the tight-knitted social web of a large Pennsylvania town, the potpourri of New York night life in the twenties, the nondescript fringes of Hollywood. In all this he has explored for the first time from his peculiar semisnobbish point of view a good deal of interesting territory."

Mr. Wilson bestowed his approval on Faulkner, but it was not unalloyed. Reviewing "Intruder in the Dust," he remarked bluntly that "it ought to be said that, from the point of view of the writing, this is one of the more snarled up of Faulkner's books."

But Mr. Wilson did not limit his criticism to the kind of writers usually discussed in literary journals. He wrote of Emily Post and her etiquette books and, in an essay entitled "Who Cares Who Killed Roger Ackroyd?", he reported his conclusion that detective stories were a waste of an intelligent reader's time after having worked his way, with characteristic thoroughness, through dozens of popular successes in that genre.

He would write of writers long forgotten and of others who had never been much known. The writing was always direct and pungent. He began an essay called "What Became of Louis Bromfield" in his way:

BOOK BANNED IN STATE

"In the days of 'The Green Tree' and 'The Strange Case of Miss Annie Spragg,' Mr. Louis Bromfield used to be spoken of as one of the younger writers of promise. By the time he had brought out 'Twenty Four Hours,' it was more or less generally said of him that he was definitely second rate. Since, then, by unremitting industry and a kind of stubborn integrity that seems to make it impossible for him to turn out his rubbish without thoroughly believing in it, he has gradually made his way into the fourth rank, where his place is now secure."

These books of criticism brought Mr. Wilson his renown; a collection of six stories satiritizing suburban manners and morals, "Memories of Hecate County," earned him notoriety. Published in 1946, the book was banned in New York State as obscene chiefly for one story. "The Princes With the Golden Hair." The story, told in the first person, con-

trasted the sex life of a suburban matron with that of a city working girl. Its love scenes, tame by today's standards, nonetheless shocked the Court of Special Sessions.

Reflecting a general attitude toward Mr. Wilson in the nineteen-sixties, when most of his work was behind him, Sherman Paul, also a critic, wrote:

"We think of Wilson, as he probably intended us to, when we read in 'Patriotic Gore' of the old Romans of the old America."

Professor Paul had in mind Mr. Wilson's reputation for incorruptibility; but he could also have been describing his physical appearance and his patrician attitudes. Of medium height and tending to paunchiness, his body was dominated by a massive head. His features—a high forehead and a slightly jutting jaw—resembled those of a bulldog in repose.

He was, though, not so much pugnacious as he was disdainful or impatient with lesser intellects. Some of this was reflected in a letter he once sent to the British weekly The New Statesman. "I read your journal mostly with admiration," he wrote, "but I do wish you would not so often confuse 'titillate' with 'titivate.'"

"INTERVIEW" OF HIMSELF

Another facet was thrown in a self-interview in The New Yorker in 1962 that dealt with a trip to Britain. It read in part:

"Interviewer: What brings you to England, Mr. Wilson?

"Wilson: I wanted to dine at the Café Royal. I have never been able to get any English friend to go there with me. They always say that it isn't what it used to be. But I want to see it all the same. That's one reason, and another is that I want to get a set of Ackermann's 'London' at a somewhat cheaper price than they ask for it in the United States. I feel that when I've achieved these two objectives, I need never come to London again."

And later in the "interview," when Mr. Wilson was asking himself his opinions of various British writers, he wrote:

"Interviewer: And Anthony Powell [the novelist]—have you read him?

"Wilson: I don't see why you make so much fuss about him. He's just entertaining enough. to read in bed late at night in summer, when his books usually reach me. If Evelyn Waugh is the Shakespeare of this school, Powell is the Middleton or Day. It's a pity he never dipped into Proust—and that goes for Durrell, too, though of course Durrell did more than dip, he saturated himself completely. Durrell is even better to read in bed."

Mr. Wilson was impartial with his hauteur, except with his close friends. For example, he customarily replied to requests of him with a printed card that read:

Edmund Wilson regrets that it is impossible for him to:

Read manuscripts, write articles or books to order, write forewords or introductions, make statements for publicity purposes, do any kind of editorial work, judge literary contests, give interviews, conduct educational courses, deliver lectures, give talks or make speeches, broadcast or appear on television, take part in writers' congresses, answer questionnaires, contribute to or take part in symposiums or "panels" of any kind, contribute manuscripts for sales, donate copies of his books to libraries, autograph books for strangers, allow his name to be used on letterheads, supply personal information about himself, supply photographs of himself, supply opinions on literary or other subjects.

The critic's desire to be left in peace was understandable in view of the care and diligence with which he worked. He often called himself a journalist, and, in fact, many of his essays appeared in their first form in such magazines as The New Republic, The New Yorker and New York Review of Books. These he expanded and burnished for his books, and this required enormous concentration. Partly, too, he disliked dealing with strangers because of his stutter and his absentmindedness.

Mr. Wilson accumulated a reputation for bad manners. In fact, Richard Chase, the critic, once wrote:

"People who write about Edmund Wilson are likely to include a note on how badly he acted when they saw him at a party. So I had better add that when I saw him at a party he was amenable enough.

"He made a point of sitting beside me like a benign if somewhat nettled uncle, and he asked me about Melville's poems, which he was reading at that time. The great man somewhat confounded me, and I forgot most of whatever I knew about Melville's poems.

"We talked about Whitman, and Wilson emphatically pronounced him the greatest of our classic writers ('The Scarlet Letter,' on the other hand, was a 'fraud').

"Wilson seemed rather baffled by me and soon retired to a corner with the host, who helped him puzzle out a Yiddish newspaper that had been sticking out of his pocket when he entered the house."

Professor Chase, however, did not catch Mr. Wilson at small parties he gave in his apartment or at his home on Cape Cod. On these occasions, Mr. Wilson delighted his guests with his skill at puppetry, especially Punch and Judy shows, and for his skill at Maskelyne's magic, which he picked up in Italy when he was a boy.

A command of culture came naturally to Edmund Wilson, for it was a world into which he was born and in which he was reared. The only child of Edmund and Helen Mather Kimball Wilson, he was born May 8, 1895, in Red Bank, N.J. His father, a successful lawyer, served a term as Attorney General of New Jersey. His mother, also of professional background, put store by books and art as household equipment. And when the boy was 13 his parents took him to Europe for a thorough tour of the cultural sights of Italy, Austria, Germany, France and Britain.

A year later he was sent to the Hill School in Pottstown, Pa., where his first months were agonizing and rebellious. "My mother, with characteristic lack of fact, had called me 'Bunny' when she brought me on and, at a first get-together in my rooming-house, this was taken up by the boys," Edmund explained later with some asperity, adding:

"I tried to fight everybody who did this, but was outnumbered, and the house-master broke it up. I have been saddled with this nickname all my life. When I later asked my mother why she had called me that, she gave me the even more embarrassing explanation that she used to say about me as a baby that, with my black eyes, I 'looked just like a plumbun.'"

Throughout his life Mr. Wilson endured his nickname, but barely. Use of it to his face was a certain invitation to disfavor. "Bunny," though, was freely employed behind his back.

Edmund began to practice his métier at Hill with a story for the school magazine, of which he became editor. At Princeton, which from 1912 to 1916 followed Hill, the young man continued to display literary and critical abilities. On the staff of The Nassau Literary Magazine, he encouraged his friend and fellow student, F. Scott Fitzgerald, to write for it, and it was the start of a career as a novelist on which Mr. Wilson had an enduring influence.

The association of the two Princetonians lasted even beyond Fitzgerald's life. For two years after Fitzgerald died in 1940, Mr. Wilson edited his friend's autobiographical memoir, "The Crack-Up." For the dedication he wrote a poem that began:

"Scott, your last fragments I arrange tonight,
Assigning commas, setting accents right,
As once I punctuated, spelled and trimmed,
When, passing in a Princeton spring—
how dimmed
By this damned quarter century and more!—
You left your Shadow Laurels at my door."

Majoring in literature, Mr. Wilson was stimulated by Prof. Christian Gauss and by the writings of H. L. Mencken, Shaw and James Gibbons Huneker, the American critic. He also traveled abroad in these years, soaking up more of Europe on each trip. His humanism and interest in European cultures, encouraged by Professor Gauss, were enhanced by a postgraduate summer at Columbia, where he studied sociology and economics; and by a stint as a reporter on The Evening Sun in New York.

After World War I, in which Mr. Wilson served, successively, as a private, a hospital attendant in France and a member of the Intelligence Corps, he joined the staff of Vanity Fair and was its managing editor for 1920–21. Recalling him as an editor, Zelda Fitzgerald described him as "beautiful and bloodless." Her husband, Scott, was less cryptic, for he wrote of his friend as "walking briskly through the crowd (in New York) wearing a tan raincoat over his inevitable brown get-up," cane in hand, confident, "wrapped in his own thoughts and looking straight ahead."

In those years Mr. Wilson also wrote essays on Fitzgerald, Willa Cather, Pound, Byron, Poe, O'Neill, Hemingway, Lardner, Stephen Crane and William James. In addition, he collaborated with John Peale Bishop, a Princeton friend, on "The Undertaker's Garland," a book of satiric verse and prose about death and funerals.

From 1926 to 1931 Mr. Wilson was associate editor and principal book reviewer for The New Republic. In addition to commenting on the literary scene and introducing, among many others, John Dos Passos as a gifted writer, he wrote "Discordant Encounters," which dealt with the antagonism between man and the machine, and "Poets Farewell!" a volume of lyrics and sketches mostly satiric.

He also published, in 1929, his only novel, "I Thought of Daisy," a book about Greenwich Village that was based on a sensational murder trial of the era that he witnessed. He * * * 1967, and in his introduction to that edition he was at pains to disabuse those who saw the narrator of the first-person story as Mr. Wilson.

"Nothing annoys me more than to have the characters and incidents which figure in my works of fiction represented as descriptions of real people and events," he wrote. "In the case of a still living writer, such guesses are something of an impertinence."

Nonetheless, Mr. Wilson did transmute some of his experiences into stories, albeit rearranged and disguised.

Of his articles for The New Republic the most political was "An Appeal to Progressives," published in 1931, about a year after the ones of the Depression. In it Mr. Wilson attacked the myth of a prosperous American society and the hopes of liberals that it might be gradually reformed. "The present depression," he said in urging liberals to become concerned, "may be one of the turning points in our history, our first real crisis since the Civil War."

In suggesting a radical approach to the country's plight, he invited intellectuals to consider the American Communist party. He found its dogmas narrow, but said radicals "must take Communism away from the Communists, and take it without ambiguities, asserting that their ultimate goal is the ownership by the Government of the means of production."

VIRTUAL CALL TO ARMS

And in an article the following year he issued a virtual call to arms, saying:

"So, American intelligentsia—scientists, philosophers, artists, engineers—who have been weltering so long in prostitutions and

frustrations, that phase of human life is done. Stagger out of the big office, the big mill—look beyond your useless bankrupt fields and pastures!"

Finally, in the Presidential election of 1932, Mr. Wilson was one of a number of writers who supported the Communist ticket of William Z. Foster and James W. Ford. By this time he had already established himself with "Axel's Castle" as one of the nation's foremost critics; and he added to that reputation with "American Jitters," a collection of articles with political overtones, issued in 1932.

In 1935 Mr. Wilson traveled and studied in the Soviet Union under a Guggenheim Fellowship. He never embraced Communism, but he wrote of his experiences and his meetings with the Russians with general approbation.

Out of the trip also came "To the Finland Station," his study of the revolutionary tradition in Europe. "With his customary scholarship he prepared himself for the book by seemingly reading not only all of Marx and Engels, but also all of such 19th-century socialists as Prudhomme, Friedrich LaSalle and Bakunin.

After tracing the development of this tradition, he concluded in the final paragraph of the book that it was unlikely that Marxist formulas would be able to lead to "a society in which the superior development of some is not paid for by the exploitation, that is, by the deliberate degradation of others."

Meantime, in 1938, Mr. Wilson, then 43, had married Mary McCarthy, the 25-year-old book critic for The Nation. He had been married twice previously. His first marriage, to Mary Blair, had ended in divorce; his second wife, Margaret Canby, had died in an accident.

The union with Miss McCarthy, which lasted seven years tended to be troubled, at least in his wife's recollection. She found him domineering in his views, so that everything that came under his hand was shaped into "an authorized version."

She also reported that at one point Mr. Wilson said, "I think you've got a talent for writing short stories.' So he put me off in one free room with a typewriter and shut the door."

The forties were fruitful years for Mr. Wilson. He published "The Boys in the Back Room" in 1941. "The Wound and the Bow" also in 1941, "Notebooks of Night" in 1942, "The Shock of Recognition" in 1943, "Memoirs of Hecate County" in 1946 and "Europe Without Baedeker" in 1947. His apparent slacking off after 1944 was illusory, for in that year he became book reviewer for The New Yorker. His almost weekly treatment of new books was demanding, long-range and scholarly, an attitude that irritated some readers accustomed to the more bland criticism of Clifton Fadiman, Mr. Wilson's predecessor.

Although Mr. Wilson ceased to be a regular contributor to the magazine in 1948, he continued for years to contribute book reviews and feature articles. For example, from his New Yorker articles emerged "The Scrolls From the Dead Sea" in 1955. This book, rationalist in tone, brought him into conflict with orthodox interpreters of the theological implications of the scrolls. It was, however, indisputably based on an enormous body of archeological information that he had amassed in visits to the Middle East.

INJUSTICE TO INDIANS

Also from his magazine articles he shaped "Apologies to the Iroquois," issued in 1959, which was both an account of life among the Iroquois Indians in New York State and Ontario, and a discussion of how to right the injustices done to them over the years.

The significant book of Mr. Wilson's later life was "Patriotic Gore," on which he worked off and on for 15 years. Critics rated it a masterly study of the literature of the Civil War, at once encyclopedic and profound.

In 1963, a year after publication of "Patriotic Gore," the writer underwent an experience that puzzled him deeply. He published a polemic, "The Cold War and the Income Tax," a detailed recital of his troubles with the Internal Revenue Service and an indictment of Federal spending for the war in Vietnam and for defense. "I have finally come to feel that this country, whether or not I live in it, is no longer any place for me," he wrote.

Almost simultaneously Mr. Wilson was awarded the Presidential Medal of Freedom, the nation's highest civilian honor. The citation acclaimed him as a "critic and historian [who] has converted criticism itself into a creative act, while setting for the nation a stern and uncompromising standard of independent judgment."

Mr. Wilson did not leave the United States. Instead he continued to live, as he had for many years, with Elena Thornton, his fourth wife, in virtual seclusion, in Wellfleet on Cape Cod, in Talcottville in upstate New York, and in the Caribbean.

In the years since 1963 Mr. Wilson got into at least two furious quarrels. One was with Vladimir Nabokov over the latter's translation of Pushkin from the Russian. The other was with the Modern Language Association over its scholarly editions of American authors. Mr. Wilson considered these editions overpedantic to the point of uselessness.

Only last month The Times Literary Supplement, in a cover essay on Mr. Wilson and his book "Upstate," praised the scope and scale of the author's interests: "Only the European panoptic scholars come near matching Wilson for learning, and for sheer range of critical occupation there is no modern man to match him."

The book is a personal and elegiac diary of a man growing old in the place where, as a child, he had first learned he was capable of "imaginative activity and some sort of literary vocation."

Generous honors came to Mr. Wilson in the late sixties. He won the National Medal for Literature in 1966 and, with it, $5,000. The award, he said, was "all the more welcome for being, as I understand it, tax-free, so that not a penny of it will be demanded for the infamous war in Vietnam and for our staggering appropriations in the interest of so-called defense, which, when I last examined the budget in 1964, amounted, together with space programs and the cost of past wars, to 79 per cent of the total."

Two years later he received the Aspen Award for his contributions to the humanities. With it went $30,000, also tax-free.

At that time, in a rare public appearance, Mr. Wilson commented on his studies in Greek and Russian, and on his examinations of the Dead Sea Scrolls and American Indian lore:

"Now, I am far from an authority on any of these subjects but, out of a volatile curiosity and an appetite for varied entertainment, I have done reading in all of them; and I have been working, as a practicing critic, to break down the conventional frames, to get away from academic canons that always tend to keep literature provincial."

QUOTATIONS FROM THE WRITINGS OF EDMUND WILSON

Following are selected quotations from the writings of Edmund Wilson:

ON BRITISH MANNERS

What we consider British rudeness is their form of good manners. In other countries, manners are intended to diminish social friction, to show people consideration and to make them feel at ease. In England it is the other way: good breeding is something you exhibit by snubbing and scoring off people.—"Europe Without Baedeker."

ON POETRY

If, in writing about "poetry," one limits oneself to "poets" who compose in verse, one excludes too much of modern literature, and with it too much of life.—"Is Verse a Dying Technique?"

ON PROUST

Proust is perhaps the last great historian of the loves, the society, the intelligence, the diplomacy, the literature and the art of the Heartbreak House of capitalist culture; and the little man with the sad appealing voice, the meta-physician's mind, the Saracen's beak, the ill-fitting dress shirt and the great eyes that seem to see all about him like the many faceted eyes of a fly, dominates the scene and plays host in the mansion where he is not long to be master.—"Axel's Castle."

ON LEARNING A NEW LANGUAGE

Ah, the pleasures of approaching a new language! The words are all drill in the grammar. They are odd or attractive objects. . . . They involve us in oral judgments and they are devoid of emotional connotation: We can play with them like pets or toys. Then when we first begin to see into their meanings, with what freshness the world reappears to us! Trees and tables, dogs, women and children, coming and going, God, government and butter, have assumed a new strangeness and interest, as if they were being named for the first time.—"Note-Books of Night."

ON THE CRASH

To the writers and artists of my generation who had grown up in the big business era and had always resented its barbarism, its crowding out of everything they cared about, these years were not depressing but stimulating. One couldn't help being exhilarated at the sudden unexpected collapse of that stupid gigantic fraud. It gave us a new sense of freedom; and it gave us a new sense of power to find ourselves still carrying on while the bankers, for a change, were taking a beating.—"The Shores of Light."

ON DIVORCE

It is apparently un-American to be married four times. Though many, whose church forbids it, believe that divorce is sin, it may be said that aside from these groups, two marriages with a divorce are thought normal; among the rich, three are normal; and in Hollywood four are normal. But in the case of a writer, four marriages may throw doubt on his financial dealings and on his soundness as an American citizen.—"The Cold War and the Income Tax."

ONE OF THE GREAT MEN OF LETTERS

(By John Leonard)

In 1963 Edmund Wilson wrote: "The knowledge that death is not so far away, that my mind and emotions and vitality will soon disappear like a puff of smoke, has the effect of making earthly affairs seem unimportant and human beings more and more ignoble. It is harder to take human life seriously, including one's own efforts and achievements and passions." Harder, but not impossible. Even as he wrote those lines in his diary, he was working on "The Cold War and the Income Tax." He would go on to rediscover this continent's north in "O Canada," to publish a third volume of literary chronicles, "The Bit Between My Teeth," to write plays and a memoir, "Upstate," and to finish a book on Russian literature, "A Window on Russia," which will appear in August. He was, The Times Literary Supplement noted last month in a front-page essay on "Upstate," "one of the great men of letters in our century"—the American Montaigne.

He was the chairman of no department at any university. What department could possibly take in his range of interests—the modernist writers he introduced to this coun-

try in "Axel's Castle," the history of Europe's revolutionary tradition, in "To the Finland Station," the neglected literature of our own beginnings in "The Shock of Recognition" and "Patriotic Gore," the Indians we had forgotten or never known in "Apologies to the Iroquois," the essays on the Holmes-Laski correspondence, the Modern Language Association and the Marquis de Sade? The only department large enough was his head. Like a python, he devoured whole literatures.

WRITERS' "ISOLATION" SEEN

"What we lack, then, in the United States," he wrote in 1928, "is not writers or even literary parties, but simply serious literary criticism. . . . It is astonishing to observe, in America, in spite of our floods of literary journalism, to what extent the literary atmosphere is a nonconductor of criticism. What actually happens, in our literary world, is that each leader or group of leaders is allowed to intimidate his disciples, either ignoring all the other leaders or taking cognizance of their existence only by distant and contemptuous sneers. . . . It, furthermore, seems unfortunate that some of our most important writers—Sherwood Anderson and Eugene O'Neill, for example—should work, as they apparently do, in almost complete intellectual isolation, receiving from the outside but little intelligent criticism and developing, in their solitary labors, little capacity for supplying it themselves."

Inasmuch as the situation has changed in the intervening four decades, Mr. Wilson was responsible. He believed as much in the republic of letters as he believed in the republic of the American past. His tenure at the New Republic was itself a kind of adult education course that created intelligent opinions about literature and circulated them. There was no intimidation and very little sneering; there was simply the strong, plain prose that grew like elm branches out of the trunk of a rich intelligence. There was a continuity in his work analogous to the continuity he sought to define and sustain in his nation's perception of itself.

HOLDING TO OUR VALUES

Toward the end, his critics used words like "patrician," "élitist" and "crotchety" to describe him. And yet he made it his business, as "Upstate" makes clear, to leave the den and talk to people, to regret unwelcome social changes while accepting their inevitability, to hold to his own values while listening to the rumors and the riots of new ones, even as he made it his business to talk to and understand the literatures of so many nations, to seek everywhere the civilizing impulse, the past that is in us and the future we fashion from it.

If there is an American civilization, Mr. Wilson helped us to find it and was himself an important aspect of it. A wise man, perhaps singular. His children, and all of us who care about literature and the Republic are his children, will miss him sorely.

CLARIFICATION FOR THE RECORD

Mr. EAGLETON. Mr. President, on May 31, 1972, the New York Times published a paid advertisement sponsored by a group that identified itself as "The National Committee for Impeachment." The advertisement called for the impeachment of President Nixon and cited several "serious violations" allegedly committed by the President in his conduct of the war in Vietnam.

The advertisement quoted a portion of a speech delivered by me on the floor of the Senate on April 19, 1972, and printed in the CONGRESSIONAL RECORD of that date. This quotation was taken out of context from the public record without my consent or approval. While I disagree with the President's conduct of the Vietnam war, I do not agree with those who wish to impeach him for his actions. I hereby disclaim any association with that group and its advertisement.

PRODUCTIVITY—KEY TO HIGHER STANDARD OF LIVING—ADDRESS BY PHILIP O. GEIER, JR.

Mr. TAFT. Mr. President, throughout the ages, productivity has been the key to a higher standard of living. As Frank Porter stated in the Washington Post recently—

If productivity had remained static over the centuries, man would never have emerged from the stone age. Increases in the standard of living are only possible through increases through productivity: Man can only consume what he produces.

Productivity is directly related to our ability to compete for foreign markets, our ability to compete for domestic markets, the number of jobs which we can provide for American workingmen, our balance of trade, and the value of our dollar. It is, therefore, imperative that we set as our number one economic priority the increase in American productivity.

On May 24, Philip O. Geier, Jr., chairman of Cincinnati Milacron, Inc., addressed the Numerical Control Society in Chicago on "Productivity—America's Hope for Economic Survival." I found Mr. Geier's comments on this vital subject to be illuminating and having insight. I ask unanimous consent that they be printed in the RECORD.

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

PRODUCTIVITY—AMERICA'S HOPE FOR ECONOMIC SURVIVAL

(By Philip O. Geier, Jr., chairman, Cincinnati Milacron, Inc.)

I consider it a privilege to address the opening general session of the 9th Annual Meeting and Technical Conference of the Numerical Control Society. I'm not an expert on NC by any means, but I have had enough experience to know that the theme of this conference is prophetic. The world of NC is expanding—around the world. The rapid growth of NC usage in other countries is, in fact, one of the reasons why I picked the topic I did six months ago.

I am going to talk today about "Productivity—America's Hope for Economic Survival." Since selecting this subject last fall, "productivity" has become more and more of a buzz word in our country and in the industrial nations of the world. It is a good sign that productivity has been increasingly placed under the national microscope, for attention often begets its own benefits.

Productivity, as we all know, is the relationship between total output and the number of hours worked. The term is often misused and misunderstood; often intertwined with speed up or sweat shops, longer hours or more arduous labor. And that, of course, is wrong. Improvement in productivity is a result of innovations, of new and better products and product designs, of better tools and equipment, and of advanced methods and procedures.

Why have I chosen to talk about productivity and termed it "America's Hope for Economic Survival"?

The high rate of U.S. production has been more responsible than anything else for our country's high standard of living and its past ability to compete strongly in world markets. I stress the word past, because today, U.S. industry has a compelling need to increase productivity in order to compete at home and in overseas markets.

In addition, American manufacturers are faced with rising employment costs resulting from wage settlements before and since the freeze. We are under tremendous pressure to keep unit labor costs under control. The principal solution for these problems is increased productivity, and the really significant gains will come from the installation of more efficient machinery and controls.

The bind we are in today is easy to understand. In the last decade, the federal debt went up 28% because the government overspent. At the same time, wages increased 60% while productivity went up only 29%. And this forced living costs up 36%. No nation's standard of living has ever increased so rapidly as ours.

In the past, the increase in our standard of living was paid for by enlarging markets and by increasing productivity. Today, in many quarters, productivity gains seem to be all but drying up. And yet the heightening demands of society keep forcing greater than ever increases in the standard of living.

Excess capacity and lower profits of U.S. manufacturing companies in 1970, and 1971, slowed down investment in more efficient productive equipment. But, overseas, competitors continued to install new equipment at a good rate. Overseas nations not only have more modern production facilities, they are also better disciplined. Business, government and labor plan and work together. The close cooperation in Japan is an outstanding example, but the same type of cooperation is present in varying degrees in the other industrial countries of the free world.

While competitors abroad have the support of their governments in expanding international trade, segments of our government often seem to take positions that are not favorable to the efforts of American companies to compete. That is really a strange paradox because the survival of the U.S. as a significant economic factor in the world is at stake. We are rapidly reaching the point where we could be out-produced and outcompeted by the major industrial nations of the free world. For our country, increased productivity could be the catalyst which provides the impetus for our economic survival.

Now let's take a closer look at the position of American industry compared to major competitors overseas. We have fallen behind in recent years because labor costs have increased faster than output, and the political climate in the U.S. has discouraged investment in new plants and equipment. That climate has improved in the last year following the passage of the Job Development Tax Credit and the changes in depreciation regulations which reduced the useful life of machinery and equipment by 20%.

But as far as the U.S. is concerned, we're still experiencing bad weather. Other nations have been spending significantly larger shares of their gross national product on fixed investment (Table 1).

From 1950 to 1967, all the industrial nations, with the exception of the United Kingdom, exceeded the U.S. in fixed investment as a percentage of gross national product.

As a result, other countries are experiencing much faster annual growth rates. There is a definite relationship between fixed investment and average annual growth rates, and all of the countries, except the United Kingdom, have experienced greater growth than the U.S. The obvious conclusion is that our major competitor nations are spending significantly larger shares of gross national product on new equipment to increase productivity, and, as a result, are experiencing much faster growth rates.

Table 2 shows additional reasons why

American industry must improve its productivity. Compare the rates of change in output per man hour in manufacturing for the larger industrial nations of the free world. Japan again leads the procession with a 14.2% increase in productivity. Reading down the list we see the U.S. has the smallest increase, only 2.1%.

Now, let us examine the average annual percentage change in hourly compensation. From 1965 to 1970 wages climbed at even a faster pace in other countries. Nevertheless, the total hourly wage cost in the U.S. is still almost 4 times greater than Japan, three times that of Britain, about twice that of Italy and even compared to West Germany, where employment costs have skyrocketed in recent years, American wage costs are still 50% greater.

The annual percentage change in unit labor costs is also significant. Japan—as you might expect—has had the smallest increase for this 6-year period—less than 1%. Canada had the largest increase, but the U.S. was a close second with a 3.9%.

Let's look at productivity in a different way. From 1960 to 1970 manufacturing output per man hour in the U.S. increased 34% while the weighted average of 10 competitive countries increased 87%. Since 1960, our major competitors increased their output per man hour more than twice as fast. This is a vivid example of our relative position in productivity.

It is crystal clear that U.S. industry must increase its productivity in order to be more competitive. To accomplish this, we have to increase our rate of capital investment in modern productive equipment. Machine tools are at the top of the list, so let's look at machine tool production and consumption in the leading industrial nations of the world.

First, what happened to production in 1971 (Table 3). The U.S. slipped from a close second position to third, a drop of 30%. Germany retained first place, almost doubling U.S. output. The Soviet Union took over second place from the U.S., and accounted for almost 15% of 1971 world output. Russia, combined with the East European Bloc, produced one-fourth of the world's machine tools.

Consumption, or the value of machines placed in operation, is even more meaningful (Table 4). The real health of a nation's economy can be measured as much by the consumption of machine tools as by any factor. For the first time since statistics have been kept, the U.S. failed to end up in first place and dropped to a poor fourth, behind Japan.

A decade ago, if someone told me that in ten years Japan would be producing about as many machine tools as the U.S. and installing metalworking equipment worth $100-million more than our annual investment, I'd have had serious doubts about their sanity.

It's obvious, of course, that there is a close correlation between capital investment per worker and productivity. Table 5 shows just how close this relationship has been for the last twenty years.

In the past, increases in capital spending have taken place when manufacturing was operating at rates of 83 to 84 percent of capacity, or above. The current operating rate is less than 75%, indicating excess capacity. Nevertheless, the Department of Commerce says that capital spending by manufacturing will increase sharply this year. It is forecasted to jump 8.7 percent, compared to a decline of 6.1 percent last year.

There are a number of explanations for this seeming contradiction. First, the investment tax credit has lowered the price of capital goods at a time when sharply increased cash flow from both earnings and depreciation has given U.S. companies the wherewithal to purchase new equipment.

But more significantly, it is apparent that many companies are beginning to realize that even though much of their excess capacity is still technologically adequate, it is nevertheless far from efficient, and therefore economically obsolete.

A McGraw Hill survey points up the problem. In 1968, 14% of the manufacturing facilities operated by large U.S. companies were technologically obsolete. By the end of 1970, the number had grown to 15%.

To top it off, a lot of the equipment that is not technologically obsolete is simply not automated enough to be competitive in the face of rising labor costs. Under existing conditions of worldwide trade, a substantial proportion of machinery and equipment installed in the U.S. is only marginally profitable and therefore is economically obsolete.

For the first time, the intensity of foreign competition has become the significant factor in determining the extent of obsolescence in many sectors of U.S. industry.

American companies—at any level of operation—must, one way or another, improve their productivity and reduce their costs in order to hold, or regain, the competitive edge.

As you gentlemen well know, there is a growing awareness and recognition that numerical control, and automation, coupled with process controls, are the most effective means for overcoming rising employment costs, reducing the unit costs of production, and increasing productivity.

Necessity brought the wide scale use of numerical control (NC) to the aerospace industry. But despite some notable individual company exceptions, other segments of industry have not utilized it to anywhere near the same degree.

The last American Machinist inventory of metalworking equipment taken in June, 1968, showed that there were about 13,000 NC machines in U.S. plants.

In the 4 years since then, American Machinist estimates that the number of NC machines has grown to about 21 or 22,000. That sounds impressive until you remember that there are about 2-million metalcutting machines in U.S. plants. When you view NC in that perspective, it only amounts to 1% of the machine tools installed in American factories.

If NC's productivity is considered to be 5 times that of manual machines, even in types of equipment where it has made its greatest penetration, it accounts for less than 10% of the output.

One might say, let's not look at NC's amazing growth but rather at how slow its progress has been!

It is important to keep in mind that while the installation of a single NC machine boosts a manufacturing department's productivity somewhat, the second machine has a much greater impact. In general, there is a cascading effect on productivity as other NC machines are added.

In order to obtain the productivity benefits from NC and from more recent developments such as direct numerical control (DNC), management has to make a major commitment and begin to think in terms of total manufacturing systems.

The time a product is being worked on has become of increasing importance. Consequently, more attention will be given to increasing the use of automation in the years immediately ahead. One major U.S. business found that the actual work on a product amounted to only 2% of the total elapsed time from receipt of the order until the product was shipped. This is not an isolated example. Many companies are coming to the realization that they need to adopt a new philosophy of manufacturing—a philosophy that encompasses not only the application of NC for shaping parts, but also the application of process controls for the automation of other industrial processes.

In fact, it is estimated that 26% of capital spending for equipment in 1972 will be for automated machinery, compared to 23% in 1970. The trend is definitely toward using automated methods of performing work—all the way from the receiving of raw materials to the outward movement of the finished product. As you well realize, both software and hardware are integral parts of broader automation applications.

Automation, of course, is also applicable to improving efficiency in all other functional areas of the business. These include engineering, research and development, and purchasing as well as manufacturing. In the *design* area, products not only must be designed for better sales appeal but also for greater manufacturing efficiency.

The *quality* function must do more than sort, inspect, pass and reject; management must assign specific quality responsibility to engineering, manufacturing and purchasing.

Manufacturing must work closely with engineering in the design of products for efficient production and be able to take advantage of new manufacturing techniques, new materials, and new components.

Purchasing must insist on the freedom to order by specification rather than from a single source, so it can develop an approved vendor list and establish competitive bidding practices.

When applying automation, each company must have a clearly defined purpose and develop a total business plan. Priorities should be established to select the areas to be automated. The entire business management team must be dedicated to making a significant improvement in productivity through automation. Furthermore, to benefit from automation, we also need a team effort on the part of users and suppliers of equipment. Both should contribute to the development of the automation plan, and both have vital parts in implementing it.

To sum up, automation involves: looking at every business function in terms of its relationship to every other function; considering the entire business as a system; developing a better understanding of all parts of the business, because you can't automate what you do not understand.

Now, let us look at the need for even more productivity in manufacturing from another point of view.

U.S. manufacturing contributes approximately 30% of our GNP, and it is normally thought of as highly productive and efficient. In reality, it is not, particularly when carried out on machine tools.

Mass production type manufacturing systems, such as transfer lines, produce less than 25% of all parts manufactured. About 75% of all parts are produced in small lots or batches, and the average workpiece in a batch type production shop spends only 5% of its time on production machines. And of this 5%, only 30% is productive time in shaping the part. This is hardly efficient manufacturing. It represents a real challenge.

What is the reason for this shocking situation? The tremendous advances in mechanization and automation over the years have been mainly in manufacturing *hardware*.

There has been no corresponding advance in the mechanization and automation of the *software* component of manufacturing. That is to say, in the handling of the information flow and the moment-by-moment analysis, planning and control of manufacturing operations. In its broadest sense, manufacturing information on product design characteristics and data on equipment and process costs, capabilities and performance.

Manufacturing software also includes procedures and logic for data and information analysis, production planning and control. Without manufacturing software, all

this work has to be done by slow and laborious mental processes.

The computer provides the potential for effecting full scale mechanization and automation of the software component of manufacturing. However, the potential can only be realized by approaching both the software and hardware components in a new and different way.

What is the nature of this new approach? It is the concept of the integrated manufacturing system (IMS) which may be defined as a closed-loop, or feedback, system.

The prime inputs are needs, product requirements, and creativity, product concepts.

The prime outputs are finished products, fully assembled, inspected and ready for use.

The integrated manufacturing system combines software and hardware, and encompasses product design for the most efficient production, production planning including programing, production control including feedback, supervisory and adaptive optimizing, production equipment, including machine tools, and all production processes from machining through assembly to packing and shipping.

Performance is optimized by feedback from production equipment and production processes to production control.

Cost reduction and system capabilities are optimized by feedbacks from production equipment and production processes to product design and production planning.

The system operates as a closed-loop.

An IMS has the potential of being fully automated by means of versatile automation. It can be made fully self-optimizing through computer-related technology.

The concept of integrated manufacturing systems provides a workable approach to applying the computer to the automation of the flow of information, to the planning and control of manufacturing activities, and to the design and use of hardware compatible with such software.

A few of the technologically advanced nations realize that the computer, coupled with IMS, place industry at a unique point in history. They realize the great opportunity this offers to improve their manufacturing productivity and thus their competitive position in the world economy. Norway, Germany, and Japan are leading the way in the development of IMS.

These countries are taking three main steps toward eventual development of integrated manufacturing systems. These steps are:

(1) The development of Direct Numerical Control;

(2) The development of multi-station, computer controlled manufacturing systems, and

(3) Most importantly, the development of integrated manufacturing *software* systems.

Is the development of an IMS a realistic expectation? Norway, Germany and Japan appear to be committed to be making it a reality. In addition, some experts in the U.S. and in other countries definitely feel it will come about. An indication of this is the "Delphi" technological forecast carried out among members of CIRP (the International Institute for Production Engineering) by Dr. M. E. Merchant. Dr. Merchant is Director of Research Planning, Cincinnati Milacron Inc. This CIRP forecast indicates:

That by 1980, a computer software system for full automation and optimization of all steps in part manufacturing will be developed and in wide use;

By 1985, full on-line automation and optimizing of complete manufacturing plants, controlled by a computer, will be a reality;

And five years later, in 1990, they estimate that 50% of machine tools will be part of computer controlled, versatile manufacturing systems.

The possibilities of an IMS are as fascinating as they are imperative. Individual companies in the U.S. are making progress even though it is difficult for them to compete with national, tax-supported, programs in other countries.

One of the great advantages of an integrated manufacturing system is that it forces us to re-think the details of the business function, to look for new ways to do things, or, at the very least, to make sure the old ways are necessary and useful.

We should also look at improving productivity on even a broader basis and consider the human element. Significant productivity gains can also be achieved through the effective motivation and management of people.

But, how do we motivate the new work force? How do we stimulate a whole generation that didn't grow up in the depression, or get caught in a world war . . . a generation which doesn't seem to worry about job security and often doesn't seem to take pride in making a quality product. How do you motivate people who desire to live well immediately, work a 30 hour week, and retire at 55? These attitudes, the product of the boom psychology of the 60's, do not fit the economic realities of the 70's.

We in management have clearly fallen down on the people part of our jobs. As we set targets and strive for greater productivity, we must realize how important it is to establish the will to work and to get people to work together harmoniously and productively.

To do that, we must turn our attention to a rather impressive list of priorities. At a recent National Association of Manufacturers Conference on the relationship between the motivation of people and productivity, a number of fundamental issues were discussed.

That conference stressed the need to sell the concept that profits and jobs go hand in hand; and then get employee and union commitments to solve mutual problems.

When that is done, companies can begin to develop cost consciousness throughout their organizations and these steps will lead to cooperation and participation in achieving productivity improvement.

We will have to take a new look at the nature and organization of factory jobs; many are dull because assembly and other work assignments have been broken down into smaller and smaller functions. Industry must make humdrum jobs more interesting, if it wants workers to take pride in their work and turn out first quality products.

Mechanization by the use of automation *can* raise the skill-level of jobs. Many of those which are drab, menial and monotonous *can* be made more interesting and challenging.

We must foster the idea in our companies that it is the responsibility of labor to cooperate and use production equipment effectively, and thereby achieve greater productivity and better quality.

We need a new sense of national responsibility, spear-headed by business and labor leaders who are willing to put the nation's interests ahead of their own. Business and labor need to wake up to the fact that George Meany and Richard Nixon carry the same color passport.

Labor's cooperation and participation in increasing productivity will help create additional jobs, increase the pay of workers, and result in more wealth for all to share. As I. W. Abel of the Steelworkers says: "workers can't get anything by dropping a bangaining bucket into an empty well."

I believe that organized labor has a deep misconception about international trade as shown by its authorship and support of the Burke-Hartke bill, now pending in Congress. Passage of the bill would be a mistake. It stands to reason that we cannot avoid the problem of declining U.S. productivity by building a wall of import quotas. Our overseas trading partners would have no choice but to retaliate with their own trade restrictions and barriers. The resulting international trade war would be one we couldn't win. It would raise costs in all countries, and, therefore, lower standards of living everywhere.

We are operating today in a new environment—the world market. The real solution to competing successfully in international trade is to increase productivity.

In conclusion, let me briefly sum up some of the reasons why a significant increase in industrial productivity is of overriding importance.

We have noted that our ability to compete with the other industrial nations—in both home and export markets—depends upon the ability of U.S. industry to make drastic improvements in productivity. We face an economic crisis in this country.

The productivity gap has been widening, and we must close it.

To resolve this crisis, we must achieve significant gains in productivity. The practical tools are in our hands and ready to be used. They include the expanding use and application of NC; the greater application of automation and process controls; and finally, the development of closed-loop integrated manufacturing systems which make full use of computer-related technology.

In developing an integrated manufacturing system, we must place major emphasis on three things. *First*, mechanization and automation of the *software* component of manufacturing. *Second*, the greater use of computers for handling the information flow and the moment-by-moment analysis, planning and control of all manufacturing operations. And *third*, we must place emphasis on the design and use of hardware which is compatible with these software developments.

You will recall the main steps in developing an integrated manufacturing system.

First, acceleration of the further development of DNC;

Then, development of multi-station, computer-controlled manufacturing systems; and

Finally, and most importantly, development of integrated manufacturing *software* systems.

And, in addition to achieving significant breakthroughs in computer-related hardware and software, we must devote time and attention to being more effective in our management and motivation of people, for people can contribute significantly to productivity gains.

Improvement in productivity will provide major benefits for our nation. Included among these benefits are: greater economic prosperity; reduction of unemployment; increased purchasing power for all; and the generation of the funds needed to attain many other vital goals, such as improvement of education, health care, and housing; the correction of urban problems; and cleaning up the environment.

All must come to the realization that greater productivity is the only known method of achieving the greatest economic good for the largest number of people.

As Leon Greenberg, Staff Director of the Presidential Commission on Productivity, pointed out recently:

"A 0.1 percent increase in the rate of growth of output per man hour translates to about $1-billion of GNP in 1971. By 1980, adding 0.1 percent to a 'normal' economic growth rate of 4 percent would produce about $15-billion additional GNP—in real terms. For the decade as a whole, 0.1 percent difference in the annual growth rate could provide about sixty billion dollars of GNP."

If just a 0.1% productivity improvement would have that great an effect on the growth of GNP, think what additional gains would mean toward bettering standards of

living and providing more and better jobs for a growing population.

It is good to know that so much national attention has recently been devoted to the need for productivity gains in recent months. The establishment in 1970 of the Presidential Commission on Productivity is also encouraging, especially since late last year it received strong governmental support and funding. The Commission now has the backing it needs to establish local productivity councils to get management, labor and the public working together. The first regional conference for this purpose will be held here in Chicago in May.

In conclusion, gentlemen, I firmly believe that you, better than any other group in this country, understand both the potential and the opportunity that lies before us.

From your own experience and as Numerical Control Society members, you know that three signpoints mark the road toward our goal:

First, the expanding use of NC in metalworking;

Second, the greater application of automation and process controls throughout industry;

And ultimately, the development of both the software and the hardware which will make closed-loop integrated manufacturing systems a reality.

Much of our hope for significant gains in productivity lies with you. The road ahead will not be easy, but the rewards will be great!

TABLE 1.—INTERNATIONAL COMPARISONS, 1950-67

	Fixed investment as percent GNP	Average annual real growth rate (percent) (GNP in constant prices)
Japan	28.3	9.8
West Germany	23.4	6.3
Canada	23.0	4.5
Italy	20.5	5.7
France	19.0	4.8
United States	16.9	3.8
United Kingdom	15.6	2.8

Sources: U.N. Year Book of National Accounts Statistics, U.S. Department of Commerce.

TABLE 2.—RATES OF CHANGE, 1965-70

[Average annual percent change]

Country	Output per man-hour	Hourly compensation	Unit labor costs
Japan	14.2	15.1	0.8
Netherlands	8.5	11.1	2.5
Sweden	7.9	10.6	2.5
Belgium	6.8	8.4	1.4
France	6.6	9.5	2.7
Germany	5.3	8.7	3.2
Italy	5.1	9.1	3.8
United Kingdom	3.6	7.6	3.8
Canada	3.5	8.3	4.6
United States	2.1	6.0	3.9

Source: U.S. Department of Labor.

TABLE 3.—PRODUCTION OF MACHINE TOOLS

[In millions of dollars]

	1971	1970
West Germany	1,820	1,479
Soviet Union	1,160	1,073
United States	980	1,443
Japan	912	1,109
United Kingdom	465	477

Source: American Machinist.

TABLE 4.—CONSUMPTION OF MACHINE TOOLS

[In millions of dollars]

	1971	1970
Soviet Union	1,260	1,132
West Germany	1,110	891
Japan	942	1,179
United States	812	1,270
France	478	393
Italy	413	467
United Kingdom	367	405

Source: American Machinist.

TABLE 5.—PRODUCTIVITY AND INVESTMENT IN MANUFACTURING

Year	Output per man-hour index 1967=100	Fixed investment per worker (constant millions of dollars)
1947	54.9	6,094
1948	58.0	6,478
1949	60.1	7,254
1950	64.4	7,102
1951	65.9	6,957
1952	66.2	7,165
1953	68.4	7,089
1954	69.5	7,949
1955	73.7	7,986
1956	72.9	8,217
1957	74.4	8,638
1958	74.4	9,533
1959	78.6	9,250
1960	79.9	9,378
1961	81.9	9,832
1962	86.6	9,706
1963	90.1	9,822
1964	94.5	9,940
1965	98.4	9,918
1966	99.9	9,845
1967	100.0	10,187
1968	104.0	10,422
1969	106.2	[1] 10,662
1970	107.8	[1] 11,545
1971	111.6	[1] 12,461

[1] Estimated.

Sources: U.S. Department of Commerce. U.S. Department of Labor.

ADDRESS BY ROBERT NATHAN AT GEORGETOWN UNIVERSITY LAW SCHOOL GRADUATION

Mr. HUMPHREY. Mr. President, on June 4, 1972, the distinguished economist Robert Roy Nathan addressed the graduates of the Georgetown University Law School. His commencement speech, entitled "Law and Reordering Priorities," is an interesting, exciting perspective on the future course of the Nation. He explores what are surely some of the most pressing public problems of our time: private affluence over public need; poverty in midst of plenty; the rush to the suburbs; public safety; and the role of the United States in assisting developing countries.

Generally, commencement addresses are more noted for how quickly they are forgotten than for what is said. But this is not the case with Mr. Nathan's address. For what he said is both profound in that it gets to the heart of some of the troubles in our Nation and at once challenging because it asks each of us to make an assessment of what this country is going to do in the future; what kinds of policies it will pursue; and what kind of life its citizens will enjoy.

Robert "Bob" Nathan has been a close personal lifelong friend of mine. I have found his counsel stimulating and rewarding. He is a thinker in the honorable sense of the word.

Perhaps the inscription on the scroll awarding him the doctor of laws, Honoris Causa from Georgetown Law School says it best:

In recognition of his dedication to order and reason, of the unfailing excellence of his work and thought and of his caring heart, as economist, lawyer, scholar, humanitarian.

I ask unanimous consent that Robert Nathan's address and the text of the accompanying scroll be printed in the RECORD.

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

LAW AND REORDERING PRIORITIES

(Address to Georgetown University Law Center Graduates by Robert Roy Nathan)

Exactly four years and one month from today it will be the Fourth of July, 1976 and we will be commemorating the 200th anniversary of the United States of America.

It will be a happy occasion with colorful parades and firework displays across the land. It must be more than that. July 4, 1976 should be an occasion for serious evaluations of past success and past failures as well as careful appraisals of present strengths and present weaknesses. We need to understand why we have done well compared with most other nations and why we have not done much better, given the vast human and material resources that poured into this country from abroad before independence and for a century and a half thereafter.

It is even more important that we prepare for the difficult challenges and the tremendous opportunities that are certain to emerge in the years to come. New technologies and major breakthroughs in physical and social sciences, if used constructively, will permit undreamed of advances in living standards and the quality of life, but if used destructively they can practically end our civilization. An American third century of peace and abundance that will benefit all mankind will not just happen. We will have to prepare for it and make it happen, mostly by reordering our priorities.

If we are to prepare ourselves for July 4, 1976 there is no time to lose. Much can be done in 49 months. As we look back over the past 49 months to May 4, 1968 and the 49 months before that to April 4, 1964, we realize the vast changes that can take place in relatively short spans of history. But we need to start now to re-order those priorities, preserve the best features of our society, to moderate and change the most undesirable features, and to plan many bold new approaches.

The United States history of recent decades is certainly not without its positive accomplishments. We have definitely tamed the business cycle and will never again experience the horrors of 1929–32. We introduced and strengthened far-reaching measures providing social and economic security, including old age pensions, unemployment compensation, minimum wages, bank deposit insurance, regulation of securities markets, mortgage insurance, Federal funding of public assistance, and rights of workers to organize and bargain collectively. We survived McCarthyism and strengthened the principles of personal freedom through legislation and court decisions. Progress in civil rights and equality of opportunity in the past 15 to 20 years, though still seriously deficient, has been far greater than in the balance of the whole of the last century put together. We have made immense technological and material progress. We have done much but not nearly enough. We know that progress breeds more problems than it solves. As previously established goals are reached, new

and more ambitious goals evolve. And it is proper that our values and our priorities should become ever more demanding.

We could inflate our egos by going over a large catalog of great achievements of which we can be justly proud. But it will be more fruitful to look critically at some of the more pressing problems and issues that continue to plague us. Therefore, let us today focus on what needs to be done, remembering that we have done better than this emphasis might lead one to believe.

We might best question ourselves on a few illustrative priority issues.

SHOULD WE FAVOR PRIVATE AFFLUENCE OVER PUBLIC NEEDS?

The United States seems to have a strong tide of prejudice running in favor of private consumption at the expense of essential public facilities and services. We have been rushing madly toward private material fulfillment for more of our people—but by no means all of them. More cars, more television sets, more gadgets, more luxurious living for growing numbers of affluent Americans prevail alongside miserable housing, inadequate schools, poor security for person and property, traffic congestion, deteriorating environments in our cities, continued segregation and discrimination, insufficient funding for our judiciary and penal systems, and just plain favoring private over public uses of funds and resources. Of course public revenues should be spent efficiently and honestly but not all private spending is all that efficient.

Some persons say that we cannot *afford* more public expenditures on schools, hospitals, low-income housing, mass transit, police departments, the judiciary system, corrective institutions and other public activities. Yet income taxes have been cut by many tens of billions of dollars over the past ten or twelve years. President Nixon's budget message for Fiscal Year 1973 states specifically that in 1973 American individuals will pay $22 billion less in Federal income taxes than they would pay if tax rates and structure had remained unchanged from the date the President took office. That is no more or less than taking $22 billion out of government budgets and putting it into private hands to spend. The 1964 tax cut of $13 billion was one of the biggest if not the biggest in history. If we restored just those 1964 reductions in rates, some $30 billion would be added to Federal revenues next year. And we made other tax cuts in the early 1960's. The Federal Government would have about $70 billion more for essential investment and expenditures had these huge sums not been transferred to private use through tax reductions. Then there was the two and a half billion auto excise cuts last year! These data refute any argument that we cannot afford to provide more essential public services in more adequate measure. Our tax and expenditure policies seem to reflect a *warped* sense of priorities.

MUST POVERTY PREVAIL IN THE MIDST OF PLENTY?

The gaps between the rich and the poor in the United States are huge and growing in absolute terms. Such gaps are increasingly untenable. Citizens are becoming more and more aware that our great and growing capacity to produce truly makes it *practicable* to *eliminate* want and privation. It is especially the adverse physical and psychological impacts of poverty on those *children* unfortunate enough to be *born* and raised in horrible slums that aggravates the discontent of the poor.

At full employment our *real* gross national product doubles every 16 or 17 years. We double our per capita *real* income about every 25 years. We can now achieve a *rise* in living standards in just one generation equal to the *increase* attained during *all* of past history. Given our phenomenal productive capability to produce essentials as well as put men on the moon, we must not resign ourselves to continuing poverty and to great and growing gaps between the *"haves" and the "have-nots."* So what if there are some abuses, some who won't work? *Most* Americans do produce and will produce for an abundance for all Use carrots, not sticks! Would we end income taxes because of some chiselers? End inheritances because of some high-living among some sons and daughters of rich families?

CAN THE AFFLUENT HIDE IN THE SUBURBS?

There are, of course, wide variations in living standards within cities and within suburbs but it is not too far wrong to say that the larger cities of America, especially the central areas, are increasingly populated by relatively poor blacks and other minorities while the outlying neighborhoods and the suburbs are burgeoning with well-to-do whites. The lower incomes of center-city residents make their needs greater and their revenues less than in the suburbs. And it gets worse as those who can afford it move to the suburbs and the center cities are left with those who do not have the means to escape.

The well-to-do have an illusion that they can find security by running away from city problems. The concept of "brother's keeper" seems abhorrent to so many affluent suburbanites. In wealthy Montgomery County, outside Washington, there have been protests against equalization efforts within the State whereby more revenues collected in the County would go to the much less affluent Baltimore City. Even more shrill is the opposition to the proposal that residents of Montgomery County who work in the District of Columbia should be taxed to finance part of the needs of the District of Columbia. One would almost think that the boundaries between Maryland and the District were as inviolable as national borders.

Public policies have tended to aggravate the gaps and inequities between cities and suburbs. While the Federal Government has been cutting income taxes and leaving more money in the pockets of the higher income suburbanites, states and localities have had to increase sales taxes and property taxes which fall relatively more heavily on lower and middle income groups. The Federal Government cut income taxes and now says "let's relieve property taxes with a value added tax—really a sales tax! Massive city slums are spreading just because we do not seem to be able to deal with problems on a metropolitan area or statewide basis. Here, certainly is a target for priority attention.

ARE WE COPING WITH DISCIPLINE AND PERSONAL SECURITY PROBLEMS?

Far more attention is focused these days on statistics of crime and its incidence than on causes and solutions. Whatever the trend, the prevalence of crime has serious impacts on the quality of life in the United States, especially in our cities. People do, in fact, fear to walk in many neighborhoods. There is far too much physical violence and far too much illegal taking of property and destruction of individual rights through illegal practices.

Not all crime results from poverty and deprived neighborhoods and poor educational backgrounds. But these are very significant causal elements and we are not doing enough to correct these root causes of insecurity and criminal behavior.

Our slowness in strengthening and improving the processes of our police and court and penal systems are little short of scandalous. Some progress is being made in upgrading police personnel and facilities, but not nearly enough. More and better judges and other personnel in our courts should certainly be provided to speed the processes of justice.

Perhaps the worst situation is in our penal institutions. Physical facilities are crowded and abominable. Staffs are inadequate. Constructive prisoner programs are rare. Instead of being rehabilitated, prison inmates become more hardened criminals. Instead of deterring criminal activities, our system of punishment brings repetition of crimes. Billions of dollars of wasted human resources, of added costs in caring for the large and growing criminal population and of property damage flow from this terrible neglect. The physical and mental suffering of victims and the degradation and the sense of hopelessness among prisoners cannot be measured in money terms. It is ridiculous to say we cannot afford to put more funds into changing our penal institutions so that they rehabilitate individuals rather than destroy whatever positive motivations and constructive behavior these persons continue to possess. Far more money put into varied correction activities would likely yield far more benefits than the added costs and there would be added dividends of greater security for all citizens.

SHOULD WE HELP THE LESS DEVELOPED COUNTRIES?

After World War II United States leadership added a great new dimension to the relationships among countries. We initiated programs to help those nations most ravaged by World War II. Aid was provided to friend and *former* foe alike. The Marshall Plan—25 years old this week—helped rebuild Western Europe. Then came programs to help the less developed countries break out of their centuries of privation and stagnation. Never had industrialized and advanced nations given and loaned so generously to help the less fortunate to help themselves. We can be justly proud that the United States provided the initial leadership.

Why has that concern and that leadership largely disappeared? We keep cutting our foreign aid programs. Again there is question whether we can afford such activities. It is sheer nonsense to say we cannot afford two or three or five billion dollars a year for economic and social development abroad and yet spend $80 billion a year for defense and military activities and cut taxes $70 billion a year. How long can we turn our backs on those who desperately need capital and know-how to break out of the vicious circle of their primitive economic patterns?

We have learned that insecurity and turmoil flows from wide and growing gaps between the "haves" and the "have nots" within our borders. This will be equally and increasingly true across international boundaries. If the longevity of life continues to average 30 or 35 years in some developing countries compared with 70-year life spans in the United States and if per capita incomes are 20 or 30 times higher here than in the less advanced countries and if illiteracy remains at 80 and 90 percent in some nations, the day will come when it will not be safe for this country to have embassies or consulates and ships and planes and tourists in parts of Asia and Africa and Latin America. We may well be undermining our own comfort and security.

These are but a few illustrations of the many major difficult challenges that lie ahead. These are enough to warn of the need for progress, of the fact that material abundance alone will not provide peace and fulfillment, that each one's self-interest cannot be served by looking inward and ignoring the needs of others. In this shrinking world no city and no state and no nation can very well stand alone. People are too interdependent to be compartmentalized and containerized by nationality, race, education, income level, and similar characteristics.

The irresistible forces for change must and will bring progress. The principal questions

relate to degree of change, to timing, and to the techniques for assuring optimum progress. We had better prepare for more rather than less, and faster rather than slower rates of change if we are to avoid polarization and troubled days.

There are many "stand-patters" who are against any change for fear of possible adverse impacts on society. More often they are worried about their *own* personal status and comforts. Too many persons agree in *principle* with the need for improvement and progress, but in *practice* they prefer to keep stalling every important new policy until some undesignated later date—maybe after they are dead. If there is a choice between stand-patters and the eager beavers who push hard for serious reforms, let us cast our lot with the latter. The chances are that the combination of those against any change plus those who are apathetic will greatly outnumber the forces for change. If for no other reason, the eager beavers deserve more support, but not change just for the sake of change.

With respect to pace of progress, the risks of moving too fast are less serious than the danger of moving too slowly or not at all. Of course there are dangers of moving too fast at times and on certain issues. We need to understand and anticipate the conflicts and difficulties and complexities associated with economic and social adjustments. Let us avoid over-simplification. If there is one thing that history has taught us it is that these adjustments *are* complex and often have repercussions which can only be fully understood after the most careful and thoughtful consideration. The results are often perverse.

Our system tends to swing toward extremes, in a pendulum kind of back and forth movement between conservatism and liberalism. Perhaps the pendulum is not a good symbol because while it moves forward and backward, its mid-point is stationary. That is exactly what must be avoided. Rather, progress should be on a pronounced upward trend not just for economic growth but for broadening and strengthening our civil rights and civil liberties, and spreading the benefits of peace and equity and abundance throughout all nations.

What about the processes for progress? Two groups in our society are likely to regard themselves as the only serious liberals and reformers. One is made up of those who are impatient and inclined to resort to violence—not so much to destroy our form of government but rather to dramatize the urgency of what they feel must be changed. They go beyond peaceful dissent and vocal protest. They engage in rioting and burning and intervening with the rights of others. These practitioners of violence may do more harm than good because their practices tend to push persons into the ranks of those who would preserve the status quo. Yet we would be unrealistic if we did not take note of the fact that sometimes our leaders are very slow to react and that they only respond after serious trouble begins. Violence must not be condoned, but neither can blind resistance to *needed* change be tolerated.

The other group is made up of a number of individuals who believe that the system is so rotted at the core, so imbedded in bias and bigotry, so structured to support the vested interests against the public interest, and so difficult to reform that *nothing* is worth saving. They are the revolutionaries of the 1970's who would destroy our system because they find nothing good in it. They do not know what should be substituted, but that does not moderate their determination to destroy. These are tragic people because they believe so strongly in their negative convictions. They have a kind of blindness to reality and their fanaticism blocks out rational consideration of alternatives. Even substantial changes in our social and economic and political patterns would not serve to moderate the views of these revolutionaries. Fortunately they do *not* represent a significant proportion of our population. But their numbers will grow if we fail to correct the most undesirable characteristics of our society.

The ideal path for future progress should involve major reliance on orderly processes, including forward-oriented legislation, the executive branch of the government formulating appropriate policies, and taking the necessary actions to achieve marked progress, and on the courts serving constructively to accelerate orderly and notable progress through interpreting the Constitution and the laws of the land *in* the public interest. Courts can contribute greatly to helping society adjust and adapt itself steadily to the expanding capabilities of our nation and to the growing needs and wants of our people. The contributions in recent years of courts in the field of civil rights with the school desegregation and many major related decisions, in the strengthening of democracy with the one man—one vote decision and recent decisions on financing education through property taxes, are illustrative of the power of a great Constitution, of courageous judges, of good lawyers and of a respectful population.

If some of the challenges I have set forth were not matched by *equal* or *greater* opportunities, you graduates would face a *bleak* future. But the opportunities for greater progress are tremendous. What can happen during the next 50 years of your adult lives can make the most expansive forecasts of today look like highly restricted visions. Having lived through the Great Depression and the New Deal, our mobilization and participation in World War II, the end of colonialism, new approaches to international relations, and unprecedented economic and social changes at home, some of us might feel smug about what we have seen and done. But your problems and your experiences and your progress will dwarf the past. We would like to share the tasks with you, but it is your future, not ours, and we salute you for your preparedness and wish you Godspeed along the rewarding paths you will follow.

ROBERT ROY NATHAN, B.S., M.A., LL.B.

Born Dayton, Ohio, December 25, 1908

President, Robert R. Nathan Associates, Inc.

President, American Freedom from Hunger Foundation

Chief National Incomes Division, Department of Commerce 1936–40

Chairman, Planning Committee, War Production Board 1942–43

Office War Mobilization and Reconversion 1945

United Nations Korea Reconstruction Agency 1952–55

It has been said that the law is a seamless web. In rare instances a man's life and work can take on that aspect as well. In the man we honor today, the public servant and the private citizen are woven together in a life so integrated and harmonious that one can no longer be distinguished from the other. He has filled what Brandeis called "the most important office"—that of an involved and aware private citizen—"which cannot under a republican form of government be neglected without serious injury to the public."

He left regular government work after thirteen years for private life and since that time many emerging nations have benefitted from his counsel in their economic problems. He has been one of America's foremost economic thinkers from the early days of the New Deal, and has trained his considerable intellect on the central economic problem of our time—the relationship between a free economy and government. In 1942 he led the shaping of one of the economic and political miracles of history—the overall economic plan for this nation at war. As a private citizen he produced the statistical study of unemployment that became the basis for much of the Social Security legislation we know today. He earned his LL.B. at Georgetown while a chief of division at the Commerce Department. The United States Chamber of Commerce named him one of the ten outstanding young men in America in 1940, and he has amply realized that potential in a life honed by effort and intelligence and a total commitment to social justice.

Active in Jewish affairs all his life, he worked towards establishment of the State of Israel, and for the solution of its economic problems, as well as for the rights and dignity of American Jews through the Anti-Defamation League of the B'nai B'rith. He has been prominent in American political affairs, and a loyal and concerned alumnus of the Law Center; in 1971 he volunteered to head an eminently successful drive for funds to complete our magnificent new quarters.

In recognition of his dedication to order and reason, of the unfailing excellence of his work and thought, and of his caring heart, as economist, lawyer, scholar, humanitarian, the President and Directors of Georgetown University bestow upon him their highest tribute, hereby nominating and proclaiming Robert Roy Nathan, Doctor of Laws, honoris causa.

ROBERT J. HENLE, S.J.
President.
DANIEL J. ALTOBELLO,
Secretary.
EDWIN A. QUAIN, S.J.,
Chairman, Board of Directors.

FACT AND FICTION OF THE GAS SHORTAGE

Mr. HANSEN. Mr. President, although it seems to serve the purposes of some to discount or discredit as self-serving the assertions, warnings, or recommendations of industry officials and bankers, we are fast approaching a day of reckoning if Congress does not do a little more listening to some of their advice.

As an example, the president of the American Bankers Association believes that one of the most important problems facing the Nation today is a lack of economic literacy among the people and their elected representatives.

Thus, according to Allen P. Stults, who is also chairman of American Bank & Trust Co. of Chicago, "it does our Nation no good" that a lot of misleading information is spread about in rhetoric not based on what Stults thinks are the true economic facts.

Mr. President, in an address to the recent District of Columbia Bankers Association session at Hot Springs, Va., Mr. Stults made what I consider a very good case for the "establishment" and what he meant by "misleading information." I ask unanimous consent that his remarks, as published in the Washington Post article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HANSEN. Also, Mr. President, I ask unanimous consent that a feature from a recent issue of the Oil and Gas Journal also be printed in the RECORD following Mr. Stults' remarks.

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

Mr. HANSEN. Mr. President, "Fiction and Fact" a regular feature of that pub-

lication offered its "fact" version of what it termed the "fiction" of a claim made in a letter from a group of Senators to the Federal Power Commission.

While I have not thoroughly examined the Journal's claim that the figures used by the Senators were "highly speculative or false figures to support an illogical conclusion," I do believe their basic assumptions were erroneous or at least misleading and I highly recommend the Journal's examination of all the facts of the FPC proposal which the Senators termed a scheme which would cost the consumer up to $1 trillion over the life of known potential gas reserves.

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

ABA CHIEF ASSAILS MISINFORMATION

(By William H. Jones)

HOT SPRINGS, VA., June 11.—One of the most important problems facing the nation today, in the view of the top man in the American Bankers Association, is a lack of economic literacy among the people and their elected representatives.

Thus, according to Allen P. Stults, ABA president, who is also chairman of American National Bank and Trust Co. of Chicago, "it does our nation no good" that a lot of misleading information is spread about in rhetoric not based on what Stults thinks are the true economic facts.

He cited the following as examples of misleading statements in an address to the closing session of the D.C. Bankers Association here yesterday:

The idea that there are too many loopholes in the tax structure. To the contrary, Stults asserted, various tax provisions allowing write offs and exemptions have been designed by Congress for certain purposes. The largest exemption of all, allowing home owners to deduct interest on mortgage payments, would bring in $2.8 billion in new revenues to the Treasury if eliminated, Stults estimated. He implied that home owners wouldn't think of the deduction as a "loophole."

Descriptions of the oil depletion allowance as a "curious provision to help oil millionaires." Stults said he thinks exploration for oil is extremely risky and that businessmen need some economic inducement to continue their work in this field.

Given the present energy crisis and uncertainty of foreign supply, "the hazards of discouraging oil exploration borders on the irresponsible," Stults contended, and the incentives perhaps should be enlarged.

The idea that there should be higher taxes on rich people. Soaking the rich, Stults said, would only bring in a minuscule percentage of new revenues and at the same time would dampen business leaders' incentives in their responsibilities to move companies forward.

Misconceptions about the extent and role of corporate profits. The average man on the street, said Stults, citing a recent survey, believes corporations make 28 cents of profit for every dollar of sales, while the real ratio is 4 cents to the dollar, he said.

According to Stults, profits are the best index of economic well-being in the country and should be allowed to go as high as possible. The end result of unlimited profitability, he contended, is a higher standard of living for all and better educational, civic and cultural activities.

Stults said he didn't want to "reflect on the intelligence of the public . . . they just don't have the facts."

Bankers, he said, can help lead public opinion in these matters, and give advice to the country's leaders because of their special knowledge of economic problems and an expectation of their leadership from the public, even though it won't always "make us popular."

"We," he concluded, "must assist in making the best choices."

FICTION AND FACT

THE FICTION

"The optional pricing procedure proposed by the Federal Power Commission is a scheme for deregulating the price of natural gas and would cost the consumer up to $1 trillion over the life of known potential gas reserves."—Sen. William Proxmire (D-Wis.) and 13 other senators in letter to FPC opposing new pricing procedures.

THE FACT

This is a classic example of "demagogic arithmetic," the use of highly speculative or false figures to support an illogical political position.

The basic assumptions of the senators both on the price of domestic gas at the wellhead and on volumes of gas involved are false.

They evidently assume that the FPC proposal would permit wellhead prices to jump from their present level of about 25c/Mcf to $1.25/Mcf which is the accepted probable cost of imported LNG. This $1 increase would then apply to the more than 1,100 trillion cu ft of "potential" gas reserves in this country, resulting in their estimate of an added cost to the consumer of about $1 trillion.

Let's examine all facets of the FPC proposal.

In the first place, the FPC's intention in providing a pricing option for producers outside the area-rate structure was to make interstate gas competitive with intrastate gas which is unregulated. This would mean a price increase, with some restrictions, from the present 25c/Mcf to about 35c, the going average for intrastate gas. Anything more than this would not win FPC approval. The 10c/Mcf increase envisioned, thus, is a far cry from the $1 increase assumed by the senators. And it would apply to new gas, not to the 270 trillion cu ft now proved in the United States.

In the second place, FPC did not propose deregulation of gas prices. It put so many conditions around the proposal that it actually was rejected by most producers, pipelines, and distributors; and the commission now is expected to drop the matter. The senators apparently have confused a proposal by the Independent Petroleum Association of America for deregulation of gas prices with the FPC plan, but FPC did not accept the idea of deregulation.

In the third place, the 1,000-trillion-cu-ft. figure used by the senators as the volume basis for their estimate of cost to the consumer is very interesting. They apparently rounded off the 1,178 trillion cu ft figure which the Potential Gas Committee estimated as the potential gas reserves on land, offshore, and in Alaska.

This total includes "probable reserves" associated with existing fields, "possible reserves" in undiscovered fields but in areas of established production, and "speculative reserves" in new areas where there is no present production. Some 45% of all these potential reserves are "speculative," and 62% of the total is expected to lie at below 15,000 ft on land, offshore, or in Alaska—all difficult and expensive exploratory areas, and in the case of offshore and Alaskan gas, requiring unusual transportation costs.

The senators, in figuring consumer cost, also assumed that all this potential gas not only will be discovered and produced but also will be brought to market at the current 25¢ price level. Given present known costs, there's no way for more than a fraction of this potential to be realized. The price is just not high enough to undertake the exploration risks.

This brings up a fourth point. What is best for the consumer? A low price and no gas? Or pay more and have gas? One thing is sure, if the large part of the nation's potential gas reserve goes undeveloped because of depressed prices, the consumer will have to rely heavily on imported LNG, synthetic natural gas, or alternate fuels. Then, he will for sure have to pay the $1.25/Mcf price. He stands to save more in the long run by paying a price that will encourage development of a domestic supply of natural gas. And this was the motivation behind the FPC attempt to put some flexibility into rigid price regulation.

THE COMPTROLLER GENERAL LOOKS AT EPA

Mr. EAGLETON. Mr. President, the Environmental Protection Agency announced nearly a month ago that the Ford Motor Co. had discovered inaccuracies in the test data needed for certifying its 1973 vehicles under the Clean Air Act.

At that time, the agency indicated to the Subcommittee on Air and Water Pollution that legislation might be needed to assist the company in developing new data and in getting new cars into production in time for the 1973 auto year.

The subcommittee chairman, the distinguished Senator from Maine (Mr. MUSKIE), promptly asked the Comptroller General to investigate the agency's capacity to oversee the auto companies' preparation of data and the adequacy of the agency's procedures to prevent similar circumstances in the future.

On Monday of this week, the Comptroller General delivered a report of his investigation. It showed that the Environmental Protection Agency lacks both funds and manpower to see to it that the auto companies comply with the clean air law.

Mr. President, the Senate in its report on the Clean Air Amendments of 1970 warned that the act would be without meaning unless funds and manpower were increased significantly.

But the Comptroller General's report shows that today the prototypes of all auto companies are tested by just 19 employees of the Environmental Protection Agency.

Further, during the first 5 months of this year, five technicians employed by the Agency performed 600 tests and worked 500 hours of overtime.

The Comptroller General's report states:

It is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Mr. President, I ask unanimous consent that the Comptroller General's report be printed in the RECORD.

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 12, 1972.

DEAR MR. CHAIRMAN: In response to your request of May 25, 1972 (enc. II), we are submitting a report (enc. I) on our review of (1) the adequacy of the motor vehicle certification procedures of the Environmental Protection Agency (EPA), (2) the capacity of EPA to oversee the auto companies' preparation of certification data, and (3) the proce-

dures of the auto companies for developing the certification data.

Following is a summary of the information we obtained relating to the points of interest specified in your letter. These matters are discussed in more detail in the enclosed report.

On May 16, 1972, the Ford Motor Company withdrew the four applications it had made to EPA for certification of its 1973 vehicles. Ford officials withdrew their applications because they had discovered that Ford test personnel had performed unauthorized maintenance on prototype vehicles being tested for certification. The unauthorized maintenance had not been reported to EPA as performed, or included in the final applications.

Ford officials have attributed the cause of the problem to a lack of proper management control over certification testing. Within Ford, the Engine and Foundry Division had the responsibility for building the certification vehicles, conducting the tests, and compiling the certification data.

On May 23, 1972, Ford reorganized and transferred responsibility for prototype certification testing from its Engine and Foundry Division to the Environment and Safety Engineering Staff. Ford officials told us that Ford would take a number of additional steps to improve management control over certification vehicles.

Our discussions with officials of the General Motors Corporation, the Chrysler Corporation, and the American Motors Corporation disclosed that these companies do not have formal written certification test procedures. But officials from each of the companies stated that it was unlikely that unauthorized maintenance would be performed on their test fleet vehicles without the knowledge of upper management personnel. The officials told us that EPA personnel did not visit their plants to monitor their testing or to inspect their records.

EPA officials told us that they have no basis for suspecting that unauthorized maintenance has been performed on the test vehicles of the above-mentioned three companies. However, in view of the limited EPA staff assigned to certification activities and the lack of EPA inplant monitoring of compliance with certification regulations, it is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Our review showed that the number of EPA personnel assigned to certification activities had been insufficient to adequately perform all activities necessary to ensure that auto companies complied with Federal certification regulations. Between June 1, 1971, and June 1, 1972, personnel assigned to the Mobile Source Pollution Control Program (of which certification is a function) increased from 112 to 146. During the same period personnel assigned to certification activities increased from nine to 19. Of the 19, only 10 were directly responsible for the certification of light-duty vehicles—primarily autos. No personnel had been assigned to specifically monitor activities at the test facilities of the auto companies.

The certification staff spends a significant portion of its time explaining and interpreting Federal regulations for the auto companies. The staff normally spends the rest of its time reviewing and approving manufacturers' applications for certification; assisting auto company personnel in resolving day-to-day problems; monitoring vehicle tests at EPA's Ann Arbor, Michigan, laboratory; and reviewing test data submitted by the auto companies. The staff has not been available for monitoring the in-plant testing activities of the auto companies.

Not only is the certification staff small but the recently hired staff members are relatively inexperienced. In addition, EPA has difficulty in hiring and retaining qualified staff members, primarily because of low entrance salaries for recent college graduates and noncompetitive salaries for engineers with automotive emissions experience.

The effectiveness of EPA's certification program relies heavily on the integrity of the manufacturers to carry out the testing of prototypes in accordance with Federal regulations and to submit accurate and complete data on the tests and maintenance performed on each certification test vehicle. EPA generally has accepted at face value the information submitted by the auto companies. When prototype vehicles are delivered to EPA for testing, the EPA staff makes visual observations of the vehicles; however, EPA officials told us that there is no practical way to inspect the vehicles to determine whether unauthorized maintenance had been performed. The failure of EPA to monitor the testing activities of the manufacturers can be attributed primarily to the shortage of qualified personnel.

Because Ford is in the process of rerunning tests on its certification prototypes, EPA has instituted a number of procedural changes to coordinate, control, and accelerate the certification of Ford vehicles. EPA is documenting all communications with Ford, is inspecting test vehicles before testing begins, has notified Ford that it will make spot-check inspections of Ford's records and test facilities at any time that work is being performed on the prototypes, and has made arrangements to be responsive around the clock to special problems that Ford may encounter in testing its prototypes. The cost of these changes to the Government will be substantial. For example, the EPA staff has estimated that about 1,300 hours of overtime will be needed for certification activities related to Ford vehicles.

EPA officials told us that EPA is presently considering several alternative procedures for ensuring the integrity of certification testing by the auto companies. They said that EPA might (1) make unannounced spot inspections of the auto companies' records and test facilities, (2) station inspectors at the auto companies' test facilities to provide continuous monitoring, or (3) assume responsibility for some or all testing and mileage accumulation of the companies' prototypes.

The auto companies are primarily responsible for conducting tests and accumulating mileage on certification prototypes. EPA is responsible for ensuring that the vehicles it certifies do in fact meet Federal emission standards. To carry out this responsibility, EPA needs to assure itself to a greater extent than at present that the tests are conducted in accordance with Federal regulations. We believe, therefore, that, as a minimum, EPA needs to increase its certification staff to provide in-plant monitoring of the auto companies' test activities and records related to certification vehicles.

Our review was conducted at EPA headquarters in Washington, D.C., and at the EPA Motor Vehicle Emissions Laboratory in Ann Arbor. We reviewed pertinent records, documents, and files and interviewed various officials of EPA, Ford Motor Company, Chrysler Corporation, General Motors Corporation, and American Motors Corporation. We also visited the testing facilities of some of the auto companies.

The information contained in the enclosure to this letter has been discussed with officials of EPA, but formal written comments have not been obtained. We plan to make no further distribution of this report unless copies are specifically requested and then only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

GENERAL ACCOUNTING OFFICE EXAMINATION INTO THE ADEQUACY OF THE ENVIRONMENTAL PROTECTION AGENCY'S MOTOR VEHICLE CERTIFICATION ACTIVITIES

CERTIFICATION PROCESS

The Clean Air Act (42 U.S.C. 1857) provides that new motor vehicles cannot be sold, offered for sale, or introduced into commerce by a manufacturer unless the manufacturer receives from the Environmental Protection Agency (EPA) a written certificate that the vehicles conform to air pollution emission standards prescribed by regulation—a certificate of conformity. The certificate of conformity is issued to the automobile manufacturer on the basis of emissions tests of selected vehicles deemed by EPA to be representative of the manufacturer's various combinations of engines and components. Specifically, section 206 of the Clean Air Act states that:

"The Administrator shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act. If such vehicle or engine conforms to such regulations, the Administrator shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe."

The certification process begins with the submission by the automobile manufacturer of a part I application for certification of proposed vehicles. The purposes of a part I application are to give notice to EPA of the manufacturer's intent to sell vehicles; to provide information sufficient to determine whether the test equipment, test fuel, and mileage accumulation procedure proposed to be used by the manufacturer conform to Federal regulations and to provide the necessary description of the proposed product line, together with projected sales data, to allow EPA to select the vehicles it will require to be tested.

EPA reviews the part I application to ensure its conformity with Federal regulations and to resolve any problems with the manufacturers. At the time EPA reviews the part I application, it selects the vehicles to be tested. In selecting test vehicles EPA designates two different test fleets: an emission data fleet and a durability data fleet.

The emission data fleet consists of a number of vehicles tested to 4,000 miles to establish the emission level of a vehicle after it has been broken in. The durability data fleet consists of a smaller number of vehicles tested to 50,000 miles to establish the rate of deterioration of a vehicle's emission control system over the useful life of the vehicle.

The vehicle selection process begins by dividing the manufacturer's product line into groupings of vehicles called engine families. Each engine family consists of a group of vehicles whose engines could be expected to have similar emissions characteristics. Once the product line is divided into engine families, emission data and durability data vehicles are chosen.

After the manufacturer receives written notification that its proposed test procedures and equipment are acceptable and has been notified of the required test fleet, it can begin the second phase of the certification process—mileage accumulation and conformance testing. The manufacturer must test both emission data and durability data vehicles, at the zero-mile stage (less than 50 miles) and must report the results to EPA. After emission data vehicles accumulate 4,000 miles, they are tested by the manufacturer and the results are reported to EPA. The manufacturer then submits the vehicles to EPA for testing at its laboratory in Ann Arbor, Michigan. The EPA test results are considered official.

Durability data vehicles must be tested by the manufacturer at each 4,000-mile interval from 4,000 miles to 48,000 miles and at 50,000 miles. EPA may perform the test in its Ann Arbor laboratory at each test point. EPA tests, however, are generally run on the durability data vehicles only at intervals of 12,000, 24,000, 36,000, and 50,000 mile points.

When EPA conducts the test on a vehicle at a test point. EPA's test is used in determining conformity. When EPA does not conduct the test, the manufacturer's data is used, unless there is a lack of correlation between EPA's and the manufacturer's test equipment, in which case the manufacturer's data will not be accepted until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer.

Maintenance of the test fleets is allowed to be performed by the manufacturer in accordance with a prescribed schedule contained in the Federal regulations. Any other maintenance or repairs are allowed only with the advance approval of EPA. Requests to perform such unscheduled maintenance are frequently approved by EPA.

After completion of all the required tests on each of the emission data and durability data vehicles in an engine family, the manufacturer submits a part II application for certification of that engine family. The part II application contains a compilation of all test data (as a control measure, test data is also submitted to EPA as the tests are completed) on all vehicles tested and a full description of all maintenance performed. Compliance is determined by applying to the results of emission tests a deterioration factor determined from the durability tests and comparing the results with the applicable emission standards.

FORD MOTOR CO. VIOLATED FEDERAL CERTIFICATION REGULATIONS

In April and May 1972, the Ford Motor Company submitted to EPA four part II applications for certification of 1973 engine families. On May 16, 1972, Ford withdrew the applications because top management had become aware that unauthorized maintenance had been performed on the prototype vehicles tested for certification and that such maintenance had not been reported to EPA. The unauthorized maintenance invalidated the test results on the four engine families covered by the applications. Unauthorized maintenance was also performed on the eight other 1973 engine families for which Ford had almost completed certification testing, and therefore the results of the tests on those engines were also invalidated.

This was the latest in a series of incidents involving the certification of Ford vehicles. In 1970 Ford experienced delays in testing prototypes of its 1971 heavy-duty gasoline engines and requested EPA to certify the engines on the condition that Ford would ensure the proper modification of any engines later determined by EPA to be ineligible for certification. On January 11, 1971, EPA granted Ford the conditional certification, but on January 22, 1971, EPA revoked certification for two of the 11 engine models because emission test results for those two engines exceeded Federal standards. About 500 engines had been produced for the two models whose conditional certificates were revoked. Ford modified the engines to the satisfaction of EPA and reapplied for certification of the models. Subsequently, all 11 models received certificates of conformity.

In another incident Ford shipped about 200,000 1972-model vehicles to its dealers before the vehicles were certified by EPA. EPA considered the shipments illegal and requested the Department of Justice to pursue legal action against Ford. Ford signed a consent judgment and settled for $10,000 (or about 5 cents per vehicle).

Ford attributed the cause of the current incident to a lack of proper management control over certification testing. Within Ford, the Engine and Foundry Division (E&F) had the responsibility for building the certification vehicles, conducting the tests, and compiling the certification data. Ford officials told us that E&F thus had a vested interest in ensuring that the vehicles met Federal emission standards. They told us also that Ford did not have written procedures for testing vehicles for certification but that the Federal regulations and EPA advisory bulletins had been widely distributed to those having responsibility for certification testing.

Under the supervision of E&F, Ford's Car Product Development Group conducted the actual testing in its laboratory in Dearborn, Michigan, and drove the cars for mileage accumulation at three Ford test tracks. E&F, through Ford's Automotive Emissions Office (a staff office organizationally independent of E&F but responsible for signing Ford's applications for certification), requested approval from EPA to perform some unscheduled maintenance on certification vehicles. The Automotive Emissions Office relayed E&F's requests to EPA and maintained documentation concerning EPA's approval of such maintenance. Ford officials told us, however, that the working level staff of E&F routinely performed unauthorized inspections, tests, and maintenance on the 1973 prototype vehicles without notifying the Automotive Emissions Office or EPA. All such maintenance, tests, and inspections were noted in the vehicle logs and were entered into Ford's computer system.

As a result of E&F's complaints of inadequate support from Ford's Central Computer Group, the group prepared a complete report on all work done for E&F, including a printout of all maintenance performed on durability data vehicles. The printout contained data on two types of vehicle maintenance—that reported to EPA and that not reported to EPA. The Central Computer Group advised the Ford vice president in charge of the Automotive Emissions Office of the printout on May 11, 1972. On May 16, 1972, Ford advised EPA of the unauthorized maintenance and withdrew its four applications for certification previously submitted on 1973-model engine families.

Subsequent investigation by Ford disclosed that Ford personnel, in addition to performing unauthorized maintenance, had made unauthorized inspections and had conducted unauthorized diagnostic emissions tests. Ford identified 442 instances of unauthorized maintenance performed on 26 test vehicles.

Ford revised the application for one of its engine families to include the unauthorized and previously unreported maintenance items and resubmitted the application to EPA on May 19, 1972. The application contained 97 unreported maintenance items. EPA indicated that it would not have approved 71 of these items. EPA rejected the application.

On May 23, 1972, Ford reorganized and transferred responsibility for prototype certification testing from E&F to the Environmental and Safety Engineering Staff, which included the Automotive Emissions Office. The vice president in charge of the Environmental and Safety Engineering Staff reports directly to the president of Ford. In a memorandum to Ford officials concerning the transfer of responsibility for certification testing, the chairman of the board stated:

"Once a vehicle is transfered to the Environmental and Safety Engineering Staff for certification mileage accumulations and testing, neither the Engine and Foundry Division nor any other organization will touch the car or have access to it except as directed by the Environmental and Safety Engineering Staff."

Ford also established an emissions certification organization under the Automotive Emissions Office. The emissions certification director is responsible for (1) controlling the entire certification process, (2) ensuring compliance with certification procedures, and (3) verifying the accuracy and completeness of certification applications. E&F continues to build the certification vehicles, and the Car Product Development Group continues to perform the actual testing and to drive the cars for accumulation of mileage. Ford officials told us that, in addition to the reorganization, the following actions would be taken to improve management control over certification vehicles: (1) all unscheduled maintenance which could affect emissions would require the advance approval of the Automotive Emissions Office, (2) the hoods of the vehicles would be locked to prevent tampering, (3) the vehicles would be stored in closely guarded storage areas during "soak" or cooling-down periods, (4) Ford would prepare a detailed manual fully describing the certification procedures, including the duties of drivers, mechanics, and engineers, and (5) when the manual was completed, Ford would institute internal reviews to ensure compliance with the manual provisions.

CERTIFICATION PROCEDURES OF OTHER MAJOR DOMESTIC AUTO COMPANIES

We visited the General Motors Corporation, the Chrysler Corporation, and the American Motors Corporation to obtain information on their certification test procedures. None of the companies had written procedures, but officials of each of the companies stated that it was unlikely that unauthorized maintenance would be performed on their test fleet vehicles without the knowledge of upper management personnel.

The officials told us that EPA personnel did not monitor their companies' testing activities or their test records but that EPA personnel visited the companies' facilities, when requested, to approve unscheduled maintenance or to resolve problems. The officials stated, however, that they would have no objection to EPA's assigning inspectors to monitor testing activities.

EPA officials told us that they had no basis for suspecting that unauthorized maintenance had been performed on the test vehicles of the three companies. In view of the limited EPA staff assigned to certification activities and the inadequacy of EPA certification procedures, as discussed below, it is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Specific information concerning the manufacturers' certification procedures follows.

General Motors Corp.

At the General Motors Corporation (GM), the Environmental Activities Staff is responsible for submitting certification and application data. The actual day-to-day test operations are performed under the direction of the Vehicle Emission Laboratory (VEL) at GM's proving ground garage. Engine design is the responsibility of auto divisions, such as Chevrolet and Buick, but testing is the responsibility of the proving grounds garage, which is organizationally independent of the auto divisions.

The proving grounds garage is responsible for accumulating mileage on the test vehicles and VEL is responsible for conducting the tests. Garage personnel, such as driver foremen, drivers, and mechanics, are not given test results. There is no incentive, in the opinion of GM officials, for such personnel to perform unauthorized maintenance or to violate other Government test requirements. As a further check on drivers, test vehicles are equipped with tachographs which record speed and time on tapes. VEL analyzes the tapes for violations of driving instructions and for unexplained stops. Also mechanics must have VEL's authorization before performing maintenance. The mechanics are re-

quired to maintain logs of all maintenance performed, and the logs are forwarded to EPA weekly through the Environmental Activities Staff.

The auto divisions are responsible for developing the prototypes to be tested. Occasionally, the proving grounds garage will require maintenance assistance from car division personnel, but in such instances the chief engineer of the proving grounds garage is present to ensure that emission control devices are not tampered with.

GM does not have a set of operating manuals and procedural instructions relating solely to auto emission testing. Generally the testing of prototypes, as described in GM's part I application, is conducted under GM's normal corporate procedures, and the various organizational elements involved in emission testing are bound by these procedures. Furthermore GM supplements these procedures, when necessary, with special instructions.

GM officials told us that EPA personnel did not monitor GM's in-plant testing and records and that most EPA staff visits were for resolving problems. The officials stated, however, that they would have no objection to onsite Government inspectors' monitoring their testing activities. They stated that, if EPA wanted to keep each test car under surveillance, it would require three men per car, because of their three-shift operation, or 78 men for the test fleet of 26 cars that were being tested at that time.

Chrysler Corp.

Chrysler Corporation engineering operations are centralized under the Division of Engineering and Research. Within the division, vehicle emission certification responsibility is assigned to Materials Engineering and is carried out by its Exhaust Emissions Section. Although Chrysler engineering is centralized, engine design and emission certification activities are separate operations. Chrysler officials expressed the belief that, because of this separation of duties, Chrysler personnel would not intentionally violate Federal certification regulations.

The responsibility of the Exhaust Emissions Section begins with assembling input data for the part I application. These data are obtained from various corporate divisions. Once the data are assembled into the prescribed EPA format by the section, they are returned to the originating division for verification, prior to being submitted to EPA for approval.

The Exhaust Emissions Section is responsible for scheduling and testing operations. To carry out this phase of the certification activity, the section has a staff of about 16 engineers assigned to the Chrysler proving grounds. Test results are verified by the engineers and forwarded, with supporting documentation, to the section's central office staff for review and reverification. Test results are assembled by the central office staff for inclusion in Chrysler's part II application.

Chrysler has not developed written procedures for its vehicle certification activities. Chrysler officials told us, however, that several unwritten procedures had been established to maximize control over vehicles during the mileage accumulation and test periods. The most significant of these are listed below.

Drivers and maintenance personnel are assigned from a central pool at the proving grounds.

They are not a part of the Exhaust Emissions Section. This is intended to relieve drivers and maintenance personnel of any vested interest in the certification program.

Test drivers receive driving instructions from the Exhaust Emissions Section. In addition, each driver must maintain a driving log during the mileage accumulation period.

Each test vehicle is equipped with a tachograph for recording time and speed during mileage accumulation.

Maintenance supervisors must prepare and sign stock orders forms to obtain replacement parts from the stock crib.

Maintenance supervisors must prepare work orders for all vehicle maintenance. These must be approved by the Exhaust Emissions engineers assigned to the proving ground.

Copies of all work orders for vehicle maintenance must be forwarded from the proving grounds to the Exhaust Emissions staff for review. These orders are entered on the section's maintenance log.

Maintenance logs are forwarded periodically to EPA by the Exhaust Emissions Section.

As a result of the recent disclosure of unauthorized maintenance on Ford Motor Company test vehicles, Chrysler initiated an internal audit of its certification procedures. Chrysler auditors advised us that no signficant problems had been identified but that two recommendations were being considered for improving vehicle control. The first related to locking or sealing the hood of the car to prevent unauthorized tampering with the engine. The second related to the possible use of prenumbered work orders to ensure that the Exhaust Emissions Section receives all vehicle maintenance work orders.

During our review we questioned Chrysler officials concerning the possibility of stationing Government personnel at the test facilities to monitor the test activities. Chrysler officials stated that they had no objection and that at least 12 persons would be required to adequately monitor Chrysler testing operations. The officials also told us that, at the request of Chrysler, EPA representatives had been at Chrysler's test facility about once a week to observe maintenance work.

American Motors Corp.

American Motors Corporation (AMC) officials stated that AMC's comparatively small corporate size allowed close supervision at all levels. The vice president for engineering and research told us that he checked the testing and certification activities daily. He said that AMC's size and financial condition required that it not absorb any losses which might be incurred if certification of new model production cars were delayed. He said that the risk involved in tampering with certification regulations would be too great.

AMC had no written procedures for development of certification data. On the basis of discussions and observations, we found that the following general procedures existed.

Necessary mileage is accumulated by the use of dynamometers or drivers on city streets. (No test track is used.)

Most drivers are hired through private employment agencies and do not have special technical skills.

Drivers maintain logs of their activities during their 8-hour shifts.

Three shifts are employed 6 days a week until the necessary mileage is accumulated.

Test cars are monitored through the use of tachograph readings which are maintained in logs for each vehicle.

Emission-type maintenance can only be approved by the supervisor of exhaust emissions or by his assistant.

A detailed log on all maintenance, including such routine maintenance as oil changes, is maintained for each vehicle.

The officials said that EPA representatives had made many visits, especially during the beginning of the certification year—November and December—to explain the Federal regulations. The officials indicated that these visits were not specifically for monitoring testing.

AMC officials stated that they would not object to onsite EPA inspectors' monitoring their certification testing activities. They expressed the belief, however, that unauthorized maintenance probably could be performed, if desired, even if Government monitoring were provided.

EPA STAFF ASSIGNED TO CERTIFICATION ACTIVITIES INSUFFICIENT

The number of persons assigned to test and certify automobile prototypes has generally been insufficient for adequately performing all activities necessary to reasonably ensure that automobile manufacturers comply with Federal certification regulations. The Director of EPA's Mobile Source Pollution Control Program told us that his initial program plan for fiscal year 1972 provided 237 authorized positions for his program, including 46 positions for the Division of Certification and Surveillance. The Director stated, however, that EPA officials had reduced the authorization for the Mobile Source Pollution Control Program to 161 positions, of which 32 were allocated to the Division of Certification and Surveillance.

As of June 1, 1972, EPA had assigned 146 persons to the Mobile Source Pollution Control Program but only 19 were directly involved in the certification of prototypes and only 10 of those were directly involved in certifying light-duty vehicles—primarily autos. One year earlier, on June 1, 1971, only five persons were assigned to certify light-duty vehicles. In July 1970 only five positions had been authorized for the entire certification program for both light- and heavy-duty vehicles.

EPA also has assigned to its emission-testing laboratory 32 technicians of whom seven perform the certification tests of light-duty vehicles. Thus the prototypes of all auto companies are tested and certified primarily through the combined direct effort of 17 EPA personnel.

Certification staff

The 10 persons responsible for certifying light-duty vehicles are assigned among three teams, each team having responsibility for about one-third of the 52 auto companies seeking certification in model year 1973. In addition to handling smaller companies, one team handles Chrysler and AMC, one team handles GM, and one team handles Ford.

The staff spends a significant part of its time explaining and interpreting Federal regulations for the auto companies, either verbally or in writing. EPA officials told us that some provisions of the regulations were general in nature because they were intended to allow the flexibility needed in dealing with today's diverse vehicle product lines and continually developing technology. The remainder of the staff's time is normally spent reviewing and approving the auto companies' part I and part II applications for certification, assisting the auto companies in resolving day-to-day problems, monitoring vehicle tests in the EPA laboratory, and reviewing maintenance logs submitted by the auto companies as testing progresses. Staff has not been available for routine monitoring of the testing activities at the auto companies.

The Director, Division of Certification and Surveillance, told us that he had had considerable difficulty in hiring and retaining qualified people. He attributed this problem to (1) low entrance salaries—(EPA hired college graduate engineers without experience at the GS–5 level)—about $7,300 and (2) noncompetitive Federal salaries for engineers with automotive emissions experience. The certification staff recently lost two experienced engineers to the auto industry, but EPA had had difficulty attracting such people from the auto industry, even at the GS–13 level (about $18,700).

Also we noted that, although the number on the light-duty certification staff had in-

creased from five to 10 since June 1971, five of the 10 staff members had worked for EPA less than 5 months. Three of the five are recent college graduates, and the other two have a combined total of 11½ years of automotive experience. The Director told us that a newly hired college-graduate engineer needed 12 to 18 months of experience in the certification process before he could make a meaningful contribution. The Director told us that the average grade level of his staff should be increased by fiscal year 1975, if the Government is to be competitive with industry.

Laboratory staff

For 1973 models, EPA began testing durability prototypes at intermediate mileage points, in addition to the 50,000-mile point, which increased the total number of certification tests made in EPA laboratories by 50 percent over the previous year. EPA certification and laboratory officials told us that the number of laboratory technicians (seven) assigned to test light-duty vehicles was insufficient to effectively accomplish all required duties.

During the first 5 months of 1972, the seven technicians assigned to test light-duty vehicles performed about 600 tests and were required to work 500 hours of overtime. EPA officials told us that about 350 additional tests would be required to complete the certification testing of 1973 prototypes. The supervisor of the laboratory test staff expressed the belief that, because of the certification workload, his present staff of seven should be doubled.

EPA recently moved into its new $10 million emission-testing laboratory in Ann Arbor. The director of the laboratory said that it was not adequately staffed and that some equipment was being used only about one-third of the time. Another laboratory official said that, with adequate staffing, 30 tests could be run each day, compared with 10 with the present staff.

EPA PROCEDURES INADEQUATE FOR REASONABLY ENSURING THAT AUTO COMPANIES COMPLY WITH FEDERAL CERTIFICATION REGULATIONS

EPA has operated the certification program on the basic assumption that the auto companies will act in good faith, comply with EPA certification regulations, and submit complete and accurate data to EPA. On May 15, 1972, we issued to the Congress a report entitled "Cleaner Engines for Cleaner Air: Progress and Problems in Reducing Air Pollution From Automobiles, Office of Air Programs, Environmental Protection Agency" (B-166506), which included a discussion of certain shortcomings in EPA's certification program.

Our present review showed that EPA had not evaluated nor requested documentation on the practices and procedures followed by the auto companies in their testing process. Nor have EPA personnel made onsite, unannounced inspections for monitoring the auto companies' testing process and ensuring compliance with regulations. EPA visually inspects emissions data and durability data vehicles prior to testing the vehicles in its laboratory, but EPA officials told us that such inspections and tests generally could not be effective for detecting evidence of unauthorized maintenance or other irregularities.

EPA's monitoring consists primarily of its reviews of part I and part II certification applications and periodic vehicle maintenance and test records submitted by the auto companies. Certification Branch personnel evaluate data contained in the applications for conformity with the regulations. Records of the mileage accumulated, maintenance performed, and tests run on the prototypes are submitted to EPA weekly by the auto companies and are reviewed and evaluated by EPA personnel. The Director of EPA's Division of Certification and Surveillance told us that EPA's practice of accepting manufacturers' data at face value obviously was inadequate for ensuring compliance with Federal regulations.

Moreover EPA officials told us that, because of staffing limitations, EPA had not visited the manufacturers' plants to monitor the testing activities or to review the records. The visits that EPA personnel made to manufacturers' facilities usually were for resolving specific problems rather than for observing or monitoring testing practices or for spot checking records. The instances of unauthorized maintenance performed by Ford were recorded in Ford's records.

EPA's procedures have not been adequate for ensuring that manufacturers comply with Federal regulations. In addition, a lack of staff limits EPA's ability to adequately monitor the test activities of the manufacturers.

Procedures for retesting and certifying Ford cars

The process of rerunning durability tests on 39 Ford vehicles involving 12 engine families is scheduled to be completed by September 1972. To minimize delays in this testing process, EPA has established a task force to accelerate and coordinate certification of Ford vehicles. The task force is responsible for making decisions concerning the allowability of unscheduled maintenance, verifying driver's complaints, and inspecting failed components. Some of the actions EPA has taken to maintain control over the retesting of Ford vehicles include:

Installation of a tachograph in each vehicle to provide a continuous record of vehicle usage. (GM, Chrysler, and AMC have used tachographs in their test vehicles.)

Inspection by EPA of vehicles and components prior to the start of testing.

Documentation of all communications between Ford and EPA, including telephone conversations and meetings.

Tests by EPA of durability vehicles at applicable mileage points. A confirmatory test will not be run by Ford.

Spot inspection by EPA of Ford's test facilities during any time that work is being performed for making odd-hour inspections to ensure Ford integrity for the duration of the certification test program.

Review and evaluation by EPA of Ford's inspection procedures.

Establishment by Ford of a system whereby EPA would be furnished with emission and maintenance data every 24 hours.

The Director of EPA's Mobile Source Pollution Control Program emphasized to us that, although EPA would give Ford priority treatment in resolving problems, reviewing data, testing vehicles, and so forth, so that Ford vehicles could be certified as soon as possible if they met Federal emission standards, EPA would not waive any regulatory or certification requirements.

Although we did not estimate the additional costs that would be incurred by EPA in its program to accelerate certification of Ford vehicles, our review indicated that such costs would be substantial. For example, EPA estimates that about 1,300 hours of overtime work will be required. In addition, communication costs will increase as a result of the close monitoring; several EPA personnel will be assigned to monitor Ford certification activities; and a substantial amount of work will, in effect, be repeated because of the need to test an entire new fleet of prototype vehicles.

Alternative procedures being considered by EPA

EPA officials recognize that something has to be done to obtain greater assurance that auto companies comply with all Federal certification regulations, especially with respect to unscheduled maintenance. Various plans for improved monitoring of the auto companies' certification practices are being considered by EPA. An EPA official said that EPA expected to develop a plan in the near future and that it would be applied initially to the domestic auto companies. According to EPA officials the following three alternative plans were being considered.

1. The auto companies would continue to have responsibility for testing prototypes, but EPA would make unannounced inspections of the auto companies' testing facilities and records to ensure integrity of the testing.

2. EPA would have inspectors stationed at the auto companies' test facilities to continually monitor the companies' testing activities.

3. EPA would assume all responsibility for testing and mileage accumulation for some or all of the prototypes. If EPA were to assume all responsibility for testing some of the prototypes, the other prototypes would be subject to spot-check monitoring by EPA inspectors.

Alternatives 2 and 3 would probably be very expensive. For example, GM officials told us that, if the Government wanted to keep each GM test vehicle under surveillance, it would require three inspectors per car (3 shifts) or 78 inspectors for the present test fleet. A Chrysler official stated that EPA would need 12 inspectors at Chrysler: two for each of three shifts, at two locations.

With respect to alternative 3, Chrysler officials expressed the belief that EPA should not take on the responsibility for testing all prototypes, because EPA had neither the facilities nor the staff required. In addition, they said that EPA had problems with frequent staff turnover. Chrysler officials also indicated that Chrysler spent about $1 million annually on its emission certification program.

EPA's Director, Mobile Source Pollution Control Program, told us that he preferred alternative 1 and that he had requested additional resources to implement that alternative. He told us he did not believe the costs involved in alternative 2 could be justified at this time and that alternative 2 should be considered further only after experience had been gained with alternative 1. He also said that he believed that alternative 3 was unrealistic, not only because of the enormous costs involved but also because he deemed it inappropriate for the Government to assume responsibility for the testing of the vehicles. He said that under alternative 3, if a test vehicle failed for any reason, there would be endless quarreling between the EPA and the company about who caused it to fail and there would be no satisfactory way to resolve these disagreements.

CONCLUSIONS

We believe that the responsibility for accumulating mileage, testing vehicles, submitting data, and ensuring that Federal certification regulations are not violated properly should rest with the auto companies.

EPA has responsibility for ensuring that (1) the auto companies comply with Federal regulations and (2) emissions from engines awarded certificates of conformity are within established standards. We believe that, to effectively fulfill these responsibilities, as a minimum, EPA needs additional personnel assigned to its certification activities and needs to significantly increase its surveillance and monitoring of the auto companies certification procedures, practices, and records.

EPA should require that the auto companies prepare and submit to EPA written procedures for their certification activities. Officials of the four auto companies told us that they would not object to EPA inspectors' monitoring their in-plant testing and reviewing plant records related to their certification activities. In this regard, EPA personnel should be able to enter auto company

facilities, unannounced, any time of the day or night when mileage is being accumulated or testing is being conducted on certification vehicles for the purpose of monitoring such activities.

Requiring the auto companies to prepare written procedures and making in-plant inspections of the companies' tests and records will not provide EPA with *total* assurance that the auto companies are not violating Federal regulations, but it will provide significantly greater assurance than now exists. The procedures that would provide the greatest assurance are those under which EPA assumed responsibility for accumulating all mileage and conducting all tests on all emission data and durability data vehicles of all auto companies. These procedures would also be the most expensive to implement.

Consideration should be given to the time and effort that would be required to obtain and train new staff. EPA has had problems in the past in hiring and retaining experienced staff. A sudden and extensive expansion of staff could be counterproductive because it would divert the time of the few experienced men from their certification duties to the training of newcomers.

U.S. SENATE,
Washington, D.C., May 25, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. COMPTROLLER: On May 18, the Environmental Protection Agency announced that the Ford Motor Company was withdrawing the applications it had made to EPA for certification of its 1973 vehicles. According to the EPA announcement, Ford had discovered inaccuracies in its own test data.

Subsequently, at a hearing before the Subcommittee on Air and Water Pollution on May 22, William D. Ruckelshaus, Administrator of the Environmental Protection Agency, testified that Ford test personnel had performed prohibited maintenance operations on prototype vehicles being tested for certification.

Testimony at the May 22 hearing also indicated that EPA has no secure way to check data submitted by other auto companies to make sure that similar prohibited acts have not occurred in preparation of their data. Primary reliance for discovering such prohibited acts, EPA indicated, must come from disclosures of auto company employees.

In light of these events, I ask your help in investigating the current capacity of EPA to oversee the auto companies' preparation of data for certification and the adequacy of EPA procedures to prevent similar circumstances in the future. Specifically, I would like to know:

(a) The number of EPA personnel assigned to prototype certification activities;

(b) The number of EPA personnel assigned to monitor the development of certification data by the auto industry—including the number of personnel assigned to monitor activities at the test facilities of the respective auto makers;

(c) The adequacy of EPA procedures to assure that regulations covering the certification tests are not violated in the testing process; and

(d) The extent to which the data available to EPA enables the agency to independently evaluate the manufacturer procedures as required by section 208 of the Clean Air Act.

Further, EPA has indicated to the Subcommittee on Air and Water Pollution that legislation may be needed to assist Ford Motor Company in solving the problems it faces now in developing new data for certification and in getting cars into production in time for the 1973 auto year.

Before such legislation can be seriously considered, it is essential for the Subcommittee to know whether the Ford discovery of prohibited acts in the certification testing process represents an isolated incident or a more pervasive practice in the auto industry.

For this reason, I ask you also to investigate the certification data submitted to the Environmental Protection Agency by the auto companies for their 1973 vehicles and the practices and procedures employed by the auto industry in developing this data to assure that these practices are consistent with the law and EPA regulations.

As we expect a request for action on legislation in a reasonably short time, a report is needed within 10 days. Prompt study of this matter is vital to assure fully informed Congressional consideration of measures to deal with this problem.

Sincerely,

EDMUND S. MUSKIE,
Chairman, Subcommittee on
Air and Water Pollution.

EXPANSION OF VOCATIONAL REHABILITATION ACT

Mr. SCHWEIKER. Mr. President, in the Committee on Labor and Public Welfare, the Subcommittee on Handicapped Workers, on which I am privileged to serve, has been holding hearings on legislation to continue and expand the Vocational Rehabilitation Act. Recently, the subcommittee received testimony from the senior Senator from Kansas (Mr. PEARSON) which I believe merits the consideration of the full Senate.

I ask unanimous consent that the testimony submitted by Senator PEARSON be printed in the RECORD.

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

STATEMENT BY SENATOR JAMES B. PEARSON

Mr. Chairman, I am pleased to have this opportunity to express my views on legislation providing assistance for the handicapped. At the same time, I would like to congratulate the Labor and Public Welfare Committee and you, Mr. Chairman, on the establishment of this Subcommittee. For the first time in the Senate, a group of my colleagues, many of whom have long been recognized as leaders in efforts to enact rehabilitation legislation, will oversee the Federal Government's role in behalf of the Nation's disabled. I am confident we can all profit from the diligent work you are doing in this regard.

Mr. Chairman, no one can deny that the Vocational Rehabilitation Act, first passed by Congress in 1920, has played a significant role in focusing public awareness on the need to provide a life of dignity and purpose for our physically handicapped. Throughout the 52 years of this law's existence, the emphasis has been to provide a means whereby assistance could bring self-sufficiency and self-support to an individual suffering from a mental or physical impairment. Over the years, legislation has been enacted broadening existing law to better accomplish this goal. The results have been highly significant, bringing rehabilitation services to over one million people in 1971 and providing some 300,000 of these individuals useful and rewarding employment.

My purpose in submitting this testimony, Mr. Chairman, is to encourage adoption of legislation specifically designed to insure the full benefit of services to the severely handicapped, including the deaf and the blind. It has come to my attention that new regulations have broadened the interpretation of the act by including those who are handicapped in the social—as well as physical—sense. In many cases, the new interpretation has come at the expense of those with the most severe physical and mental problems, resulting in the denial of services for which they would normally be eligible. While I do not argue against regulations which can provide as wide coverage as possible, it is my belief that Congress should express its desire to preserve the original intent of the act—providing assistance on a priority basis to those handicapped in the traditional or physical sense.

As my colleagues in the Subcommittee are aware, legislation approved in the House clearly states this intent in its initial statement of purpose. The House-passed measure, H.R. 8395, also adds a new title to the Vocational Rehabilitation Act which specifically provides for the seriously handicapped. Title III of this bill authorizes additional grants to assist states in developing and implementing services to severely disabled persons. These funds, it should be emphasized, are not meant to replace currently committed state funds. Rather, they are intended to supplement present and future programs operated by state governments. I support the inclusion of this title in legislation considered by the Senate.

Mr. Chairman, another desirable aspect of the House-approved bill is the so-called "follow along" provision. Up to this time, the law has not required that states institute post employment services to assist the disabled individual in maintaining a job. I am encouraged that the Rehabilitational Services Administration of HEW has undertaken efforts on its own in this regard. Yet, I feel legislation is required to provide added insurance that this will be an ongoing effort among the state agencies.

Finally, Mr. Chairman, I am specially interested that the Senate bill include establishment of comprehensive centers for deaf youths and adults. While there are now institutions such as Galludet College which provide higher education facilities for the high-achieving deaf, I am concerned that little emphasis has been placed on the need to provide vocational training for the low-achieving deaf. Consequently, there are too few qualified instructors who can train the deaf in vocational pursuits. I support fully legislation authorizing centers for the training of such personnel, so that new methods and techniques designed to include the low-achieving deaf in our vocational training programs can be established.

In summary, Mr. Chairman, I believe Congress recognized the importance of continuing programs which can provide rehabilitative services for our handicapped. Over the years, the Vocational Rehabilitation Act has provided an excellent example of Federal and state partnership. However, while I applaud the work of the Rehabilitation Services Administration in its efforts. I believe Congress should insure that the best possible use be made of the limited funds available under this act. I am hopeful that the Subcommittee and the Senate will reaffirm the original intent of the law by insuring that primary consideration be given to the physically disabled who apply for rehabilitative service. In this manner, I believe we can be assured of continuing the fine work our partnership with the states has produced thus far.

SER: JOBS FOR PROGRESS

Mr. TUNNEY. Mr. President, in the near future, the Senate will be considering the 1972 comprehensive manpower legislation. One concern that I share with many of my colleagues is the delivery of manpower services to the Spanish speaking.

Five years ago, the executive director

of SER presented testimony concerning the manpower needs of chicanos before the Inter-Agency Committee on Mexican American Affairs. His comments before the Inter-Agency Committee pointed out the great need for the development of training and job opportunities for Mexican-Americans. He indicated the necessity for the redirection, the improvement, and the expansion of current programs and the creation of new ones designed specifically to meet the unique problems of chicanos. He asked, Why—and now midway in 1972 I also find myself asking, Why—has the Government failed so miserably with the Mexican-American, the second largest minority group in the country, certainly the largest minority group in the Southwest, and the largest minority of any State? Why are chicanos the most unemployed, underemployed, underpaid, and exploited people in this country?

Why is it that persons of Spanish origin have an unemployment rate 1.7 times greater than the unemployment rate of all other persons in the labor force, a median family income of 70 percent of that of other families, and an educational attainment level of 20 percent below that of persons of other origins? I might add that these figures are based on the results of a national survey conducted by the Bureau of the Census in November 1969. I have not yet seen the data which has been coming out under the latest decennial census study.

I am very much concerned with the impact that the administration's manpower revenue sharing proposal will have on Mexican-Americans. I am particularly concerned over the fact that the administration's manpower revenue sharing bill does not provide categorical manpower assistance for Mexican-Americans. I believe it is necessary to include certain categorical manpower programs as a matter of Federal policy because certain aspects of our manpower problems deserve the attention of the Federal Government and can be run better at that level. We all know too well of the many concerns raised by members of the minority communities in trying to continue participation in the planning and administration of programs that were designed to assist them. After they have now received the opportunity to be part of the unit administering and planning manpower programs, there are not adequate safeguards in the administration's proposal to guarantee their continued participation.

I particularly refer to "Jobs for Progress, Incorporated," the only bilingual-bicultural national manpower delivery system for the Spanish speaking.

Popularly known as SER—service, employment, redevelopment—this organization has a 6-year history of service to its people. Sponsored by the two largest Mexican-American organizations, the American GI Forum and the League of United Latin American Citizens—LULAC—SER has continued to effectively deliver manpower services to the disadvantaged.

DEVELOPMENT OF SER

In the spring of 1965, job replacement centers for the Spanish speaking were operated in Houston and Corpus Christi by LULAC. These Jobs for Progress centers were funded and staffed exclusively by Spanish-speaking volunteers. They did more for the Mexican American in their short existence than permanent public agencies had been able to accomplish over the years.

JOINT VENTURE

Based on the lessons learned, the two national organizations, LULAC and the American GI Forum, joined forces to form Jobs for Progress, Inc., in a massive drive to eliminate poverty in the Southwestern United States with special emphasis on bilingual-bicultural manpower services.

The large scale program to tap the manpower resources of the Spanish-speaking community was given the name "TO BE," in Spanish: SER.

SER was designed by the sponsoring American GI Forum and LULAC organizations to break down cultural and economic barriers through full employment for Mexican Americans by involving Mexican Americans themselves in the effort.

SER is staffed exclusively with bilingual personnel who are not only well qualified in their respective specialties, but whose experience and motivation make them cognizant and adept at dealing with adverse cultural differences. By developing and administering manpower programs in this manner, effective gains are already being made.

THE SPONSORS

LULAC—The League of United Latin American Citizens—was founded in 1929 in Corpus Christi, Tex., by the merger of three Mexican-American organizations.

LULAC was founded at a time when American citizens of Mexican ancestry were the victims of a very high degree of discrimination. The league was formed for the purpose of eliminating the segregation of Mexican Americans and elevating their social, economic, and educational status.

LULAC led the legal battles which have eliminated overt segregation of Mexican Americans in public schools, public facilities, and public employment; and it was LULAC who initiated and financed the court battles that led to the U.S. Supreme Court decision which declared unconstitutional the then prevalent practice, in Texas, of omitting American citizens of Mexican descent from service in grand and petit juries.

At present, LULAC members are very much involved in eliminating the more subtle, covert, segregation that now operates to hinder the socioeconomic progress of the Mexican American in Southwestern United States; and in operating a vast system of scholarship awards to worthy young people who are otherwise financially unable to attend college. Many of these young men and women do not get adequate counseling and scholarship assistance from school boards and public colleges indifferent to their educational problems.

AMERICAN GI FORUM

The American GI Forum is a nationally established veterans family organization founded in 1948 in Corpus Christi, Tex., by Dr. Hector P. Garcia for the purpose of abolishing discrimination practices against returning World War II Mexican American veterans.

The GI Forum has since broadened its scope of objectives to include a program of improvement of the social, economic and political conditions of the Mexican-American community.

The organization has among its objectives: Leadership development, intergroup understanding, preservation of basic principles of democracy, veterans' rights, nondiscrimination, eduaction, and motivation of youth.

SER

On June 10, 1966, Operation SER's Regional Office in Albuquerque, N. Mex., began functioning.

On October 3, 1966, Mr. George J. Roybal was installed as SER's executive director, with a small staff hired to implement the program and to man the Skills Bank to begin placing people in nontraditional jobs.

By the spring of 1967, the arduous task of community survey and development yielded program outlines and active volunteer SER boards in the targeted areas.

The State officials were established in June, with a Skills Bank in each, and the first five local SER projects became operational that summer.

The regional office expanded its resources for research and added a Data Processing Center to the Skills Bank when it moved from Albuquerque, N. Mex., to Santa Monica, Calif., in September 1967.

TWENTY-ONE PROJECTS

Twenty-one local SER projects were at various stages of implementation by January 1968 and the Skills Bank had placed 3,000 in gainful and productive employment.

In March 1968 a third major function was added to the Program Development and Skills Bank services when On-the-Job Training coordinators were attached to the regional and State offices.

ORGANIZATIONAL STRUCTURE

SER is administered by Jobs for Progress, Inc., with an 11-member board of directors, presently presided over by Daniel Campos of Campbell, Calif.

The Jobs for Progress Corporation is a voluntary, nonprofit, incorporated organization with its principal objectives being the social and economic betterment of the Mexican-American poor of the United States.

PERFORMANCE RESULTS

During the 6-month period being appraised, SER has served a total of 2,398 people. Of this number, 1,390 have been trained and 1,144 have been placed in meaningful jobs. The remainder is currently in training. In addition, local SER projects are now operating at 96 percent of capacity, and enrollments for the re-

porting period are 94 percent of the planned enrollment goal. These figures indicate the careful and effective planning that took place prior to implementation of the programs.

ENROLLED PROFILE

The following enrollee profile illustrates that SER is serving those in need. SER enrollees come from a broad cross-section of the target population and provide evidence that SER is serving the community. The following statistics were gathered from 16 projects which were operational at the beginning of the program year in September 1971:

Ninety-three percent of the enrollees are Spanish-speaking.

Seventy-four percent are heads of households.

Fifty-four percent are male.

Forty-six percent are high school dropouts.

Twelve percent are junior high and elementary school dropouts.

Twelve percent are monolingual.

PLACEMENTS

Ninety-five percent of the planned number of placements anticipated at the beginning of the program year has been accomplished. This figure represents excellent planning on the part of the local project directors and their staff. Eighty-nine percent of the people served have been placed on meaningful jobs after leaving the program. More importantly, 91 percent of SER placements are still on the job 3 months after being placed. Many positive factors account for this encouraging fact:

The quality of the training services provided is exceptional.

Counselors and other staff members are instilling a high degree of motivation in the enrollee.

SER is soliciting and gaining meaningful support from local employers.

SER is working not only for immediate placement but also long-term gainful employment.

TERMINATIONS

A mere 11 percent of all SER enrollees are unable to successfully complete the program. Even this small percentage is often due to circumstances beyond the control of the enrollee. For example, problems such as pregnancy, relocation, entry into the armed services, transportation difficulties, and other personal problems force the enrollee to leave the program. Rarely does an enrollee drop out because of lack of desire or motivation.

NATURE OF PLACEMENTS

An impressive 100 percent of SER placements have been in semiskilled, skilled, or high skilled occupations. Ninety-two percent of those placements were in the enrollee's chosen field of interest. For obvious reasons, SER is striving to place people on jobs they desire. But circumstances such as the status of the job market, availability of training programs, or the enrollee's capabilities not meeting the job requirements make 100 percent success extremely difficult. The average starting wage for SER placements is $2.49 per hour, well above the Federal minimum wage of $1.60 per hour. This is a strong indication of the type of upgrading the SER enrollee is experiencing.

REENROLLMENTS

A low 3 percent of all enrollees reenter the program. Since stipends are paid to the enrollee during training, there is a possibility that some would choose to stay in the program indefinitely. Although the stipends only cover bare living expenses, SER has been careful to keep the situation well under control, avoiding a welfare agency role. Therefore, an enrollee who has completed the training cycle is reaccepted into the program only under very special conditions. An example of this would be the phasing out of a particular occupation making additional training necessary.

COST

One of the notable achievements of the SER program is the cost per enrollee figure of $1,971. This compares very favorably with other major manpower programs which are experiencing costs per placement in excess of $4,000 to $6,000. This low figure indicates that SER is operating with great efficiency and economy while providing quality services.

With all bills involving the concept of decentralization, placing policy, planning, and administration in the hands of State and local government, certain safeguards must be included in whatever legislation affecting manpower is ultimately passed. Safeguards that insure that on the local level SER continues to be given the opportunity to deliver manpower services to the disadvantaged should be part of any legislation that addresses itself to the manpower needs of the Nation.

TAX OR SPENDING REFORM?

Mr. HANSEN. Mr. President, during an election year it is not unusual to hear some rather implausible claims, counter claims and reform demands. Tax reform is being heralded as a big issue in the presidential campaign and the average taxpayer—the little man—is being incited to tax revolt by a number of his self-appointed saviors.

Edwin S. Cohen, 5 feet 5 inches tall and Assistant Secretary of the Treasury, in a speech before the Federal Tax Institute of New England offered the following tax reform proposal. He said:

For some time, I have been looking for a simplified, equitable tax revision program. There is considerable research to indicate that, in general, tall people have a great economic advantage over short people and are far more successful as leaders in the business and political world. I have maintained, therefore, that the tax law should provide compensation for the inequities thrust upon the short people of the world. I would draw the line at a height of 5 feet 6 inches and provide half rates of tax for those below that level and the regular rates for those above.

A few have suggested that the basic cause of his tax burden is the massive overspending of tax money resulting from the multitude of domestic social and economic programs initiated or escalated in the 1960's.

And a recent Wall Street Journal article points out that these programs are also proving a disappointment to many of the Democratic officials who presided over them.

The newest and most comprehensive evidence of disenchantment, the article says, is in the Brookings Institution book on "Setting National Priorities," which has been widely noted mainly for its warning that a tax increase may well be needed to support present trends in Federal spending. But the report has another theme as well, when it comes to solving social problems in poverty, health, education, and the environment, it concludes, "the history of the 1960's makes clear that current Federal approaches are not particularly effective."

For awhile, the Brookings report recalls nostalgically, "the idea persisted that if one could identify a problem and allocate some Federal money to it, the problem would be solved."

Mr. President, it is most encouraging that the Brookings Institution report, authored by Charles L. Shultze, who was budget director under President Johnson, and others in that administration should now call for a halt to think things over and concede that the Democratic administration launched "ineffective programs, wasted money, and squandered public confidence."

Mr. President, rather than tax reform, I suggest again that what we really need is federal spending reform.

As Director of the Office of Management and Budget, Caspar W. Weinberger was quoted as saying in the Wall Street Journal article, in the past decade, spending on social programs has vaulted to about $110 billion from $30 billion a year. He further said:

If spending alone could solve the problems to which existing programs are addressed, there would be no problems for spending there has been.

Mr. President, I ask unanimous consent that the well-documented Wall Street Journal article entitled "What Federal Money Didn't Buy" be printed in the RECORD.

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

WHAT FEDERAL MONEY DIDN'T BUY

(By Richard F. Janssen)

For a few years now, it's been pretty obvious that anyone wanting to hear a rousing rationale for the war in Vietnam needn't bother the former Johnson administration officials who had so much to do with it. Spiro Agnew appears a lot more enthusiastic about it than, say, Robert McNamara or Clark Clifford.

More recently, it's becoming evident that the domestic social and economic programs initiated or escalated in the 1960s are also proving a disappointment to many of the Democratic officials who presided over them.

The newest and most comprehensive evidence of disenchantment is in the Brookings Institution book on "Setting National Priorities," which has been widely noted mainly for its warning that a tax increase may well be needed to support present tends in federal spending. But the report has another theme as well. When it comes to solving social problems in poverty, health, education and the environment, it concludes, "the history of

the 1960s makes clear that current federal approaches are not particularly effective."

That finding might be dismissed by many as predictable partisan jeering if it came from the conservative camp. But considering that its source is the citadel of intellectual Democratic liberalism, it constitutes an arresting shout to halt and think things over. The key author is Charles L. Shultze, who was LBJ's budget director, and the other main contributors also had important posts in the budget office, the White House and the Department of Health, Education and Welfare.

"SQUANDERED PUBLIC CONFIDENCE"

Nor is the enclave of ex-officials at Brookings alone in their distillusionment. "We have oversimplified our problems and oversold the prospect of quick solutions," writes William Gorham, a former HEW official who is now president of the Urban Institute. Mr. Gorham goes on to complain that the Democratic administration he served launched "ineffective programs, wasted money, and squandered public confidence."

While liberals at home are conceding that it's hard to tell if all their activism actually has made kids better educated or the poor healthier, a parallel malaise is setting in on the foreign aid front. At the World Bank, for instance, officials agonize over evidence that their efforts to speed industrialization of poor countries often tend to make the local rich richer while worsening the plight of the local poor, for at least the first decade or so.

This is in the sharp contrast, of course, to the time when those in power along the Potomac were brimming with confidence that the government could use its budgetary muscle to move the world, and quickly. When success didn't come instantly, there were always plenty of promising new methods at hand. But as it looks now to the sidelined liberals, the fallback positions are, and always were, precious few.

When the first skirmishes along John F. Kennedy's New Frontier failed to rout the nation's menacing social problems, the response was almost always that more federal dollars must be thrown into the fight. Most of Lyndon B. Johnson's Great Society seemed built on that premise too, from the war on poverty to aid to schools. For a while, the Brookings report recalls nostalgically, "the idea persisted that if one could identify a problem and allocate some federal money to it, the problem would get solved."

That idea seems far from passe, to be sure, but a case can be made that it has been given a solid try already. While the sheer dollar figures are often staggering (i.e., Social Security and other income support payments nearly tripling in 10 years to about $75 billion yearly now), standing alone they don't say much about relative effort or priorities. So the Brookings group has pulled together statistics in ways that leave less room for doubt.

As to any lingering suspicion that the federal sector simply isn't keeping pace with the economy as a whole, the study estimates that budget outlays in the fiscal year to start July 1 will amount to 20.5% of the gross national product. That would be up from 18.1% of GNP, (the total private and governmental output of goods and services) in the 1961–63 period, and up sharply from the 7.7% of the late 1930s, when FDR's anti-depression measures first made big government a big issue.

More surprisingly, perhaps, the figures don't support the thought that the military has hogged the gains since the early 1960s. Then, the military costs (including such legacies of past wars as veterans benefits and public debt interest) equalled 10.9% of the GNP; in the coming fiscal year, that share should be down to 8.4%. Meanwhile, the civilian side of the newest Nixon budget has bulged to 12.1% of the GNP, up from the New Frontier era's 7.2%.

The federal civilian outlays per person have outpaced inflation and population growth; in fact, as the figures below indicate, the "real" outlays have been rising at an ever-increasing rate. (The figures that follow are average annual percentage increases for the selected periods.)

[In percent]

	1960	1965–70	1970–73
Federal civilian outlays	7.3	13.0	15.2
Inflation	1.4	3.6	4.5
Population	1.5	1.1	1.2
Real per capita	4.1	7.9	9.0

But the old "money isn't everything" adage appears to apply even where almost unthinkable billions of dollars are involved. "It quickly becomes clear that changing institutional behavior not only is difficult but takes more than federal money," the Brookings group writes. "Putting children in preschool programs for a few weeks may improve their performance, at least temporarily, but it does not alter the homes they come from or the schools they are attending." A federal grant can let a local community build a new sewage treatment plant, but it doesn't give a local factory any incentive to stop dumping pollutants, so the river may end up as dirty as before.

With the first grudging admissions among liberal insiders that the government wasn't getting its money's worth, there came a series of responses. One was "tighter federal regulation," so that a school district receiving federal funds for "disadvantaged" children found it harder to cut back its own funds for them. But the former officials admit that no one in Washington really knew how to write regulations "that could be both understood and enforced in some 18,000 school districts."

CATCHWORDS AND COMMITTEES

Then "coordination' became the catchword. If officials of various agencies would only communicate more with each other, duplication and other waste could be avoided, and policies could be made to mesh. Elaborate networks of coordinating committees were created but mostly they "just slowed things down," the former insiders sigh.

All of which gave impetus to the third response, "decentralization." To some extent, Washington officials would simply stop trying to decide what's best for Brooklyn or Buffalo and leave it to those closer to the scene in federal field offices, state houses and city halls. As the Nixon's administration's dogged campaign for revenue sharing attests, this is a response the Republican incumbents were only too pleased to pick up from their predecessors.

But decentralization isn't a perfect solution, either, as Republican office holders can also attest. They've been moving a notch back toward centralization and coordination by setting up regional groupings of federal field offices, for instance. The trend was impelled by the finding that one local road authority was planning to put a highway smack across the runway being planned by the local airport authority—both, of course, using federal money from different federal agencies.

A fourth response to unsatisfactory programs is to spend less on them, or to wipe them out entirely. This never really caught on during the Kennedy-Johnson administrations, and the Nixon administration hasn't been able to do much more than rearrange the more offensive pieces of the fiscal furniture it inherited. Its furious battle to close down Job Corps camps was a very limited skirmish, for instance; the latest Nixon budget boasts of boosting outlays in all manpower training areas from the $1.5 billion of the last Democratic year to $3.6 billion now.

The Brookings report concludes it would be "irresponsible and dangerous" to give up the search for "solutions to urgent social problems." It further concludes that it would be useless to return to the "pat, simple answers—decentralize, regulate, coordinate, spend more, spend less."

This seems somewhat gratuitous. The government isn't about to give up, and there's no sign that the "pat" answers of the past have been altogether discarded, either.

The "spend more" answer remains alive in the Nixon administration's continuing efforts to enact revenue sharing and welfare measures which would build progressively mounting costs into budgets, even as Democratic contenders outdo each other urging expensive solutions of their own.

"CAP THE KNIFE"

At the same time, budget overseer Caspar W. Weinberger delights in his "Cap the Knife" nickname, and talks bravely of slashing outlays on low priority programs and turning back more functions to "state, local and private initiative."

In past decade, he notes, spending on social programs has vaulted to about $110 billion from $30 billion a year. "If spending alone could solve the problems to which existing programs are addressed, there would be no problems," he says, "for spending there has been."

Are there any hopeful new options left?

What the Brookings panel ultimately proposes (along with admittedly modest procedural changes such as budgeting more programs for several years instead of only one) is basically a resort to more "social experimentation" to find out how individuals and institutions actually respond to federal efforts.

That may not make a very exciting platform for any political candidate. But it just might provide a firm foundation for a more rational fiscal future. Once the public and the government realize that experimentation is about all that's been going on all along, the many inevitable failures wouldn't be so costly and frustrating. If successes are few, they still might stand out all the more clearly as guides to the ultimate solutions which must be out there somewhere.

Mr. Janssen is a member of the Journal's Washington bureau, specializing in economic affairs.

CEILING ON SPENDING AND PERSONNEL IN CAMBODIA

Mr. CASE. Mr. President, last year Congress approved the Case-Symington amendments which placed an absolute spending and personnel ceiling on American programs in Cambodia. This year the Foreign Relations Committee has again approved a spending limit on U.S. assistance to Cambodia. The personnel ceiling remains a part of the law.

The administartion has requested $348 million in funds for Cambodia in fiscal 1973, but the Foreign Relations Committee cut this figure to $275 million. While the Senate is considering whether or not to increase fiscal year 1973 request, it should keep in mind that executive failed to spend an estimated $92 million of the funds voted in fiscal year 1972 when the Congress voted the full administration request of $341 million.

The Washington Star correspondent in Asia, Henry S. Bradsher, recently published an account of some of the difficulties the United States has in spending money in Cambodia. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Evening Star, June 8, 1972]

CONFUSION IN PHNOM PENH LEAVES U.S. DOLLARS STRANDED

(By Henry S. Bradsher)

PHNOM PENH.—Nations that would help the beleaguered government of Cambodia, especially the United States, are finding it difficult these days.

It is hard to find with whom to work in the government.

Most of the top officials with whom the U.S. government used to deal have disappeared. Many of the new ones lack either effective power to get anything done or the willingness and ability to use their power.

This lack of decisiveness is most noticable in the economic field.

Partly for that reason, partly for what appear to be U.S. misjudgments, the American economic aid allotment for the fiscal year just ending turned out to be wildly over what could be used.

PERSONAL PROFITS

The problem is less noticeable in the military field. Cambodia is ready and willing to absorb as much military aid as the United States wants to pump in. How it is used raises some questions among diplomatic observers here, however.

Some top military officers have seemed more concerned about making personal profits from the war than defending Cambodia.

In recent weeks the Cambodians have lost large hunks of territory along their eastern border, as the North Vietnamese army has extended the northeastern area which it has long controlled. In other areas, villagers are being alienated by Cambodian troops while Communist agents propagandize them.

SIDESHOW SUSPECTED

U.S. military aid is designed to help defend the country, but there is a nervous feeling among some educated Cambodians that Washington is not really interested in Cambodia itself—that this is only a sideshow of Vietnam.

This apprehension found some possible support from the testimony of the chairman of the U.S. Joint Chiefs of Staff, Adm. Thomas H. Moorer, to the Senate Appropriations subcommittee on foreign operations in Washington on Monday.

He justified the request for $209 million worth of military aid to Cambodia in the fiscal year beginning July 1 on the basis of the Vietnam war.

"ACTS AS BARRIER"

"An independent Cambodia acts as a barrier to the expansion of North Vietnam and contributor to the ability of the Republic of Vietnam to oppose North Vietnam's aggression and Viet Cong insurgency," Moorer said.

"Because of this, Cambodia's continued independence is very important to the success of the Vietnamization program.

"Any significant reduction in U.S. assistance to this country could well force the government to seek an accommodation with the enemy to include limitations on the aerial interdiction of the Ho Chi Minh trail, with deleterious effects on Vietnamization," Moorer warned.

Such statements raise questions here about whether the United States might continue to help Cambodia resist its own Communist threat if some settlement is reached in Vietnam.

TEAM HAS VANISHED

The questions themselves encourage a search for a compromise with the Communists here.

The U.S. government had thought it was working with an efficient team of Cambodian officials who were dedicated to the kind of anti-Communist stand which Washington sought. Now the team has vanished into the mystical workings of Cambodian politics.

The American Embassy here had tended to support that team, headed by the premier-designate, Sisowath Sirik Matak, even to the extent of encouraging its autocratic tendency to ignore the constitutional checks of parliament.

The abolition of parliament in October by Premier Lon Nol did not appear to faze the embassy.

PRESENT SITUATION

The continued collection of power by Lon Nol, who has now had himself elected president for five years, created the present situation of vaguely delegated powers and indecisiveness.

Sirik Matak was ousted from power in March as Lon Nol's right-hand man. It has since become clearer that the president's younger brother, Lon Non, was involved in getting rid of a man who had restricted Lon Nol's ability to wield the presidential authority for his own purposes.

Others who disappeared with Sirik Matak included Tim Nguon, who had supervised the economy, and foreign Minister Koun Wick.

ONE EXPERIENCED MAN

Officials at the U.S. Embassy say that only Hing Kanthel, governor of the national bank, is left of the experienced top officials who had been handling matters requiring close coordination with foreign governments.

Lon Nol has filled the gaps by giving titles and chauffeured cars to new people. In some cases jobs have been divided among several persons, with titles proliferating into a huge cabinet and staff of presidential advisers.

Many aspects of the government have bogged down in inactivity. This is particularly obvious in the economic sector.

In order to encourage farmers to grow more rice, the government has needed for some time to fix a new basic buying price for the crop. It has not done so.

Without the incentive which could be offered, farmers are not growing as much as they could. Cambodia used to export rice to pay for manufactured imports, but now cannot.

Actually, rice is an example of the fact that the Cambodian economy never seems to get quite so bad as expected—or so good.

It looked for a while last year as if rice-rich Cambodia would have to live on imported rice because of the war, but after only 20,000 tons came in, production began to cover needs.

On the other hand, it also looked as if exports, which had fallen from more than $75 million to about $10 million last year, would bottom out at the lower figure, but now they are running at an annual rate of only about $5 million.

One bright spot in exports is rubber, traditionally the second most important item.

One new rubber processing plant has begun operations and a second is being built. Compared with peacetime exports of 50,000 tons of rubber a year, there might be 10,000 tons this year and 18,000 tons next year.

No one asks too closely where the raw rubber is coming from. Much of it seems to be seeping out of Communist-controlled areas.

While exports are off, so are imports. One reason is that the Cambodian people seem to be saving much of the new money in circulation, which has helped avoid inflation.

U.S. aid was supposed to pay for vital imports, but Phnom Penh continues to look prosperous living off its fat, while little is coming in. The result is that U.S. aid has not been used very fast.

$110 MILLION APPROVED

The embassy here asked for, and Congress authorized, $110 million in economic aid for the fiscal year just ending. Only $37 million of it has been committed.

Now the administration is seeking $75 million in support assistance for Cambodia in the coming fiscal year and $12.3 million worth of Public Law 480 commodities.

With that straight-faced ability which appears in the same kind of situation next door in Saigon, U.S. officials explain that the reduced need for aid was a special case, but that the next request to Congress is really serious—every penny of it is needed desperately.

Whether Cambodia will know what it really needs, or how to use it, might come to depend on whether it gets its governmental machinery sorted out.

FIREARMS LOBBY OF AMERICA SUPPORTS ELIMINATING THE "SATURDAY NIGHT SPECIAL" HANDGUN

Mr. BAYH. Mr. President, it is encouraging to note that Mr. Morgan Norval national director of the Firearms Lobby of America, has come out in support of eliminating the "Saturday Night Special" handgun. The Firearms Lobby of America is a nonprofit association formed to influence firearms legislation. I commend Mr. Norval and his association for their stand on this issue of importance to us all.

Mr. President, I ask unanimous consent that Mr. Norval's editorial statement on WMAL–TV, June 3–4, 1972, be printed in the RECORD.

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

MORGAN NORVAL, NATIONAL DIRECTOR OF THE FIREARMS LOBBY OF AMERICA

The attempt upon the life of Governor Wallace has brought forth a torrent of demands to abolish firearms, particularly handguns. It is ironic that the Liberal Politcians, and their allies in the news media, who heretofore have so bitterly attacked Wallace, now see in his personal tragedy an excuse to disarm law abiding Americans.

But as Governor Wallance said—even after the shooting—laws outlawing firearms will punish only the law abiding . . . the criminals will ignore them, just as they have ignored every other existing gun law.

No one disagrees with the need to find ways to end the senseless violence sweeping this nation. Political differences must be settled with ballots—not bullets.

What, then, can we do? We can eliminate the cheap, unreliable handgun, popularly known as a "Saturday night special." Secondly, the media must stop emphasizing violence in its programming, even though this may mean lower profits to them. Finally, our judicial system must stop coddling criminals. Existing laws against armed violence should be strictly enforced. Let's get the thugs off the streets.

ETHNIC HERITAGE STUDIES BILL PASSES CONGRESS

Mr. SCHWEIKER. Mr. President, the Ethnic Heritage Studies Programs Act has passed Congress, launching an important new Federal commitment to ethnicity and pluralism as positive forces in America.

Originally introduced by me in January 1971 as S. 23, the Ethnic Heritage Studies Centers Act of 1971, the bill was passed as section 504 of S. 659, the Higher Education Amendments Act of 1972, which was recently passed by both bodies of Congress and will shortly be signed into law by the President.

I have been most grateful for the bipartisan support for ethnic studies programs in the Senate and the House of Representatives, and also for the widespread support my bill has received from many individuals and groups around the country.

As the Office of Education develops guidelines for the implementation of this pilot program in ethnic studies, and as we begin work to achieve the goals of ethnic studies—self-identity, mutual understanding, and community cooperation—it is my fervent hope that all individuals and groups will be working closely together to insure that these ethnic studies programs begin in a positive, harmonious atmosphere.

Mr. President, I ask unanimous consent that the full text of the Ethnic Heritage Studies Programs Act, as passed by Congress be printed in the RECORD immediately following these remarks. In addition, I ask unanimous consent that the conference report on the Higher Education Amendments of 1972 relating to the Ethnic Heritage Studies bill, and a statement I issued on congressional passage of the bill, also be printed in the RECORD.

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

S. 659, "EDUCATION AMENDMENTS OF 1972"

ETHNIC HERITAGE STUDIES PROGRAM

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAM

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES PROGRAMS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies programs, as provided in this title.

"AUTHORIZED ACTIVITIES

"SEC. 903. Each program assisted under this title shall—

"(1) develop curriculum material for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned and the contributions of that ethnic group or groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations with a special interest in the ethnic group or groups with which the program is concerned to assist them in promoting, encouraging, developing, or producing programs or other activities which relate to the history, culture, or traditions of that ethnic group or groups.

"APPLICATIONS

"SEC. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program, in accordance with this title;

"(2) such program will involve the activities described in section 903; and

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group or groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commisioner shall insure that there is cooperation and coordination of efforts among the programs assisted under this title, including the exchange of materials and information and joint programs where appropriate.

"ADMINISTRATIVE PROVISIONS

"SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups such as foundations, civic groups, and fraternal organizations which would further the goals of the programs.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing and carrying out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training as part of such programs, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purpose of carrying out this title, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

CONFERENCE REPORT 92-1085 ON S. 659, "EDUCATION AMENDMENTS OF 1972," MAY 22, 1972

Ethnic Heritage program.—The Senate amendment added a new title to the Elementary and Secondary Education Act authorizing grants for Ethnic Heritage Studies Centers. These Centers would develop and disseminate curriculum materials, and encourage and promote activities related to ethnic heritage studies. Grants would be made to nonprofit public or private educational agencies, institutions, or organizations. Applicants were required to consult with a local advisory council composed of representatives of ethnic groups and cultural and educational resources from the area to be served. A National Advisory Council on Ethnic Heritage Studies, appointed by the Secretary, was established to assist and advise the Commissioner in coordinating the program. Appropriations of $10,000,000 for fiscal year 1972 and $20,000,000 for fiscal year 1973 were authorized. Funds were to be used for establishing, equipping, and operating centers, but not for construction. There were no comparable House provisions. The House recedes making the following modifications in the Senate provisions.

(1) Deleting the authorization for fiscal year 1972 and reducing the fiscal year 1973 authorization to $15,000,000.

(2) The reference to "centers" throughout the amendment was deleted. Rather, there will be grants made for projects.

SCHWEIKER ETHNIC STUDIES BILL PASSES CONGRESS

WASHINGTON, June 8.—The Schweiker "Ethnic Heritage Studies Programs Act" passed Congress today United States Senator Richard S. Schweiker (R-Pa.) announced.

Final Congressional approval came as the House of Representatives voted in favor of the Conference Report on S. 659, the Higher Education Amendments of 1971, which included Schweiker's ethnic studies bill. The Senate approved the Conference Report on May 24.

Originally introduced by Schweiker as S. 23 in January 1971, the new Ethnic Heritage Studies Programs Act authorizes the Commissioner of Education to make grants for programs, development of curriculum material and dissemination of information and materials, relating to the history, cultures and traditions of the various ethnic and minority groups in our country.

Schweiker said, "The bill has been drafted to encourage the maximum coordination, cooperation, and participation in these programs of various ethnic and minority groups. It has been designed as a pilot program. One of the measures of its success will be how well various ethnic and minority groups work together in getting this program started," he said.

Schweiker said, "By passing this ethnic studies legislation today, the Congress is for the first time providing official national recognition to ethnicity as a positive, constructive force in our society today. The 'melting pot' theory of assimilation in our society is no longer working, and too many people in modern society have lost the important values of community, identity, traditions, and family solidarity," he said.

"The ethnic studies programs Congress has authorized today will be an important beginning to help encourage ethnic pride and ethnic identity. At the same time, the ethnic studies programs will emphasize comparative

studies of ethnic and minority heritages so all persons can better understand each other. Hopefully, the resulting ethnic identity and mutual understanding can lead to greater communication and cooperation in all our communities," Schweiker said.

DELAWARE ACTS TO GAIN FINAL EPA APPROVAL OF ITS CLEAN AIR PROGRAM

Mr. BOGGS. Mr. President, the Environmental Protection Agency on May 31, 1972, approved most of Delaware's plan to achieve the national ambient air quality standards. Most State plans were approved only in part. Minor portions of the Delaware plan were not approved, primarily because Delaware law did not permit some of the necessary procedures.

Today, in the Federal Register, the EPA has proposed new regulations, which it must impose to bring a State plan into compliance if the State fails to modify its plan by the end of July.

Mr. President, while Delaware was among the States listed in the Register, I am assured the EPA will approve the Delaware plan, as revised, without the necessity of EPA promulgating its own plan.

This situation is clarified by some communication between Austin Heller, Secretary of the Delaware Department of Natural Resources and Environmental Control, and Edward Furia, EPA's Administrator for Region 3, which includes Delaware.

Specifically, correspondence from Mr. Furia points out that "we have reached agreement on the remaining sections of Delaware's plan and that all sections will be approved."

This agreement, which came only a couple of days after the May 31 decision, is to be applauded. I would like to quote one other portion of Mr. Furia's letter, which I believe is pertinent. He wrote to Secretary Heller that:

Delaware is to be congratulated in selecting early attainment dates for meeting the Federal particulate and sulphur oxide standards. This action exemplifies the environmental commitment of Governor Peterson in the State of Delaware.

Mr. President, to allow Senators to gain a better understanding of the responsible and effective way in which Delaware has handled this situation, I ask unanimous consent that the letters be printed in the RECORD.

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

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Philadelphia, Pa.

Hon. RUSSELL W. PETERSON,
Governor, State of Delaware,
Dover, Del.

DEAR GOVERNOR PETERSON: This letter is to advise you of action being taken by the Environmental Protection Agency with respect to an implementation plan submitted by the State of Delaware under provisions of the Clean Air Amendments of 1970. The Environmental Protection Agency is authorized to approve or disapprove such implementation plans to the extent that they are consistent with the requirements of the amended Act and is directed to notify the States of changes needed to comply with the new regulations.

On January 28, 1972, you submitted an implementation plan for the attainment and maintenance of national ambient air quality standards for carbon monoxide, nitrogen dioxide, hydrocarbons, and photochemical oxidants in the Metropolitan Philadelphia Interstate Air Quality Control Region, and for sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, hydrocarbons and photochemical oxidants in the Southern Delaware Intrastate Air Quality Control Region. That implementation plan has been evaluated to determine the extent to which it is consistent with the amended Clean Air Act, as well as with the Environmental Protection Agency regulations setting forth national ambient air quality standards, which were promulgated April 30, 1971 and the regulations for preparation, adoption, and submittal of implementation plans, which were promulgated August 14, 1971.

Those portions of Delaware's implementation plan which are unapprovable are listed in the enclosure to this letter. On May 31, 1972, this enclosure will also be published in the *Federal Register*. A detailed evaluation of the implementation plan will be forwarded to Mr. Austin Heller, Director, Department of Natural Resources and Environmental Control. It specifies the changes necessary to make the plan fully consistent with present requirements. Section 110 of the Clean Air Amendments of 1970 provided that the necessary changes are to be made within 60 days after this notification. It would be appropriate to make the changes in accordance with the procedures set forth in the regulations promulgated August 14, 1971 and to submit them to the Environmental Protection Agency before July 30, 1972, which is the statutory deadline for submittal of revisions to plans for implementation of the national ambient air quality standards.

I am confident that Delaware can now move ahead to revise and correct its implementation plan to meet the requirements of the amended Act and the Environmental Protection Agency's regulations. You may be sure that every effort will be made to assist you in this important undertaking. Any questions you may have will be given prompt attention by our office.

I hope that I shall have an opportunity this July to fully approve the implementation plan you have submitted under the amended Clean Air Act of 1970. That will represent another significant step toward cleaner air for all of us.

Sincerely yours,

EDWARD W. FURIA,
Regional Administrator.

SUBPART I—DELAWARE

52.420 Identification of plan

(a) Title of plan: "State of Delaware Implementation Plans for Attainment and Maintenance of National Ambient Air Quality Standards"

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 11, March 10, and May 5, 1972, by the State of Delaware, Department of Natural Resources and Environmental Control.

52.421 Classification of regions

The Delaware plan was evaluated on the basis of the following classifications.

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemica oxidants (hydrocarbon
Metropolitan Philadelphia interstate	I	I	I	I	I
Southern Delaware intrastate	III	III	III	III	III

52.422 Approval status

With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for attainment and maintenance of the national standards.

52.423 General requirements

(a) The requirements of 40CFR51.10(e) are not met since the plan does not provide for public availability of emission data.

52.424 Legal authority

(a) The requirements of 40CFR51.11(a)(6) are not met. 7 *Del. Code* §6014 will preclude release of emission data to the public in certain situations.

52.425 Prevention of air pollution emergency episodes

(a) The requirements of 40CFR51.16(b) are not met since the plan does not specify two or more stages of episode criteria for carbon monoxide.

52.426 Review of new sources and modifications

(a) The requirements of 40CFR51.18(c) are not met since the plan does not provide for a means of disapproving construction or modification of a stationary source if such construction or modification will interfere with attainment or maintenance of a national standard.

52.427 Source surveillance

(a) The requirements of 40CFR51.19(b) are not met since the plan does not provide for periodic testing of stationary sources.

54.428 Attainment dates for national standards

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Delaware's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Philadelphia interstate	A[1]	A[1]	A[1]	A[1]	A[1]	A[1]	B.
Southern Delaware intrastate	B	B	B	B	B	B	B.

[1] Proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTES

A. 3 years from plan approval or promulgation.
B. Air quality levels presently below secondary standards.

Mr. AUSTIN HELLER,
Delaware Department of Natural Resources and Environmental Control.

In the letter to you concerning approval of your State implementation plan, the table under 52.427 was unclear and apparently inconsistent with the Federally approved Delaware control strategy for sulfur oxides. In the column titled sulfur oxides, the primary date for the metropolitan Philadelphia Interstate region should be revised from "A" to "1/1/72" and the sulfur oxide secondary column should be revised from "A" to "1/1/73". State implementation plans approved by the administrator on May 31 supplement the portions previously approved by the administrator, notice of which was published Feb. 3, 1972, as part 52 of title 40 of the Code of Federal Regulation.

Those portions of State plans which have previously been approved are unaffected by the approvals published today our staff will meet with the State of Delaware in the near future to discuss the other difficulties concerning approval of the plan.

EDWARD W. FURIA,
Regional Administrator, Environmental Protection Agency, Region III.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Philadelphia, Pa., June 2, 1972.

Hon. AUSTIN HELLER,
Secretary, Delaware Department of Natural Resources and Environmental Control, Dover, Del.

DEAR SECRETARY HELLER: In my May 31, 1972 letter to Governor Peterson and subsequent news conference, I indicated that most aspects of Delaware's implementation plan required by the Clean Air Act of 1970 were approved. Certain sections were, however, not approved for one reason or another. A list of unapproved sections was printed in the Federal Register of May 31, 1972, and a detailed evaluation of these sections was forwarded to you. As a result of this morning's meeting, I feel we have reached agreement on the remaining sections of Delaware's plan and that all sections will be approved.

Federal requirements for the public availability of emission data and the legal authority to accomplish this release will be satisfied when legislation before the Delaware Legislature is passed and signed by the Governor. Requirements for the prevention of air pollution emergency episodes and the review of new or modified stationery pollution sources will be satisfied after a Commission hearing and approval of the required regulations. We have reached agreement on an approvable periodic testing statement.

Delaware was the first State in the country to secure approval of its primary sulfur oxide control strategy. The January 1, 1972 date for attainment of the primary sulphur oxide standard has been approved. Delaware's submissions are, however, unclear on the actual date when secondary sulphur oxide standards and national standards for other pollutants will be attained. As a result of this morning's meeting, I have concluded that Delaware's January 1, 1973 date for the attainment of secondary sulphur oxide standard is approvable. The January 1, 1972 date for the attainment of primary particulate standard and the January 1, 1973 date for the attainment of the secondary particulate standard is approvable. In addition, Delaware's control strategy for carbon monoxide and nitrogen dioxide is approved, with the latest date for attainment of the national standards being May 31, 1975.

Delaware is to be congratulated in selecting early attainment dates for meeting the Federal particulate and sulphur oxide standards. This action exemplifies the environmental commitment of Governor Peterson in the State of Delaware.

With kindest regards.

Sincerely,

EDWARD W. FURIA,
Regional Administrator.

SENATOR SCOTT'S RECORD ON HEALTH

Mr. SCHWEIKER. Mr. President, the principal goal of any Federal health plan should be to assure that no American family is barred from adequate care because of an inability to pay. Republican leader HUGH SCOTT, the senior Senator from Pennsylvania, has been a strong advocate of better health care since his early days in the House of Representatives.

Senator SCOTT is the author of a major health insurance bill designed to assure the availability of essential health services for all Americans. He has also supported efforts to reduce the cost of prescription drugs to consumers.

I ask unanimous consent that Senator SCOTT's record on health matters be printed in the RECORD.

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

92D CONGRESS

Legislation

S. 34—To establish a National Cancer Authority with the priority to discover the method by which to conquer the menace of cancer.

S. 426—To amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation.

S. 1182—To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations.

S. 1598—To provide health care insurance for people of the United States and to improve the availability of health services.

S. 1623—To amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan.

S. 1828—The Act to Conquer Cancer.

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act.

S. Con. Res. 52—Expressing the sense of the Congress with respect to the rights of mentally or physically handicapped persons.

Votes

Voted for the Conquest of Cancer Act.

Voted for the Health Professions Education Assistance Amendments of 1971.

Voted for the Nurse Training Amendments of 1971.

Voted on a resolution expressing the sense of Congress on Public Health Service Hospitals and Clinics.

Voted for the National Sickle Cell Anemia Act.

Voted for the National Cancer Act of 1971.

Voted for the Children's Dental Health Act of 1971.

91ST CONGRESS

Legislation

S. 1300—To improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1865—To establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

S. 1997—To provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

S. 2809—To extend authority to make formula grants to schools of public health.

S. 3316—To require the Secretary of HEW to study and to report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels.

S. 3418—To amend the Public Health Service Act to provide for making of grants to medical schools and hospitals to assist them in establishing special department and programs in the field of family practice and to encourage and promote the training of medical and paramedical personnel in the field of family practice.

S. 3443—To amend and improve the Public Health Service Act to aid in the development of health-care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development.

S. 4208—Family Physician Scholarship and Fellowship Program Act to lay the groundwork for providing the medical manpower needed to meet the rising health demands of the country. Would provide scholarships to young men and women who agree to practice medicine in areas designated as physician-shortage areas.

S. Res. 68—To authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted for the Public Health Cigarette Smoking Act.

Voted to provide interim emergency coal mine disability benefits.

Voted for the Federal Coal Mine Health and Safety Act of 1969.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1969 (Hill-Burton).

Voted for Medical Facilities Construction and Modernization Amendments of 1970, to provide for each fiscal year the total of the loans which may be guaranteed that shall be alloted by the Secretary of HEW among the States on the basis of each State's relative population, financial need, and need for modernization of facilities.

Voted for Health Services Improvement Act of 1970 extending the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions.

Voted for the Family Practice of Medicine Act of 1970, providing additional appropriations for the purpose of making grants to medical schools and hospitals to establish departments and programs in the field of family practice, and to encourage the training of medical and premedical personnel in the field of family medicine.

Voted to establish a National Health Service Corps authorizing pilot and demonstration projects for attempting to solve health manpower shortages in areas of critical need.

Voted for Communicable Disease Control Amendments of 1970 to provide financial assistance to the States to prevent the introduction, transmission or spread of communicable diseases in the United States from foreign countries and from interstate and intrastate sources.

Voted for Drug Abuse Prevention and Control Act of 1970.

Voted for the Occupational Safety and Health Act authorizing the Secretary of Labor by rule to promulgate any occupational safety and health standard for working men and women which is a national consensus standard or an established Federal standard.

Voted for Drug Abuse Education Act.

Voted for Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1970.

89TH CONGRESS

Legislation

S. 3094—To provide for inspections of mines and quarries to obtain information relating to health and safety conditions, accidents and occupational diseases.

88TH CONGRESS

Legislation

S. 2751—To provide additional funds for special milk program for children.

Votes

Voted for the Mental Health Act of 1963.

Voted for the Health Professions Educational Assistance Act of 1963.

86TH CONGRESS

Legislation

S. 3350—To provide program of Federal matching grants to States for over-65 health insurance.

Votes

Voted for the International Health and Medical Research Act of 1959.

Voted to provide a health benefits program for government employees.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in a recent column in the Washington Post, Mr. Hobart Rowan attempted to show sharp differences of opinion between the AFL–CIO and the United Auto Workers in the area of trade policy.

There are differences in emphasis and on the wisdom of using import quotas, but their shared sense of urgency and their common need to bring the transnational corporation under some kind of control overwhelm all differences.

To set the record straight, Mr. Paul Jennings, president of the International Union of Electric Workers, wrote Mr. Rowan, pointing out the many similarities between the AFL–CIO approach and that of the UAW.

Because of the importance of clarifying this situation, Mr. President, I ask unanimous consent that Mr. Jennings' letter be printed in the RECORD.

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

MAY 5, 1972.

EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: As President of an AFL–CIO affiliate which regards enactment of the Hartke-Burke Bill of great importance, I felt that Hobart Rowen's May 4 column, "UAW Points the Way" was misleading. He was so at pains to point out differences between the respective positions on international trade of the United Auto Workers and the AFL–CIO that none but the best informed reader would think there is any agreement.

I have read the UAW resolution referred to and find 95% of it in accord with the position of my union. To take some examples: We agree that a major source of trade problems "is the spread of international corporations;" that "union solidarity" is needed "to raise the wages of underpaid workers everywhere;" that "U.S. and Canadian workers are at a serious disadvantage . . . because of their governments' failure to maintain effective full employment policies" and that U.S. law should "assure prompt and effective action" against foreign dumping.

Of the UAW's specific proposals, we are in substantial agreement with most of them, from regulating ("requiring licenses for") foreign investments by U.S. corporations, through amending "the GATT agreement to include an effective international fair labor standards provision," to promoting Buy-American and Buy-Canadian among consumers.

Nevertheless, there obviously is a clear difference over the use of import quotas, which we demand, and the combination of temporary tariffs and adjustment assistance favored by UAW. Perhaps because the UAW's view coincides with his own, Mr. Rowen chooses to depict it as demonstrating courage, vitality and intelligence, in contrast to the "horse-and-buggy" thinking of the rest of us. This propagandistic characterization is completely wrong. Because of imports, my own union has lost at least 40,000 jobs since 1966. We have been seeking meaningful action for years. We have been to the Tariff Commission, the Administration, the courts and Congress. While we have gotten a great deal of sympathy, the problem has not been met, nor has it gone away. Quite the contrary, the monthly trade deficit statistics demonstrates that it is getting worse.

My union's abandonment of so-called free trade was based on much soul-searching. Its support of the Hartke-Burke Bill is grounded on painful experience in, and careful study of, today's world. With respect to quotas, we feel that such a direct approach is the only way to effectively deal with what we are facing. On adjustment assistance, our members want to work and they consider that device a form of dole that becomes a cruel mockery when there are no jobs at the end of the adjustment road.

I welcome the UAW resolution. I respect their view in those areas where we disagree. But I make no apologies. The plant closings and layoffs my members are suffering require none.

Yours very truly,
PAUL JENNINGS, *President.*

RANK-AND-FILE REVOLT

Mr. HANSEN. Mr. President, an interesting article entitled "Rank-and-File Revolt," written by Shirley Scheibla, was published in Barron's for May 29.

The article notes that there are 80 million people in America's labor force, and of these about one-fourth, or 20 million hold union membership. Of these 20 million, according to the article, about 83 percent are union members by compulsion as a requirement for holding their jobs.

The impact of this article is that, at a time when Congress is concerned with reform of election campaign practices, the overwhelming majority of America's union members are resentful that their contributions to the unions are distributed to political candidates whom the contributing union member may very well oppose.

The Senator from Arizona last year offered an amendment to the campaign spending reform bill that would have required withdrawal of the tax-exempt status from an organization collecting involuntary dues if part of these dues were diverted for political purposes. The amendment failed by a vote of 61 to 31. According to the Senator, that practice already was supposed to be illegal, and he has pointed out that continuation of such tax exemptions forces all taxpayers to subsidize the election campaigns of candidates endorsed by union leadership.

One of our great leaders, Thomas Jefferson, is credited with the following statement:

To compel a man to furnish contribution of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

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

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

RANK-AND-FILE REVOLT—IT SEEKS TO END ILLEGAL POLITICAL SPENDING BY UNIONS

(By Shirley Scheibla)

WASHINGTON.—During the past few months, under a court order, accountants and lawyers for the National Right to Work Legal Defense Foundation have been pouring over the books and correspondence of the International Association of Machinists and Aerospace Workers (AFL–CIO) to determine the full extent of union political expenditures. The Foundation is acting as counsel for over a dozen employes of McDonnell-Douglass Corp., who say that part of the union dues which they must pay to hold their jobs is spent on behalf of political candidates, organizations and ideas they oppose. Plaintiffs charge that such a practice violates their civil rights under both federal statutes and the U.S. Constitution.

STRIKING TURNABOUT

In a striking turnabout for organized labor, which has long argued that it should be able to look at management's books, the IAM filed a motion to prohibit public disclosure of the information obtained by court order. Since the U.S. District Court at Los Angeles has just turned down this motion, the major discoveries of the examination of IAM documents may now be revealed.

According to Contentions of Fact filed with the court by the plaintiffs on April 26, IAM allocates parts of its membership dues to the AFL–CIO Committee on Political Education (COPE) and the Machinists Non-Partisan Political League, both of which are restricted by law to voluntary contributions. The League, in turn, regularly contributes to the Democratic National Committee (but not to the Republican National Committee) as well as to Democratic (but not Republican) fund-raising dinners. With few exceptions, it spends money only for Democratic candidates.

In states where the law allows, IAM arranges to have its staff employes named as voter registrars. Moreover, "The IAM frequently lends its membership lists to members of Congress for dissemination of campaign propaganda, and, using its computerized voter classification equipment, prepares for candidates, on a precinct-by-precinct basis, so-called 'walking lists' of favorable voters in the candidates' districts."

Many IAM staff members work full-time on political action. The union gives dues money to such organizations as the League of Women Voters, National Council of Senior Citizens, Group Research, Frontlash, SCOPE and the AFL–CIO Voter Registration Fund. (The Machinist, published by IAM, has described Frontlash as an organization which recruits and trains "young people who have trade union orientation and then deploys them in get-out-the-vote drives." The publication also says Frontlash, the League of Women Voters and the National Council for Senior Citizens are liberal organizations which "can work with and support labor's causes." (SCOPE—the Southern Committee on Political Ethics—"played a significant part in the unions' anti-Wallace campaign," according to the book Financing the 1968 Election, by Herbert E. Alexander of the Citizens' Research Foundation.)

MADE UNDER DURESS

The so-called Seay case cited at the outset is part of a growing revolt against the spending of compulsory dues money and "voluntary" contributions made under duress for political purposes repugnant to many work-

ers. Last March, W. A. (Tony) Boyle was convicted in Federal District Court here for making illegal political donations with funds of the United Mine Workers, including $30,000 to Senator Hubert H. Humphrey's 1968 Democratic Presidential campaign. On May Day, a U.S. District Court judge, after finding that he illegally used union funds and facilities to promote his own candidacy, set aside Mr. Boyle's re-election to the UMW presidency.

In 1968, Lawrence L. Callanan, business manager of St. Louis Pipefitter Local 562, and two of his associates received maximum sentences of one year in jail and fines of $1,000 for making political contributions to candidates for federal office. (The case has been appealed to the U.S. Supreme Court.) Other cases involving allegations of illegal political expenditures by unions are still pending. In addition to the IAM, they involve the United Auto Workers and the American Federation of State, County and Municipal Employes (AFL–CIO).

The outcome of the growing revolt of the rank and file could have a profound effect on the nation's political future. According to Sylvester Petro, law professor at New York University and widely-acknowledged authority on organized labor, unions command the most influential single voice in national policy-making, since more than half the members of both House and Senate owe their offices in large measure to such support. By conservative estimates, unions are expected to spend between $70 million and $100 million this year alone on politics.

HOLDING THEIR JOBS

However, the record suggests that union leaders do not speak for the majority of American workers. Out of a labor force of 80 million, only 20 million belong to unions. Moreover, the Bureau of National Affairs estimates that nearly 83% belong by compulsion as a requirement for holding their jobs. (Dr. Petro estimates that between 30% and 40% of union members are either Republican or Independent.)

Despite their lavish contribution and clout on Capitol Hill, union chieftains cannot always deliver the vote. According to Rep. Philip Crane (R., Ill.), unions spent an estimated $60 million on behalf of Senator Humphrey in 1968, while public opinion surveys showed that 44% of union members and their families opposed him. In 1970, Democrats Albert Gore and Ralph Yarborough were defeated in bids for the Senate, although, according to reports to Congress, they each received contributions of over $100,000 from organized labor. This year, despite the support of UAW leaders, Senator Edmund S. Muskie fared disastrously in the Democratic Presidential primaries. After noting George Wallace's recent victory in the Democratic primary in heavily-unionized Michigan, TV commentator David Brinkley declared, "We have discovered in Michigan that the unions may be able to deliver money, but they are not able to deliver votes."

NO COMPULSION

To judge by the record, union leaders have felt under no compulsion to seek either the views or consent of their members in making political expenditures. According to AFL–CIO President George Meany: "You know, we have these laws on the books—and they have been there for many, many years—the Corrupt Practices Act and so forth—honored, so far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money so long as he gets it when he gets into a campaign."

But now a new force, the National Right to Work Legal Defense Foundation, has come on the scene. It was created three years ago as an adjunct of the National Right to Work Committee, which led the fight resulting in bans on compulsory unionism in 19 states. In its short life, the Foundation has made remarkable strides in supporting cases involving allegations of illegal political expenditures with compulsory dues money, and in opening to public scrutiny the ways in which union chieftains exert their political clout.

Such practices, the Foundation charges, not only flout federal statutes but also deprive a person of liberty and property without due process of law, as provided by the Constitution, and violate the Constitutional guarantees of freedom of association, conscience and political thought and action. As remedies, the Foundation is seeking withdrawal of tax exemption for unions which engage in such illegal and unconstitutional activities, refunds of dues money spent in such fashion, damages and exemption of damaged workers from future payments of union dues.

While federal statutes have prohibited political activity by corporations since 1907, a similar restriction was not imposed on unions until 1947, with passage of the Taft-Hartley Act. Until recently, unions have been able to get around the ban by insisting that their political activities are conducted entirely with voluntary contributions through such organizations as the AFL–CIO's COPE.

Unions have been extremely reluctant to open their books to show how they finance political activities. In the Street case, when employes charged that union shop dues rather than voluntary contributions were funding political activities, a superior court gave 15 railroad unions the choice of opening their books or exempting the protesting workers from all union shop agreements and refunding all dues they had paid under them. The unions chose the latter alternative in 1965, thus settling years of haggling.

In the aforementioned Seafarers case, the indictment accused the union of threatening seamen that they would lose their jobs if they refused to make "voluntary" contributions for political activities.

In the Seay case, Foundation attorney Raymond J. LaJeunesse Jr. told the court on April 18 that his examination of thousands of items in IAM's records makes it clear that the union engages in substantial political activity; however, it is impossible to determine the exact expenditures because some records have been discarded, while others have misleading classifications which do not accurately show political expenses. Plaintiffs are seeking a court order requiring the union to account properly for its expenditures with compulsory dues money, and to grant a permanent injunction against the compulsory payment of union dues by the plaintiffs.

COURT OF APPEALS

When the U.S. District Court in Los Angeles dismissed the complaint, Foundation attorneys went to the Appeals Court, which remanded the case for trial, stating: "The diversion of the employes' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and cause the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own conviction, their own ideas and support their own causes." A pre-trial hearing is scheduled for June 5.

In the Marker case, workers who pay compulsory dues to IAM and the United Auto Workers have asked IRS to withdraw tax exemption for the two unions because they illegally spend dues money for political activities. The Foundation says the case "was carefully designed along the same lines as that in which all-white private schools in Mississippi lost their tax exemption. The theory is that by allowing tax exemption to an organization denying individuals their Constitutional rights, the government is in support of that unconstitutional activity. Litigation on this theory successfully eliminated the tax exemption for the all-white private schools."

Offered as an exhibit in the case was a report by Americans for Constitutional Action on organized labor's contributions to candidates in the 1970 election. It showed that Democratic candidates for Senator, representative and governor received $4,153,746; while Republican candidates received $143,550.

REMOVE TAX EXEMPTION

Last November, Senator Paul Fannin (R., Ariz.) introduced an amendment to the Campaign Spending Reform Bill requiring that the IRS withdraw tax-exempt status for any organization collecting involuntary dues if any part was used for political purposes. Although he noted that the practice already was supposed to be illegal, the measure was defeated by a vote of 61 to 31. The Senator noted: "Of the 31 Senators who voted for the amendment, only two received union contributions in their previous election amounting to a total of $1,200.

"Of the 61 Senators who voted with labor on the matter, only nine had no reported union funds in their previous election. And of these nine, three had no opposition, and one was appointed. The 61 Senators . . . received a total of more than $2 million in their most recent election campaigns, and probably many times that amount in other funds, materials and services."

Senator Fannin says that by continuing tax exemption for all unions, IRS is forcing taxpayers to subsidize the election campaigns of union-endorsed candidates. "Right now industry is being out-gunned by the union bosses, and this fire-power is aimed right down the throats of the U.S. Congress. . . . We will never have a fair break for business or the public as long as unions are allowed to exact money from members to finance the campaigns of their chosen candidates."

The Marker case was started a few days after the defeat of the Fannin amendment. A letter filed as an exhibit shows how far union help to politicians may go. Dated November 3, 1970, it is from Guy Stubblefield, business representative of the IAM, to Floyd E. Smith, president of the IAM, and says, in part, "During the week of October 26 Brother Name and I organized our political activity in behalf of Adlai Stevenson III. All Lodge No. 1553 plants were handbilled on either Thursday or Friday, and leadership in the plants was encouraged to work in their own respective neighborhoods. Approximately 4,000 copies of the Adlai material furnished by the Machinists were distributed to and by IAM members. Additionally 3,000 copies of the Adlai material were furnished to other labor unions through the Central Body."

CLOSED BOOKS

The Foundation also is supporting the Gabauer case, filed last March, which charges top officers of the UAW with spending Community Action Plan fund money for political candidates and refusing to open the books of St. Louis Local 25 for inspection. It also contends that the officers use a substantial part of union dues and other assets to promote organizations and groups espousing and promoting ideological doctrines and causes the members oppose. These include the National Students Association, Students for a Democratic Society, Americans for Democratic Action, United World Federalists, DuBois Memorial Committee, Confederate Spanish Societies, New Mobilization for Peace, National Committee for a Sane Nu-

clear Policy and United States Committee for Democracy in Greece.

Another suit backed by the Foundation and brought by 12 members of UAW Local 558 in Chicago seeks to force UAW officials to end support of these same organizations. According to Bernard W. McNamara, spokesman for the group: "The members of Local 558 are sick and tired of seeing their dues money spent on political and various left-wing causes which we oppose. It is not only a violation of federal law, but in the case of our local, it has been done contrary to an express resolution adopted by an overwhelming majority of the membership."

Plaintiffs also charge that $100,000 of dues money went to Adlai E. Stevenson III, resulting in his election to the Senate in 1970, and that an additional $100,000 of dues money was spent for candidates for the House the same year. The suit seeks an accounting of the funds thus spent and asks that the union officers be required to repay to the union treasury the money they allegedly unlawfully diverted.

LONG-RANGE GOAL

Long-range goal of the National Right to Work Committee is enactment of legislation abolishing compulsory payment of union dues. That, of course, would eliminate the problem of spending such money for political purposes opposed to the payers. Representative Sam Steiger (R., Ariz.) has introduced a bill, HR 11827, which would ban compulsory unionism. It is likely to stay bottled up at the largely pro-union Thompson subcommittee of the House Education and Labor Committee, at least for the rest of this session. The vote on the Fannin amendment indicates that such a measure would be unlikely to get through the present Senate. Recourse to the courts by the rank and file will take longer, but seems to be the only avenue open.

S. D. Cadwallader, national director of the Foundation, has been a voluntary member of the Order of Railway Conductors and Brakemen for 27 years. He says: "It seems to me that it is just a matter of time before the practice of using forced union dues for political purposes and ideological causes is ended by the federal courts."

ORAL ROBERTS UNIVERSITY

Mr. BELLMON. Mr. President, Oklahoma is the home of many outstanding institutions of higher learning. One of the newest and perhaps the most innovative of the public and private schools that make up the State's educational system is Oral Roberts University of Tulsa.

Named after the well-known evangelist who founded it, ORU has made remarkable progress during the 7 years since its modernistic campus sprang up in the open spaces in south Tulsa. The school has developed a national reputation not only in the academic world but in athletics as well, sending its basketball team into the finals of the NAIA tournament this year.

Mr. Roberts, who laughs easily at the many stories that are told about him, joked that his team was "outplayed and outprayed by St. John's."

The growth of Oral Roberts University and the impact it has made on education is the subject of an article in the New York Times of June 13. Because of the importance of the involvement of privately financed institutions in the educational process, which Oral Roberts University has so aptly demonstrated, I ask unanimous consent that the article be printed in the RECORD.

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

ORAL ROBERTS COLLEGE HAS GROWN IN 7 YEARS

TULSA, OKLA., June 12.—The president is a former tent evangelist and faith healer who never finished college. Faculty members are picked for their religious beliefs as well as their academic credentials. The central structure on campus is not a library but a shiny 200-foot space needle known as the Prayer Tower.

Under ordinary circumstances such ingredients would not seem conducive to the building of a major academic institution. But in the seven years since it opened its doors on 260 acres of farmland on the southern rim of Tulsa, Oral Roberts University has demonstrated that it is no ordinary institution.

Backed by the multimillion-dollar Oral Roberts Evangelistic Association and spurred by publicity from its nationally ranked basketball team, the coeducational liberal arts university has already grown from 300 to 1,800 students, earned a national reputation and built what will soon be a $48-million physical plant.

TECHNOLOGICAL PIONEER

The school has staked out a claim as one of a handful of major pioneers in the use of educational technology. Last year—only a year after the minimum waiting period for new institutions—it surprised skeptics by gaining full academic accreditation from the North Central Association of Colleges and Secondary Schools.

Forty per cent of the faculty members have earned their doctorates and although the school now gives only Bachelor of Arts and Bachelor of Science degrees—graduate programs have been postponed until the undergraduate program is stabilized—there are long-term plans for graduate programs in theology, education and business.

But perhaps most surprising, Oral Roberts has demonstrated that it is possible to run a modern university under traditional disciplinary methods and values.

Students are required to dress neatly, attend chapel and church and refrain from drinking, smoking and dancing on campus. They say "yes sir" to elders and astonish visiting teams by applauding when the visitors do well. Demonstrations are unknown, and those who dissent from administration policies are invited to leave.

"We make no bones about O.R.U. being for everyone," said Carl H. Hamilton, vice president for academic affairs, in an interview. "We take an *in loco parentis* approach and only want students here who accept our Christian life style."

Most students do, and many will tell you that in coming to Oral Roberts they have not only enrolled in an educational institution but joined a righteous cause. "It sounds crazy, but the feeling around here is glorious," said Gordon Schultz, a 20-year-old from Buffalo. "You feel that God is here."

FOUNDED BY PREACHER

The institution was founded by Oral Roberts, a 54-year-old Pentecostal preacher who during nearly two decades as a tent preacher achieved an international reputation for healing through prayer and the laying-on of hands.

Mr. Roberts says that the university was established to institutionalize and extend his preaching and healing ministry. Its basic philosophy is that education involves growth of the "whole man"—body, mind and spirit.

The evangelist, who recently joined the Methodist Church, is clearly the boss on campus. Despite a heavy television schedule, he involves himself in all major decisions and he even recruits players for the basketball team. Small signs on walls and desks carry optimistic slogans that he has made famous, such as "Expect A Miracle" and "Something Good Is Going to Happen to You."

The rapid growth of the university at a time when most existing private institutions are cutting back on expenses has been made possible by its special financial base, which is as broad as it is unconventional.

$5 CONTRIBUTIONS

Sixty per cent of the $4.6-million annual operating budget and nearly all capital funds come from the Oral Roberts Evangelistic Association, a nonprofit organization that coordinates Mr. Robert's television and publishing activities. Its hundreds of thousands of supporters, or "partners," generate an annual cash flow of about $17-million, mostly in contributions of under $5.

The academic program, which was originally designed by John D. Messick, a former president of Eastern Carolina College, revolves around a six-story Learning Center that includes a library with 176,000 items and classrooms equipped with modern elaborate technological resources.

In a report that was released earlier this month the Carnegie Commission on Higher Education called such methods "the first great technological revolution [in education] in five centuries." It urged the Federal Government to begin subsidizing the development of educational technology.

Though the financial base of the Oral Roberts Association has freed the school from many of the headaches of other private institutions, the rapid build-up and distinct character of the school have brought their own difficulties.

The initial problem—public awareness of its existence—has been solved largely by Mr. Robert's recent plunge into major television specials—a $3-million gamble—and by the creation of a basketball team that last year led major colleges in scoring.

"It used to be that I couldn't even get into good private schools to talk to prospective students," said Charles Ramsay Jr., director of admissions. "Now when I walk in a secretary is apt to ask how the team did last night."

Students gripe about the strictness of the dress code and curfew for coeds, and no one knows how much violation of the drinking and smoking regulations goes on off campus. Certainly there is some.

Such problems are minimized, though, by the fact that many students come from backgrounds where such standards are the norm. Two out of five come from Holiness or Pentacostal families, and almost all are Evangelical Christians.

RACE RELATIONS ARE GOOD

The basketball players, almost all of whom are black, have ocacsionally complained about the excessive evangelistic zeal of some students, but most say they like the nearly all-white campus because race relations are good.

"It was strange at first to have white people coming up and calling me brother," said Haywood Hill, a former starter from Manhattan whose scholarship has been continued even though his eligibility has been used up.

At the outset, members of the academic community, as well as most citizens of Tulsa, expressed doubt that a tent preacher would establish a quality school, but most have changed their minds. "They didn't hesitate to get good professional advice. They have come a long way, said Robert Kamm, president of Oklahoma State University.

Faculty members are expected to be Evangelical Christians and share Mr. Robert's basic philosophy, but this has posed no problems of academic freedom. Edward N. Nelson, a professor of zoology, noted that in a sensitive area such as evoultion he teaches "the same way I did at state schools."

University officials say that the remark-

able success of the university is partly a result of good timing. "In the nineteen-sixties when the university was being planned there was a surge of support in the country for higher education," said Mr. Hamilton.

But others see a different explanation. "You look at this university and figure that seven years ago it was farmland," said Kenneth Trickey, the athletic director and basketball coach. "To me it's just a miracle. You ask how it came about. I just have to say the Lord did it."

ISRAELI AND EGYPTIAN AIRCRAFT CLASH

Mr. ALLOTT. Mr. President, the clash between Israeli and Egyptian aircraft over the eastern Mediterranean yesterday, coming just 2 weeks after the murderous terrorism at Lydda Airport, underscores an important point about the dangers inherent in the ongoing Middle East crisis.

Yesterday's air battle dramatizes the fact that the cease-fire in that region is too tenuous to rely on. The air fight also dramatizes the fact that the possibility of renewed fighting is—and must be—Israel's principle consideration as it struggles to provide for its own security.

The May 30 assault on Lydda Airport, in which three terrorists, hired by Arab extremists, slaughtered 25 innocent civilian travelers, reminds us of the nature of Israel's enemies, and tells us what Israel confronts by way of Arab fanaticism.

The Egyptian Prime Minister's reaction to the slaughter at Lydda Airport was to say that the incident demonstrated that Israel is not invincible. The Prime Minister's reaction demonstrated that his ignorance is invincible.

Israel faces, day by day, armed ignorance laced with cruelty. This should be remembered by all persons who undertake to give gratuitous advice to Israel as to how that nation can best provide for its own survival—and nothing less than survival is at stake.

In recent years Israel has been plied and belabored by suggestions—many, alas, emanating from the United States—that she should withdraw to the 1967 boundaries; that she should unilaterally withdraw to these boundaries which have been shown to be a threat to her security, and that having withdrawn to those boundaries, she should trust to the good faith, or the sense of justice, or something of the Arab nations to bring about a solution to the crisis.

I suggest that it would be irresponsible of Israel to do this, and that it is reprehensible for other nations to suggest that she do this. The bloodbath at Lydda, and the Arab states' reactions to it, is the most eloquent commentary on the standards of justice prevailing among Israel's enemies.

CLOSE OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business, S. 3390, which the clerk will state.

The assistant legislative clerk read as follows:

S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BENNETT. Mr. President, we have an agreed limitation of time on this amendment, but I note that the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN), is not yet on the floor, so I ask unanimous consent that we may have a quorum call until the——

Mr. PASTORE. Mr. President, would the Senator desist so that I may ask a question of the Chair?

Mr. BENNETT. Mr. President, I withhold my request.

Mr. PASTORE. Mr. President, my impression is that we were going to begin consideration of the appropriation for HUD at 11 a.m. today. I wondered what happened to that?

The ACTING PRESIDENT pro tempore. That will be the first order of business after disposition of the pending amendment, under the previous unanimous-consent agreement.

Mr. PASTORE. Is there a limitation of time on that?

The ACTING PRESIDENT pro tempore. Yes, there is a limitation of time, of 30 minutes.

Mr. PASTORE. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BENNETT. Mr. President, I renew my unanimous-consent request, since the manager of the bill is not on the floor yet, as I do not believe that we should begin controlled time until he is here.

The PRESIDING OFFICER (Mr. MANSFIELD). Is there objection to the request of the Senator from Utah? The Chair hears none, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. 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. BENNETT. Mr. President, I yield to myself such time as I may require.

Mr. President, is the amendment now before the Senate?

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 10, lines 5 and 6, insert the following:

"(1) In section 23 of chapter 2, relating to credit sales, strike out 'ten' and insert in lieu thereof 'twenty'."

On page 10, line 6, strike out "(1)" and insert in lieu thereof "(2)".

On page 10, line 8, strike out "(2)" and insert in lieu thereof "(3)".

Mr. BENNETT. Mr. President, S. 3390, which we have before us, does not take into account the President's request to extend the period of repayment on foreign military sales credit from 10 to 20 years. I feel that this is a mistake and so I am introducing an amendment to extend the repayment period to that longer term.

The bill provides support for our continuing security assistance program by recommending funding levels for various aspects of security assistance. However, it falls short of its intended target by failing to realistically view these matters in the context of all our security assistance objectives.

One of the more important of these objectives is to encourage those nations receiving security assistance through grants from the United States to assume progressively greater portions of their own defense costs as their economic capabilities increase. In other words, we are trying to phase the United States out of the grant MAP business. Yet, we must preserve our national interests overseas and continue to adhere in an honest fashion to our security commitments. We are trying to encourage development of those conditions which reinforce stability and thus assist our friends and allies to strengthen their own defense capabilities and become more self-reliant.

Some developing nations have been able to pick up their own defense costs at a greater rate than others. This does not mean that those who are not in as favorable a position will be left in the lurch. To ease the transition from grant programs to sales, the administration has attempted to substitute credit sales for grant military aid, followed eventually by a shift to straight commercial sales. I feel that there is no better way to insure the movement from grant assistance to credit and cash sales than by helping less fortunate countries with legitimate needs to be in a position to meet some of them through easy credit terms. This transition can be accelerated if the administration is permitted to offer easier credit terms selectively under the Foreign Military Sales Act. To help grant aid, recipient nations shift more rapidly to credit sales—and ultimately to cash—longer credit terms will mean a quicker reduction of grant military assistance as friendly nations are able to assume a greater share of their defense burden.

Increasing the repayment period will allow us to offer credit to certain countries whose balance of payments is not adequately strong to permit them to accept credit on commercial terms. This way we can also accelerate the movement away from grant MAP, secure in the feeling that we are still providing the right kinds and amounts of needed equipment.

I find the FMS credit program to be an essential aspect of our security assistance. Therefore, I see every reason to make this work on a broad and useful scale by legislating an increase in the repayment period.

I am confident that the administration will use such a provision on a most selective and judicious basis for countries unable to meet commercial terms but with the potential to begin assuming some responsibilities. Not all countries we are assisting will need—or get—20-year terms. But those who need it can get it, if this amendment is accepted. These

naturally will be nations whose stability and security bear on our own interests.

Now, Mr. President, when we talk about the question of credit terms, we need to look at our competitors who are offering military equipment to the developing nations. These fall into two classes. The first are our friends in the free world. Our European competitors are offering credit terms now up to 15 to 20 years.

I can give two examples. France is offering to sell the Mirage aircraft worth $90 million on credit terms of 15 years, repayment at 5.5 percent. The best we could offer under the bill would be 10 years at 6 percent—the cost of money to the U.S. Government at the present time.

France is offering to sell $40 million of Mirage aircraft with repayment period of 14 years and credit at under 4-percent interest rate. In many cases the European sellers, in addition to offering a greater period for debt repayment and a highly concessionary interest rate, offer up to a 5-year moratorium period before the terms begin to run. Now, a 15-year credit term and a 5-year moratorium adds up to 20 years.

In addition to meeting the credit terms of competitors, our European friends are also helping to lighten the financial burden of the purchaser by spreading the repayment over a longer period of time, thus reducing the amount required each year.

Since the beginning of the foreign military sales program, no country—and I emphasize the words "no country"—has yet defaulted in its military sales credit repayment to the United States. All loans have been or are now being repaid as required and with the required interest.

So, we find ourselves competing with friendly free world nations who are already offering 20-year terms and interest rates lower than ours. However, there is another competitor. Of course, we do not know precisely what the Soviet Union deals may be with the countries to which they are selling the military equipment. But the reports we have received indicate that they are offering terms of 20 years or better, with no interest rate. There are many countries in the developing part of the world who might shift their allegiance on the basis of this kind of a competitive situation. I am not suggesting that we should meet these reported Soviet terms of 20 years' credit and no interest. However, I think it would be wise under the present situation to permit the administration to give terms of up to 20 years with the understanding, of course, that they would attempt to deal on a lower or shorter period of time with those nations that are in a position to work on closer terms.

Of course, it would be to the interest of the nations who might want to buy our military hardware to buy it and be able to pay for it in the shortest possible period, because that saves them on their credit costs.

But in the end, I think we may create problems for ourselves if we allow the European people and the Russians to outbid us. In order to meet that competition, we would fall back on a grant program instead of a loan program.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MANSFIELD). The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I have listened with interest to the presentation made by my good friend, the Senator from Utah. I just want to remind my colleagues that we are dealing with military credit sales. If we were dealing with other things that had to do with developing the countries, I feel certain that our committee would have been much more sympathetic. However, this matter concerns the sale of weapons and military supplies to developing countries.

The 10-year repayment provision was written into the law in 1968. And we have followed it ever since then.

Last year this same issue was before the committee and it rejected it. Again this year the proposal was made to extend the repayment period to 20 years and again the committee turned it down.

The Foreign Military Sales Act, the act under which these sales are made, restricts, as the Senator has said, to 10 years the maximum term for repayment on credit sales of arms and military equipment to developing countries. I stress that we are only talking here about developing—or poor countries, if you will. The rich countries, like those of Western Europe, Japan, or Australia, either pay cash or obtain credit for arms purchases through the Export-Import Bank. The Senator's amendment would extend the maximum repayment period to 20 years on credit sales to the developing countries, a program carried out by the State and Defense Departments.

The committee considered and rejected this proposal last year. It considered and rejected it again this year. It did so primarily because many members of the committee felt that the easing of the credit terms would give encouragement to poor countries to buy military equipment that they did not really need. Many members feared that a "buy now and pay over 20 years" policy would be too tempting to many countries whether or not there was a valid security need for the arms.

It is very doubtful that much, if any, military equipment has a useful life of 20 years—the repayment period proposed by the Senator. If the Senator's amendment is adopted, the buying country would be paying long after the tanks, airplanes, and guns had been sent to the scrap heap. I might point out that the Export-Import Bank's policy, I understand, is to allow a maximum of only 7 years for repayment on credits extended for military items. It allows only 7 years also on credits for purchase of commercial aircraft. So the Export-Import Bank, apparently, considers that the 10 years, allowed under the Foreign Military Sales Act now for the poor countries, is too generous for prudent bank arms sales transactions with the rich countries.

Mr. President, most developing countries of the world are already saddled with huge external debts that will be increasingly difficult to pay in the years ahead. Many recipients of U.S. foreign aid have already been forced to reschedule their debts. It is inevitable that the list will grow because the debts of the developing countries are growing over twice as fast as export earnings—a 14 percent per annum growth of debt as opposed to a growth of about 6.5 percent per annum in their export earnings.

In summary, the committee believes that a doubling of the repayment period on arms sales would give undue encouragement to poor countries to buy arms they may not need and thus saddle them with additional debts they can ill afford to repay.

For these reasons I regret to say that, representing the committee, I feel it is necessary to oppose the amendment.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. MCINTYRE). The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, what countries have asked for 20-year terms on military purchases?

Mr. SPARKMAN. We do not have a list of the countries that have asked for such terms.

Mr. AIKEN. If no country has asked for it, why do we encourage it?

Mr. SPARKMAN. Perhaps the Senator from Utah has a list.

Mr. AIKEN. What countries have asked for it?

Mr. BENNETT. I do not know what countries have asked for it, but it seems to me that what we are dealing with here is not an automatic change in the pattern so that every country gets 20 years; we are dealing with flexibility which the State Department and the Department of Defense might have if they find a situation where it would be necessary.

Mr. AIKEN. I would say let us wait until we find out. We have a chance to sell hundreds of millions of dollars worth of commodities abroad on 10 years' time at a low rate of interest, of course, and many countries are permitted only to have 3 years' credit for the necessities of life and food supplies.

This looks a little funny to me with 20 years for weapons and only 3 years for the necessities of life. I realize there are different countries, but we do not know who will be on our team tomorrow, and it may be different countries. That is one of the unfortunate situations. If only we could look ahead and see.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BENNETT. On whose time?

Mr. SPARKMAN. On my time.

Mr. AIKEN. I give up now and yield back any time that the Senator from Alabama yielded to me.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. We have discussed this many times in committee, not just the repayment terms but the whole question of military sales. I think I can say for the committee that we have always come up with the idea that we wanted to be very careful not to encourage an

arms buildup by countries that probably do not need them and cannot afford them. I think that is the real reason for the committee's objection to an extension of the repayment period.

Mr. BENNETT. The Senator from Utah agrees we should not go out and sell arms just for the sake of selling arms, and we should not attempt to build up the military capabilities of these people.

The only real value of the amendment, as the Senator from Utah sees it, is the question of flexibility. It seems to me we should be able to entrust our own Defense Department and State Department with the decision as to whether or not in a given case it is wise to extend this extra benefit to a particular country.

But I can conceive of a situation in which, with the Soviets prepared to give 20 percent and no interest, we might find ourselves in a contest where we might seriously want the support of a particular country because of its geographical situation, its economic situation, or its leadership in a group, and find that this burden we have placed on ourselves might be a key one because I realize, as does the Senator from Alabama, that these developing countries play one country against another; they try to sell their loyalty for what they can get out of it. I just hate to see the United States put in a situation in which it cannot compete.

I do not feel that this amendment that I propose would automatically open the door to these things the committee fears and I share that feeling, but I do not feel we should rigidly put ourselves in a position where we cannot compete if that competition should become vital.

I realize in the totality of the situation in this contest between the United States and the Soviets, that this is a small consideration but I think it could be an important one and I think we would be wise to provide this flexibility under the circumstances.

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

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. SPARKMAN. I am willing to yield back the remainder of my time and I would like to suggest——

Mr. AIKEN. I wonder if it would not be well to wait and find out who will be running our State Department and Defense Department next year, and in the meantime keep control in the hands of Congress.

The Senator from Utah has asked if we do not trust the people running our State Department and Defense Department. I do not know who is going to be running these Departments for more than a few months longer. It could be somebody very favorable to Hanoi for all we know now. I hope not. Let us keep control here for the time being and then see if we can afford to be more generous next year.

Mr. BENNETT. I remind my friends that the problem is not to be decided on a political basis. This is a question of basic policy. I would like to remind my friends again that one of the first objectives of this proposal is to make it possible to reduce the number of grants we are now giving and transfer them to long-term credit. If the long-term credit is not there and we find ourselves in a tight spot we turn to grants instead of credit.

Mr. AIKEN. But we have countries asking us to sell them food in large quantities, where we are only permitted to give three years credit.

It seems to me a bit incongruous to give 20 years credit on arms and military equipment and only three years on food. Of course, on some development loans we could go to 40 years and never get it back.

Mr. BENNETT. We give food away, too.

Mr. AIKEN. We have enough due from other countries now to pay off a good deal of our national debt, if we could collect it.

Mr. BENNETT. How is the transfer made from a gift to a sale? I think the chairman of the committee knows as well as I that it is to make sure terms on the sale are good enough so that the person who previously received the gift will be able to pay part of the costs.

Mr. AIKEN. What is in a name anyway? Credit by any name could smell as sweet as a gift to many countries.

Mr. SPARKMAN. Mr. President, I am willing to yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Utah. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLEN. Mr. President, I should like to pose a parliamentary inquiry. What is the amendment we are voting on?

The PRESIDING OFFICER. The amendment is amendment No. 1230 by the Senator from Utah.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

On this vote, the Senator from Louisiana (Mr. LONG) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator fron Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Vermont (Mr. STAFFORD) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Texas would vote "yea."

The result was announced—yeas 41, nays 36, as follows:

[No. 209 Leg.]

YEAS—41

Allen	Cranston	McIntyre
Allott	Curtis	Miller
Bayh	Dole	Mondale
Beall	Eastland	Pastore
Bellmon	Fannin	Percy
Bennett	Fong	Ribicoff
Bentsen	Griffin	Saxbe
Boggs	Gurney	Schweiker
Brock	Hansen	Stevenson
Byrd, Harry F., Jr.	Hruska	Taft
	Humphrey	Talmadge
Cannon	Jackson	Thurmond
Chiles	Javits	Tunney
Cotton	McGee	Young

NAYS—36

Aiken	Harris	Montoya
Anderson	Hart	Nelson
Bible	Hatfield	Pearson
Burdick	Hollings	Proxmire
Byrd, Robert C.	Hughes	Randolph
Case	Inouye	Roth
Cook	Jordan, N.C.	Smith
Cooper	Jordan, Idaho	Sparkman
Eagleton	Kennedy	Spong
Ellender	Magnuson	Stennis
Ervin	Mansfield	Stevens
Fulbright	Metcalf	Symington

NOT VOTING—23

Baker	Hartke	Packwood
Brooke	Long	Pell
Buckley	Mathias	Scott
Church	McClellan	Stafford
Dominick	McGovern	Tower
Gambrell	Moss	Weicker
Goldwater	Mundt	Williams
Gravel	Muskie	

So Mr. BENNETT'S amendment was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the unfinished business will be laid aside temporarily and so remain until the following business is disposed of.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 15093, on which a unanimous-consent agreement has been entered into limiting debate on the bill and amendments thereto.

The bill will be stated by title, for the information of the Senate.

The legislative clerk read as follows:

A bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices, for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. HARRY F. BYRD, JR. What is the time limitation of the bill?

Mr. PASTORE. Two hours on the bill and 1 hour for each amendment, and a half hour for amendments to amendments.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the time limitation formula.

The PRESIDING OFFICER. The limitation is 2 hours on the bill, with a limitation of 1 hour on any amendment in the first degree, and a half hour on any amendment in the second degree, appeal, or debatable motion.

Mr. PASTORE. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. Mr. President, the pending measure provides new budget—obligational—authority of $20,583,370,000 which is $164,813,000 below the budget estimate, $864,880,000 above the sum recommended by the House, and $2,188,266,000 more than the sum appropriated in fiscal year 1972.

The committee has also provided the full budget estimates for the limitations on contract authority of the section 235—homeownership program—and section 236—rental housing assistance program—and the college housing program. For these items, the committee recommends $170,000,000, $150,000,000, and $7,000,000, respectively.

While the new budget—obligational—authority recommended by the committee exceeds the House allowance by $864,880,000, a considerable portion of this increase is due to the fact that the committee reviewed budget estimates that were not considered by the House. Because authorizing legislation is presently pending in the Congress, the House appropriated only $19,002,000 for comprehensive planning grants, while the budget estimate for this item was $100,000,000. The committee has included the full amount of the budget estimate because the required authorizing legislation, S. 3248, has already passed the Senate.

For grants for neighborhood facilities, the House included $36,000,000, which is currently authorized, and deferred consideration of an additional $4,000,000 that was requested for this item by the Department. The committee has included the full budget estimate of $40,000,000 for grants for neighborhood facilities.

The House did not make any appropriation to cover the special revenue-sharing program, for which $490,000,000 has been requested by the Department. Legislation which has already passed the Senate provides for the implementation of this program in fiscal year 1974, and similar legislation is presently pending in the House. Since the budget presented to Congress assumed that special revenue sharing would be included in the fiscal year 1973 bill, the committee has folded in the budget estimate for this program into two of the categorical grant programs that it is intended to replace; namely, the urban renewal program and the rehabilitation loan fund. For this reason, the committee has adjusted the budget estimate for the urban renewal program from the $1,000,000,000 initially requested to $1,450,000,000, thus allocating $450,000,000 of the $490,000,000 requested for the special revenue-sharing program to the urban renewal program. The remaining $40,000,000 requested for the special revenue-sharing program has been considered as a budget estimate for the rehabilitation loan fund.

The estimates considered by the committee and not by the House are enumerated as follows:

Urban renewal	$450,000,000
Rehabilitation loan fund	40,000,000
Comprehensive planning grants	80,998,000
Grants for neighborhood facilities	4,000,000
Total	574,998,000

I want to say at this juncture that while we have gone over the House figure, the greatest part of that increase is because of the items I have just enumerated. The net increase over the amount allowed by the House would be the difference between the 864,880,000 of new budget—obligational—authority recommended by the committee, minus the $574,998,000 in estimates not considered by the House, making a total addition of committee recommendations over the House allowance of $289,882,000.

For the Department of Housing and Urban Development, the committee considered overall budget estimates of $4,657,807,000 and recommends an appropriation of $4,464,186,000. This sum is $193,621,000 below the budget estimate and $753,098,000 above the amount recommended by the House.

For the National Aeronautics and Space Administration, the committee recommends the sums of $3,431,650,000, which is $82,440,000 more than the House allowance and $24 million above the budget estimate. In this connection, the committee has earmarked funds in the bill, amounting to $24 million, which are to be used solely for aeronautical research in the fields of noise abatement and aviation safety.

For the National Science Foundation, the committee concurs with the House and recommends an appropriation of $619 million, which is $28,418,000 below the budget estimate.

The committee has also concurred with the House and made available for general purposes the $9,500,000 appropriated in fiscal year 1971 and allocated for first-year graduate traineeships. In addition, the committee has made available for general purposes $21,700,000 which was appropriated in fiscal year 1972, including $21 million earmarked for science education support and institutional improvement for science. Under the committee recommendations, there will be available to the National Science Foundation in fiscal year 1973 a total of $650,200,000, or $2,982,000 more than the estimate of new budget—obligational—authority.

The committee has also earmarked in the bill a total of $58,800,000 for science education improvement, $7 million for institutional improvement for science, and $9,200,000 for graduate student support.

For the Veterans' Administration, the committee recommends an appropriation of $11,906,620,000, which is $83,722,000 above the budget estimate and $29,342,000 above the sum recommended by the House. The committee has concurred with the House and made an addition to the medical care appropriation of $54,580,000, and has added $28,342,000 to the appropriation for the construction of hospital and domiciliary facilities. The complete list of the hospital projects to be funded is enumerated in the committee report.

The bill also provides funds for the Federal Communications Commission, the National Aeronautics and Space Council, the Office of Science and Technology, the Renegotiation Board, the Securities and Exchange Commission, and the Selective Service System.

Mr. President, this concludes my brief floor statement and I will be happy to answer any questions that Senators may have concerning the items in the pending measure.

Mr. JAVITS. Mr. President, may I ask the Senator, in view of the fact that perhaps I have the only amendment which will be made to the bill, whether he would object to a short quorum call to let Members know?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). On whose time?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. Without objecton, it is so ordered, the time will be equally divided, and 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.

Who yields time?

Mr. PASTORE. Mr. President, I yield myself such time as may be necessary.

At this time, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be waived by reason of the agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments will be considered and are agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, line 23, after the word "by", strike out "$55,000,000" and insert "$170,000,000"; and, in line 26, after the word "by", strike out "$25,000,000" and insert "$150,000,000: *Provided,* That the increase in limitations made available in this paragraph shall be contingent upon the enactment of authorizing legislation.".

On page 3, line 14, strike out "$2,700,000" and insert "$7,000,000: *Provided,* That the increase in limitation made available in this paragraph shall be contingent upon the enactment of authorizing legislation.".

On page 3, after line 16, insert:

SPECIAL RISK INSURANCE FUND

For payment to the Special Risk Insurance Fund to cover losses sustained by the Fund in carrying out mortgage insurance operations as authorized by section 238 of the National Housing Act, as amended (12 U.S.C. 1715z–3), $35,000,000.

On page 4, after line 15, insert:

SPECIAL ASSISTANCE FUNCTIONS FUND

For payment as authorized by law to the Special Assistance Functions Fund to restore capital impairment resulting from operations authorized by section 305 of the National Housing Act (12 U.S.C. 1720), $100,000,000.

On page 5, line 12, after the word "for", strike out "$17,621,000" and insert "$21,621,000".

On page 5, line 22, after "(40 U.S.C. 461)", strike out "$19,002,000" and insert "$100,000,000"; and, in line 23, after the word "expended", insert a colon and "*Provided,* That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 6, line 17, after "(42 U.S.C. 4521)", strike out "$5,000,000" and insert "$10,000,000".

On page 7, line 7, after "(42 U.S.C. 3301)", strike out "$500,000,000" and insert "515,000,000".

On page 7, line 14, after "(42 U.S.C. 1452a)", strike out "$1,000,000,000" and insert "$1,450,000,000"; and, in line 21, after the word "therefor", insert a colon and *"Provided further,* That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 8, line 4, after "(42 U.S.C. 1452b)", strike out "$50,000,000" and insert "$90,000,000".

On page 8, line 8, after "(42 U.S.C. 3103)", strike out "$36,000,000" and insert "$40,000,000"; and, in line 10, after the word "expended", insert a colon and *"Provided,* That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation."

On page 9, line 5, strike out "$20,059,000" and insert "$25,159,000".

On page 9, line 19, after "1968", strike out "$46,000,000" and insert "$60,000,000".

On page 12, line 18, after the word "Administration", strike out "$2,550,000,000" and insert "$2,624,900,000, of which $24,000,000 shall be available only for aeronautical research in the fields of noise abatement and aviation safety,".

On page 13, line 1, after the word "law", strike out "$69,760,000" and insert "$77,300,000"; on page 14, at the beginning of line 12, insert "(21) $5,540,000 for modification of manufacturing and final assembly facilities at undesignated locations;"; in line 13, after the amendment just above stated, strike out "(21)" and insert "(22)"; in line 15, after the word "locations", strike out "(22)" and insert "(23)"; and, in line 17, after the word "locations", strike out "(23) $6,000,000" and insert "(24) $8,000,000".

On page 16, line 5, after the word "exceed", strike out "$28,600,000" and insert "$29,243,000"; in line 15, after the word "than", strike out "$18,000,000" and insert "$7,000,000"; in line 18, after the word "than", strike out "$71,000,000" and insert "$58,800,000"; in line 20, after the word "than", strike out "$20,000,000" and insert "$9,200,000"; on page 17, line 8, after the word "individual", strike out "And provided further" and insert "Provided further"; in line 11, after the word "traineeships", insert "and $21,000,000 of the amount heretofore appropriated in fiscal year 1972 and allocated for Science Education Support ($16,000,000) and Institutional Improvement for Science ($5,000,000),"; and, in line 15, after the word "appropriation", insert a colon and "And provided further, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 17, line 24, after "$7,000,000", insert a comma and "to remain available until expended"; and, on page 18, line 2, after the word "currencies", insert a colon and "*Provided further,* That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 21, line 19, after the word "information", strike out "$28,237,000" and insert "$29,237,000".

On page 22, line 12, after the word "more", strike out "$107,118,000" and insert "$125,993,000".

On page 22, line 25, after the word "Construction", strike out "$48,331,000" and insert "$57,798,000".

On page 27, line 1, after the word "exceed", strike out "$163,586,000" and insert "$170,586,000".

On page 28, line 4, after the word "of", strike out "$8,700,000" and insert "$9,106,000"; and, on page 30, line 9, after "$17,923,000", strike out the colon and *"Provided further,* That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board in this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location: *And provided further,* That no part of the funds made available for administrative or nonadministrative expenses by this Act shall be used in connection with acquisition of land, constructing or leasing new quarters for the Federal Home Loan Bank Board."

On page 30, line 23, after the word "exceed", strike out "$514,000" and insert "$649,000".

Mr. PASTORE. Mr. President, I now yield to the distinguished Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I should like to ask the manager of the bill about the National Science Foundation appropriation. The administration request was $647,418,000. According to my colleagues at the University of Wyoming this was cut by the committee to $619 million. Is that correct?

Mr. PASTORE. That is absolutely correct. But there were also unused funds from appropriations of previous years that were reappropriated by the committee. The House allowed $9.5 million of the unused funds to be used for general purposes. The Senate committee increased this amount by $21.7 million, which were earmarked in the 1972 budget and not used for the specific purposes. Thus, as a result of the House and Senate committee action an additional $31.2 million of new budget—obligational—authority has been made available to NSF making a total of $650.2 million available in fiscal year 1973, which is about $3 million more than the budget request.

Mr. McGEE. What the Senator says, then, is that, instead of actually going to the $647,418,000, the committee has made available a total of $650,200,000; is that not correct?

Mr. PASTORE. That is right. The committee has funded a program of $650.2 million in fiscal 1973.

Mr. McGEE. This clears up that point, and I will so report to the University of Wyoming.

I thank the distinguished Senator from Rhode Island very much.

AMENDMENT NO. 1231

Mr. JAVITS. Mr. President, I call up my amendment No. 1231 on behalf of the Senator from Massachusetts (Mr. KENNEDY) and myself 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 26, delete the figure "$150,000,000" and substitute in lieu thereof the figure "$225,000,000".

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, first, may I say that, as always is the case with the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Colorado (Mr. ALLOTT), they have brought in a bill which, in many respects, could not possibly be produced by anyone else. They are both dedicated to doing everything humanly possible within the public domain to deal with the vast problems of the Department of Housing and Urban Renewal.

I do not wish in any way to intimate by proposing this amendment that I am other than satisfied not only with the good faith but, far more than that, with the driving ambition of the Senator from Rhode Island and the Senator from Colorado to do all they possibly can with the committee in respect of this particular appropriation.

The fact is, whereas the section 236 appropriation left the other body with $25 million, allegedly because the other body had not yet considered the authorizing legislation, it comes to us now with $150 million—certainly a much larger sum.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, the Senator from New York, as he has already said, and the Senator from Colorado and myself, have a great interest in these programs. They are worthwhile programs. No matter how great we make it within the capacity of the Government to pay for it, I am afraid the situation is such that we just cannot do enough.

The House allowed only $25 million for the section 236 program. The budget estimate was $150 million. The House action was promised on the ground that no authorization was passed, and as of today no authorization has passed. I understand that the Senate has passed an authorization of $225 million and the subcommittee of the House has approved $200 million. Of course, I do not know what figure will ultimately come out of conference.

I want to suggest this to the Senator from New York, and I have already discussed it with the Senator from Colorado (Mr. ALLOTT), that he will modify his amendment to make it $200 million instead of $225 million, we will take it to conference.

Mr. JAVITS. Mr. President, I do so gladly. I modify my amendment on behalf of the Senator from Massachusetts (Mr. KENNEDY) and myself to make the amount $200 million, which was the appropriation for fiscal 1972.

The PRESIDING OFFICER. The amendment is accordingly modified.

The amendment, as modified, reads as follows:

On page 2, line 26, delete the figure "$150,000,000" and substitute in lieu thereof the figure "$200,000,000".

Mr. JAVITS. Mr. President, I know the pressure of time, and I know that this amendment as modified will be accepted by the Senate. However, I hope the Senator allows me to spread some of the facts on the RECORD to sustain the conferees in conference.

Mr. President, I will not ask for a rollcall vote for impressive purposes, because I know that the Senators will fight for it in conference all they can.

Mr. President, the amendment proposed by Senator KENNEDY and myself would add $50 million to the committee appropriation of $150 million for section 236 to raise the total to $200 million. This is not quite up to the full amount authorized in S. 3248 which has passed the Senate, but has not yet been acted upon in the House. The House committee only allowed $25 million since no authorizing legislation had yet passed when this bill was considered. I believe it is imperative that we increase the funding for the 236 program which I consider the most important and far reaching of the housing production programs.

The 236 program was created by the 1968 Housing Act and has been largely responsible for the fact that a record number of subsidized housing units were built last year. There have been some problems with the 236 program in the housing management area and in the process of approving applications. There has also been some problem with nonprofit and limited-dividend sponsors, some of whom have proven too weak to do an adequate job with particular projects. However, the problem in the 236 program has not been as extensive as those in the 235 program which the committee has funded at the full authorized level of $170 million taking into account the passage of S. 3248.

While the 235 program is useful in many areas of the country, it applies to single-family homes and not to multifamily units. Thus, most large metropolitan areas throughout the country have to rely heavily on the 236 program to build subsidized housing. In New York and other States this has been especially true. The 236 program has been used to fund city-sponsored projects, State-sponsored projects, and private projects with good results. The 236 program is also available for rehabilitation and in S. 3248 the Senate approved an amendment which I offered to use 10 percent of the funds in the 236 program for rehabilitation. Therefore it is necessary that adequate moneys be available for the 236 program.

In Secretary Romney's testimony before the committee he indicated that they were taking positive steps to do something about the problems which have arisen in the 236 program. These steps include review of architectural fees, and the use of housing consultants, closer check on construction costs and greater promotion of long-term project ownership and management. Both the Senate and House committees have complimented HUD for its own investigation of the problems with this program and have urged the Department to carry through with its reforms. I believe that HUD will carry out its responsibility under this program and that abuses and failures pale in comparison with the underlying housing need.

We need to focus on the tremendous implications for the future of this Nation of our failure to provide shelter for every American. How many have experienced the utter devastation of Brownsville in Brooklyn, the blocks upon blocks of abandoned structures. Or, the sight of families squatting in South Bronx tenements during the bitter winter without heat or other essential services? Have they seen the victims of lead poisoning, or rat bites, or pictures of babies frozen in their cribs, or the frightened faces of old people helpless and entrapped in squalid, darkened rooms? Have they seen the young children playing in the debris of burned-out shells of buildings or amidst the garbage of rubble-strewn lots? If they ever took the time to absorb these sights, as I have as have other Senators, they would never rest in good conscience until financial resources were found equal to the enormous tasks which confront us.

Unfortunately, for those who must endure such intolerable housing conditions as a daily factor of their lives, there is so little opportunity to convey the true facts to us in Washington. In fact, so little housing has actually been built or rehabilitated in most depressed areas that the national debates now raging around "housing for the poor" must seem, to those who are even aware of it, like a theater of the absurd.

But, there is another voice emerging in this country with which those who would destroy federally assisted housing efforts will soon have to contend. This is the hard-working, middle-income family who traditionally asks for little and receives even less from the Government. In large sections of my State and other States like it, if you listen closely, you will hear from these taxpaying citizens a rising plea for relief from spiraling housing costs and deteriorating housing conditions that are forcing them in increasingly large numbers—and against their will—from the urban centers. You will hear them calling futilely in economically/ethnically mixed neighborhoods for just a little Government help to be able to preserve their homes and their communities. You will hear them louder and louder each passing day demanding their nuggets of that scarce housing subsidy which is threatened with extinction.

I am convinced that the present deemphasis of the subsidy programs, reflected in the administration's appropriation requests, is attributable as much to their costs as to the reported abuses. The OMB has calculated that the cumulative cost of the Federal subsidy programs will eventually amount to as much

as $6 to $8 billion based on present levels of production. But, is this such a high price relative to the astronomical long-range cost of a crash replacement program to save our vital metropolitan nerve centers which will face the next generation? Is it such a high price in view of the incalculable toll which the present housing crisis of exacts from the physical and psychological health of those millions of families who must endure subhuman housing conditions? Is it such a high price compared to the major contribution which widespread housing deterioration now plays in the erosion of morale tearing our cities apart? Is it such a high price compared to exotic weaponry for war?

In my home city of New York we have banks with $38 billion of assets. There are 225 savings banks in the city moving into this field. The commercial banks will follow. This is really the greatest aggregation of capital on earth. Indeed, David Rockefeller, the president of Chase National, was able to advocate a national program of $10 billion for housing rehabilitation so great are the resources which these financial institutions represent.

I simply cannot, nor can anybody else, do anything now in the field of middle- and moderate-income housing unless we are able to crank in adequate section 236 funding.

If we do want the private sector to activate itself, as it undoubtedly can in an unusual way to realize a greater housing effort than we have ever been able to make thus far, this is the way to do it.

Increased funding for the 236 program has been advocated by all those organizations who have been concerned with housing problems in this country over the years. These include: The American Institute of Architects, the National Association of Homebuilders, the National Housing Conference, the National Association of Housing and Redevelopment Officials, and numerous State and local housing officials.

We should not lose sight of the fact that in 1971 we produced 445,000 new low- and moderate-income units as compared to no more than 50,000 as recently as 1967. In fact, during the past 3 years more subsidized housing for low- and moderate-income families has been provided than in the preceding 30 years. This is substantial progress and we should not be stampeded into reversing this progress. I strongly urge the committee and the Senate to increase the funding for this extremely valuable program to $200 million.

I am very grateful to my colleagues on the committee. They have made a real contribution. I am only making this argument in the hope that they will be fortified in their own convictions and will be able to persuade the members of the conference committee from the other body of the necessity for participation in this effort which is so important for the construction of low- and moderate-income housing.

Mr. KENNEDY. Mr. President, I join with Senator JAVITS in proposing an increase in the level of appropriations for the construction of low-income rental units.

Section 236 of the Housing Act has been the basic provider of low- and moderate-income rental units in this Nation; it follows from the 221(d)3 program as an effort by the Federal Government to make good on its commitment to decent housing for all of our citizens.

While there have been internal problems with this program, pointed out in both the House investigation and the Senate Antitrust Committee's activities, action has begun to correct the administrative difficulties and to insure its future successful operation.

What is clear however is that this program has succeeded in producing housing units for those sectors of our population who are most in need. It has provided housing to the poor and near-poor and it has sought to provide housing that young couples just starting out can afford.

Also, it seems clear that if we are to assure the low- and middle-income families of this land adequate housing, this is one of our most basic programs for that purpose.

While I would commend the Appropriations Committee and Senator PASTORE, who, as always, has acted with thoughtful concern and leadership in fashioning this measure, I believe that the need can be demonstrated for increased funding for this program at the level authorized by the Senate earlier this year.

I recognize that the Senate Appropriations Committee has approved substantially more than the House, $150 million rather than the $25 million in the House bill. I believe we still must move even further, both in terms of the need and in terms of our priorities.

Providing adequate housing remains one of the basic responsibilities of our society and this program is a key element in the fulfillment of those responsibilities.

I would hope that the chairman could be able to accept this increase in appropriations and I would hope the amendment as modified to provide for an increase of $50 million, raising the level to $200 million, will be adopted.

Mr. ALLOTT. Mr. President, will the Senator yield me 3 minutes, or as much time as I require?

Mr. PASTORE. Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator from New York for his statements. I am very happy to join with the chairman of the committee in accepting the amendment as modified.

I thought a word or two might be appropriate at this time, particularly due to the experience we had last year. I hope we have it under control now. It is true, wherever there is a lot of money generated, and there is a lot of money generated and business activity generated by this fund, but wherever there is money generated we find a fast buck artist. We had numerous examples of this called to our attention and called to the attention of the committee in the House. I think it is particularly to the credit of Secretary Romney that he got into this, found it out, and actually curtailed his program until he could get control of it.

There is another feature in here that the Senator will be happy about. We have added some personnel here to aid the Secretary to take care of more inspections and auditing procedures to take care of such pitfalls in the future.

So far as I am concerned, I support the amendment and the appropriation.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, will the Senator yield to me for a colloquy?

Mr. PASTORE. I yield.

PAYMENTS TO PUBLIC HOUSING AUTHORITIES

Mr. JAVITS. Mr. President, on behalf of the Senator from Massachusetts (Mr. BROOKE) I ask unanimous consent that a statement by the Senator from Massachusetts (Mr. BROOKE) may be printed in the RECORD.

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

THE NEED FOR ADEQUATE OPERATING SUBSIDIES IN PUBLIC HOUSING

(Statement by Senator BROOKE)

Mr. President, an issue of growing importance to many members of both the Appropriations Committee and the Committee on Banking, Housing and Urban Affairs is the need for adequate operating subsidies in the low-income public housing program.

Opposition to the concept of operating subsidies in this area initially centered on the lack of fiscal control over the spending policies of local housing authorities. It was felt that these Authorities had little incentive to hold down costs, when they were permitted to come in at the end of their respective fiscal years requesting reimbursement on an after-the-fact basis. I, too, shared this concern. Federal resources should not be used to subsidize badly-managed projects.

On the other hand it should be apparent by now that holding these projects in a precarious financial status will not induce the implementation of efficient and effective management techniques. In many of the urban projects, the price of "economy" in this area has been paid in human terms by the children, families and older Americans who can least afford the reduction or elimination of vital support services. I have walked through many of these projects. I have talked with many of the administrators and the tenants. Psychiatrists and other medical doctors have shown me documented case histories of children who have suffered permanent damage which can be attributed to their unhealthy and violence-ridden environments.

All of us are concerned over the effective use of federal resources. Yet I am confident that none of my colleagues wishes to allow budgetary considerations to overshadow the health and safety of individuals who cannot afford decent housing in the open market.

Fortunately, we are not left with an either-or situation. Under the able leadership of the Secretary of Housing and Urban Development, George Romney, and his Assistant Secretary for Housing Management, Norman Watson, a number of effective and up-to-date management techniques have been implemented. To name one, they have insti-

tuted the forward-funding concept. In essence, this means that badly-managed housing authorities can no longer come in at the end of their fiscal year asking for a blank check to cover their wasted expenditures. Now they will be required to submit their proposed expenditures at the beginning of the year and to submit them to the careful scrutiny of HUD's management specialists. I am confident that these and other imaginative approaches will result in a fiscally-sound low-income housing program.

The Appropriations Committee has recognized that the Administration's 1973 budget request for operating subsidies of $170 million is woefully inadequate. The Administration no doubt recognizes that their calculations, made some time ago, will not allow them to do the job requested by Congress in the Committee Reports accompanying the Housing and Urban Development Acts of 1969 and 1970 along with specific language in the 1970 Act itself. The Committee Report accompanying the appropriations currently in question recognizes this inadequacy and has urged the Administration to revise their calculations in the nature of a supplemental request at an early date.

Because of my own concern in this area, I joined my colleague and Chairman of the Committee on Banking, Housing and Urban Affairs, Senator Sparkman, in requesting Secretary Romney to furnish us with his best estimates as to our actual needs in this area, along with his recommendations as to alternatives that we might consider when we go to Conference on this year's housing legislation. I am hopeful that we will have that information shortly.

Mr. President, rent-to-income limitations in public housing are no less important today than they were in 1969. Low-income families cannot afford such necessities as food and clothing when they are forced to pay 30, 40 and even 50 percent of their incomes for shelter. At the same time, local housing authorities should not be penalized as they struggle to provide low-cost housing that is safe and decent.

We must not rest until the problems in this area are satisfactorily resolved. We must do all that we can to see that these problems receive the attention they deserve, and the programs likewise receive the funding they deserve.

Mr. JAVITS. Mr. President, I wish to call attention to that part of the committee report which relates to operating subsidies in low-cost public housing. The report states that HUD allotted $170 million for these payments. The committee itself considered this amount grossly inadequate and invited the department to submit a supplemental request to cover the cost when an accurate estimate of what they will be in the coming fiscal year may be obtained.

The range of the estimate is as high as $497 million with a minimum of $320 million.

In view of the magnificent participation over the last few years in this matter by the Senator from Massachusetts (Mr. BROOKE), in the whole public housing question and especially operating deficits of the local housing authorities, he wishes to be sure that attention is called to the great need that exists and to the urgency of HUD coming to the Congress to ask for the needed funds.

Mr. President, I have engaged the distinguished manager of the bill in this colloquy only for the purpose of emphasizing the fact that we expect HUD to do what is needed in submitting these more accurate estimates, and we believe it essential that some facts and figures be available from a congressional point of view so that we can appropriate the needed funds as soon as possible.

Mr. HRUSKA. Mr. President, I join with the junior Senator from Massachusetts (Mr. BROOKE) in expressing the committee's concern that the Department of Housing and Urban Development submit a supplemental appropriation request to cover the costs of low-cost public housing when an adequate estimate can be obtained.

The $170 million requested by the Department for housing authority operating subsidies is expected to fall far short of the ultimate outlays required. The question is not whether additional funds will be required in fiscal year 1973 above the level provided in the bill before us, but the amount. Firm estimates should be available in several months.

The Omaha Housing Authority, a well-managed and cost-conscious activity, is one of many public housing authorities throughout the Nation that face fiscal crises due to recent congressional actions aimed at easing the rent burdens of welfare recipients, and due to departmental changes in housing authority reserve levels. These changes have merit, but increased operating subsidies will be necessary during the coming fiscal year to preserve the fiscal integrity of the well-managed housing authorities.

Mr. PASTORE. Mr. President, I call to the attention of the Senate page 11 of the committee report, midway down on the page where it is stated:

> The Committee has noted that the Department has requested only $170,000,000 for operating subsidies for low-cost public housing and it believes that this sum is going to fall far short of the ultimate outlays required for this purpose. Consequently, the Committee urges the Department to submit a supplemental request to cover these costs when an accurate estimate can be obtained.

I might say to the Senator from New York that, if they neglect in doing it, we will bite the bullet ourselves.

Mr. JAVITS. I thank the Senator. It occurs to me that as part of the debate on the amendment there should be included the statement of the committee which appears on page 6, which reads as follows:

> The Committee concurs with the House and urges the Department to carefully screen applicants for the construction of Section 236 projects, and admonishes the Department to pay particular attention to the deficiencies pointed out in the House investigative report.

Mr. President, I note on pages 6 and 7 of the committee report that no money has been provided for the various types of counseling services contemplated by HUD. The committee report states that there was no budget request for counseling services this fiscal year and that there seems to be some confusion on the part of HUD as to what kinds of services they are willing to support. A report is requested by the end of this year from HUD on this situation.

Testimony at the hearings indicates that of the $3.25 million appropriated by the Congress for counseling last year, very little will be spent in the current fiscal year. Because of this HUD did not ask for additional money specifically for counseling but has indicated that funds from the research and technology appropriations which the committee has set at $60 million will be used for counseling programs. This seems to be quite a strain on the research and technology budget since the Congress has recommended that HUD get deeply involved in experiments in housing allowances, housing abandonment and lead-base paint. These are three very important areas and will use up a large amount of that budget. Thus, we cannot be sure how much of the research and technology money will be left for counseling programs.

I believe that the situation with regard to counseling services is shocking in that so little effort was made this year to implement either the 237 homeownership counseling program or any of the other counseling or technical assistance programs. If we are to make our housing programs work, it is necessary to provide homeowners and tenants with the know-how that will enable them to take care of the housing provided them. Unfortunately this is not being done.

I would like to vigorously support the committee's call for a review and report of the situation and I urge HUD to begin implementing programs to provide counseling services as soon as possible. This is one area which should not be neglected as it has been.

Mr. PASTORE. Mr. President, the Senator from New York is absolutely correct. The committee felt we do need counseling services. It is spending 1 penny to save a dollar. There is no question about that. We have had instances where there have been abuses and sometimes there has been neglect where people were not properly counseled.

This was called to our attention by the Senator from Indiana (Mr. HARTKE). We explained it to him. It was called to our attention by the Senator from Illinois (Mr. PERCY), who has several amendments in regard to this, which I hope he will not pursue.

But I assure the Senator from New York, the Senator from Indiana, and the Senator from Illinois that we were very cognizant of this fact and we included $10.4 million under the research and technology appropriation for improved operation and management of existing housing, which includes counseling services. We made it clear in our report that we would like to have a report from the agency with respect to counseling service and how they use the money, by December 31, 1972.

I assure the Senator from New York, the Senator from Illinois, and the Senator from Indiana that in the event the Department falls short in providing funds for counseling services I will be the first one to recommend that funds be included in the first supplemental that comes along.

Mr. JAVITS. I thank the Senator.

Mr. PERCY. Mr. President, I have asked simply for funding for an authorization for $12.5 million. If I were assured that the entire $10.4 million enumerated on page 223 of the committee memorandum would go for counseling against section 237 and section 235, that is, counseling for poor credit risks under FHA insured loans, and counseling for sec-

tion 235 low income control, for debt management, budgetary and relating counseling services, then the difference between $10.4 million and $12.5 million I would not worry about.

I am concerned that this is under a "research" area. It is lumped with other things. It is under research and technology. We do not really need research at this point. We know what happens when a person fails to make payments. He needs help. We know what happens when a building starts deteriorating and it is insured by FHA.

We know that the deterioration is such that it is not going to live out the life of the mortgage; that some counseling is needed for that family to live with the piece of property that is now theirs.

I fail to see why this has to have more researching and testing. We know what is there. We know we are losing millions of dollars. The Federal Government is becoming a slum housing owner. We need to move into this area in a massive way.

If $10.4 million were marked specifically for this program, as authorized since 1968—we have had the program since 1968—then I would be perfectly happy, but I would not want to see the money used for a lot of other things not anticipated, so that only $1 or $2 million would be left over for this purpose.

Mr. PASTORE. Let me point out that this is, first, for improved operation of family housing; second, housing management training; third, comparison of various management methods to develop improved management; and fourth, counseling services.

I want the Senator from Illinois to understand that both the Senator from Rhode Island and the Senator from Colorado look kindly upon the argument he makes. The only trouble is that the administration never asked for it. They never submitted a budget estimate. For the life of me, I cannot understand why, because, after all, as was pointed out, this involves spending one penny for counseling to save one dollar. Counseling is absolutely necessary, not only to teach people how to manage their funds, but also to take care of the appliances, which many tenants have seen for the first time.

Nevertheless, the administration never asked that we put it in.

All I am saying is, rather than complicate it further, because this will complicate the issue, if we cannot get by with it in conference, if experience in the next few weeks or few months shows these services are not being provided, the Senator from Colorado and I will be the first to help the Senator from Illinois sponsor his amendment.

Mr. ALLOTT. Mr. President——

Mr. PERCY. Mr. President, may I respond directly to that? I would like very much to hear from the Senator from Colorado, because we have discussed this in the past. The Johnson administration did request this money—$4.9 million to start with—but it was never funded by the Appropriations Committee.

Mr. PASTORE. Of the House.

Mr. PERCY. Yes, and there was a position of rigidity against it in the House. I talked with them about that. I have not been able to convince them. I said, "What you are doing is costing hundreds of millions of dollars." I have analyzed it and seen the need for it. It has made me weep to see the waste of Federal money. $10.4 million goes into public housing management and all kinds of counseling. HUD auditors went in and analyzed the 235 program. This is what the auditors found when they looked at the program:

ISOLATED ARRANGEMENTS FOR COUNSELING BY NONPROFIT GROUPS ARE INSUFFICIENT

In the absence of funding of section 237, except for isolated arrangements for counseling by non-profit groups, there has been no existing arrangement which insures that the buyer who needs counseling receives it. We found deplorable conditions in many of the homes we visited, including numerous instances of solvenly housekeeping and lack of reasonable care of property that could have been prevented with even a minimum amount of counseling oversight. If marginal mortgagors are to be successfully housed under section 235, both presale and postsale counseling is required.

What more can we do than to ask Government auditors to look into it? And they report back this kind of condition.

As recently as last night—I feel I can say this—I was talking with Mrs. Romney, who knows a good deal about these programs. I said, "Why do you think certain aspects of these programs have failed? We have, fortunately, housed over 1 million low-income people, in 235 projects who are getting along well, but we have a group of perhaps 10 percent who have failed to make the grade. Why do you think that is so?" She said to me, "In my judgment because of lack of counseling."

Mr. PASTORE. Yes; but her husband never sent up a budget estimate. Maybe she ought to speak to her husband.

Mr. PERCY. He must realistically look at the House refusal to fund this part of the program since 1968. He must also deal with OMB. I have talked to our colleagues in the House. We have tried to get funds from them for this part of the program. I think our obligation is to fight for those funds in the Senate, and then take the matter to conference.

Mr. PASTORE. The Senator is absolutely correct, but is he surprised about why we did it the way we did, in view of what happened in the House?

Mr. PERCY. I am not surprised at all.

Mr. PASTORE. Let us not give our hand away.

Mr. PERCY. I am sympathetic but must be persistent.

Mr. ALLOTT. Mr. President, I am sympathetic to what the Senator from Illinois is attempting to do here. May I make a suggestion to him? If he will read what we have written under "Nonprofit Sponsor Assistance" and under "Counseling Services," I think he will get a strong indication of what the situation was. We have gone to conference several times with counseling money—I cannot say how many times, but we have done it—and have been rebuffed by the House in an absolutely flat refusal.

There was no budget request for this amount. Therefore, any item that goes in here will be above the budget.

In addition to the usual feeling of the House, whatever that has been, we also hit the block immediately that we have an item in here above the budget, and this puts an additional burden on the chairman and myself to try to carry it.

Let me offer a very practical suggestion to the Senator. I would be tickled to death to see an item come up from the Office of Management and Budget for this, and I can see a budget item for it, but I will say to him very frankly that when we went into this matter in the hearings, or attempted to, because it was not a budgeted matter the replies we got were extremely unsatisfactory. They had not anticipated going into it, so it was not on their list. So we did not get any real feeling of how to go about this and the best way to run these counseling services.

My own feeling, and I suggested some language which was included in the report last year, was that, as far as possible, we ought to utilize organizations which have already established their identity and integrity in this kind of counseling. I am thinking of family services and church societies and civic societies, and organizations of that kind which are already established.

The last thing I want to see, and I am sure the last thing the Senator wants to see, is to put money into the bill and then have a bunch of so-called—and I say so-called—nonprofit organizations spring up in every city and say, "We are the professional counseling services for 236 and 235." In other words, we would spend the money, but we would not get the counseling. This is the sort of thing we were trying to get them to define, and I hope we can.

As far as I am concerned, if we get a budget item for this and we can get a definitive statement from HUD, I would not mind providing money for this purpose in the first supplemental bill. Preferably, I would not want to do it now, because we will never get it in conference, and I do not want to get a defeat over there based on budget conisderations also, when we have enough to go on, if we can overcome the reluctance to consider counseling services at all.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. This is so important a matter that I think it should be discussed. I would be perfectly willing to write a personal letter, signed by both of us, pointing out to Mr. Romney how we feel about this item and saying we would like to know what he is going to do with the $10.4 million in the 1973 budget. Further, we would point out that we feel so strongly about counseling that we would like him to submit a budget estimate for it, and let him take it to the Office of Management and Budget.

All we can do is take the horse to water; we cannot make him drink. But if we can get an estimate on this, we would be in a much better position, because when we originate items in the Senate, we always run up against the jurisdictional question with the House of Representatives, and the fact that they did not consider it and no budget estimate was ever made, will weaken our

case. I am afraid we would not get to first base. The best thing that could happen to us here is to get an estimate.

Mr. ALLOTT. And not to take a defeat at this time.

Mr. PASTORE. That is right.

Mr. PERCY. Mr. President, I always like, of course, to be guided by the judgment of my senior colleagues as to the best procedure to use. However, as the distinguished Senator from Colorado knows, I have been fighting this battle ever since the Housing Act of 1968 was adopted. I was an author of portions of section 235. My original proposal was cosponsored by every single Republican. And many colleagues on the Democratic side, led later by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Minnesota (Mr. MONDALE), agreed that this program had to be implemented.

But I begged and pleaded that we not put a program in without oversight authority being provided, that we not put it in without some mechanism to insure that the money we were pouring into this program, in a new form of experiment in housing, not be put in with the same old FHA approach, because that is the agency that redlined all these areas out in the cities. We were always willing to put money into the suburbs, which has stabilized them, but that left nothing for the cities but high-rise slum tenements which we put up in the name of misguided benevolent Federal public housing.

Mr. President, I regret to say that we simply have not faced up to the problem. We have the same sort of problem with hunger. I just had to recess the nutrition hearings we are holding on a $250 million nutrition bill which was initiated in the Senate. Originally the House was not too enthusiastic about keeping the nutrition experimental project alive, but so enthusiastic has the House now become on this program for feeding the elderly that it has now authorized the full $250 million: $100 million for fiscal year 1972; $150 million for fiscal year 1973.

But we had to take the leadership on that program. We cannot always be governed by what the Bureau of Management and Budget wants. It is not omniscient, and does not always have a feel for the mood of the country which I think we, as elected officials who must keep in touch with our constituents, do have. OMB officials do a marvelous job, and I wholeheartedly support them, but I do not think they have the contact we have with the people of this country.

Mr. President, let me cite a specific instance of what is going on.

I have here a proposal prepared by Sister Katherine McDonnell of Housing Counseling Services, Inc. of the Urban Rehabilitation Corporation and the American Federation of Community Credit Unions in Washington, D.C. This is a first-rate response to HUD's request for a program of concentrated counseling for delinquent or defaulting mortgagors in the District of Columbia prepared by a dedicated and experienced homeownership counselor. It provides for a sympathetic and far-reaching counseling program for an estimated 280 families over the next 2 years. HUD praised the proposal, but insisted that Sister McDonnell revise her budget downward from the original estimate of $240,000. Sister McDonnell cut all conceivable corners and managed to win commitments for reduced rents, among other things. Her revised 2-year budget was for $108,000. HUD told her she could get no more than $50,000. This would emasculate a highly promising quality program. I say we must provide HUD with the funds to support programs of the quality of Sister McDonnell's program and similar ones which I am concerned are being scaled down in extent and coverage.

Here we are, in the Nation's Capital, with 182 families the mortgages of which are in foreclosure largely, I believe, for lack of counseling. But others could be saved. Other families could be prevented the indignity of being driven out of their homes, and with the counseling services offered by an absolutely outstanding, nonprofit group. With assistance and help, they are willing to put their time and energy into it; all they need is some seed money. HUD simply has cut them down to the bone in this area.

Mr. President, our homeownership programs for low- and moderate-income families are currently the subject of much controversy and criticism and I have led some of it. Secretary Romney himself has stated that the programs have been subject to widespread fraud and abuse by fast-buck artists and unscrupulous operators who have been taking advantage of both the unsophisticated homebuyer and the overburdened taxpayer. Grand jury investigations are under way in several cities and several score indictments have been handed down in New York City alone. Congressional committees on both House and Senate sides have been attempting to sort out the reasons for the problems in these basically sound programs.

The Wall Street Journal editorially echoed the statements of the HUD auditors:

> By leaving the (homeownership) programs to operate virtually unregulated at the whim of private interests—the real estate brokers, the mortgage companies, the marginal repairmen—the FHA opened the door for enormous abuses. Unlike the more educated middle-income buyer, the poor desperately needed counseling and a public agency to protect their interests.

HUD's reluctance despite warnings to request funds to carry out its own auditors' recommendations is incomprehensible. Moreover, I cannot understand the Department's long-standing reluctance to make operational the separate counseling programs which Congress authorized for 235 and 237 buyers. I believe we must move today to remedy this situation.

Mr. President, many of my colleagues have been extremely critical of the foreclosure rate under the homeownership programs that operate in the inner city. They note that HUD may soon become—if it is not already—the Nation's No. 1 slumlord—at great expense to the taxpayer. It is my firm belief that by investing $12,500,000 in counseling services today, we can save the taxpayer untold millions tomorrow.

I want to quote from Sister McDonnell's analysis of the costs of foreclosures and, by implication, the benefits to be gained from a counseling program:

> For most low-income families home ownership is a new experience. Their past experience as rental-tenants did not prepare them for knowledgeable home ownership. The consequences of foreclosure to the mortgagor are: the loss of his equity in his home which may represent a higher investment than his rental housing expense; the difficulty in obtaining replacement housing with a bad record of default; the increased cost to him in money and psychic energy; the future difficulty of obtaining credit. According to a study by the Federal Home Loan Bank Board, the lending institution must incur added administrative expense, the loss of interest and principal, the expense of taxes, utilities, maintenance, and legal fees to finalize foreclosure. The costs to HUD include executive and administrative costs, the loss of mortgage insurance premiums, and the problems of property abandonment and the acquisition of unwanted houses, which need to be maintained. The municipality suffers the loss of tax revenues. The community in which the home is located is affected by abandoned homes which are often vandalized, and which tend to create a chain reaction of poor maintenance, deterioration of other homes, delinquencies and further defaults as other homeowners see neighborhoods deteriorating and give up their effort to maintain a property which is obviously becoming less valuable. These reasons give strong motivations to all agencies concerned to reduce the rate of foreclosure.

I believe these reasons argue persuasively for the adoption of my amendment to the pending appropriations bill.

Mr. President, I believe that groups such as Housing Counseling Services, Inc. understand the problem better, as a nonprofit group, than FHA ever did. They would never, nor would the National Home Ownership Foundation as originally conceived in our legislation, ever have permitted the real estate brokers and dealers to manipulate and engage in downright fraud, as they have, and stolen blind the Federal Treasury for lack of oversight responsibility. It is as if we did not have the GAO.

What would we do without the GAO? We have not had that kind of oversight responsibility in this area, and I think it is terrible to apply the large sums of money going into this program, and then fail, for lack of a few million dollars, to exercise oversight.

So I really feel compelled to call up an amendment I have prepared on this subject. I feel that I would be irresponsible if, once again this year, I just sort of left it to the Bureau of Management and Budget and HUD, and to the House of Representatives, where we have not had the kind of receptivity to this idea that we should have had.

My amendment has two parts: The first provides $5,000,000 for counseling services authorized by section 237(e) of the National Housing Act, the second provides $7,500,000 for counseling services under section 235 of that act.

Homeownership counseling to assist low- and moderate-income families to become and remain homeowners was authorized by the Housing and Urban Development Act of 1968. HUD has never

requested funds to implement these programs, but Congress provided $3,250,000 for a section 237 counseling program last year. No funds were requested for either 235 or 237 counseling for fiscal year 1973 and none were included in the House-passed bill or the version reported by the Senate Appropriations Committee. My amendment corrects this glaring deficiency in the bill before us today.

HUD's present policy is to encourage qualified State and local agencies to provide counseling and consumer education to potential purchasers of housing insured under various FHA homeownership programs. These agencies are not paid for their services, although they do sign contracts with HUD. No area office is required to supply counseling.

I recently asked Secretary Romney—whom I hold in highest regard, whose job is a most difficult one, and whose sense of priorities I generally support and want to help strengthen—how the funds appropriated for fiscal year 1972 for a section 237 counseling program had been expended. He replied to my query in the following way:

> The $3,250,000 for counseling services appropriated for fiscal year 1972 will be used over the next two years. A portion of these funds will be used to demonstrate whether delinquent or defaulting 235 or 237 mortgagors can avoid foreclosure by receiving financial management and homeownership counseling. In addition, funds will be used to develop a contract for training staff and volunteers of counseling agencies and to evaluate the entire counseling program. Training materials will be prepared in conjunction with this portion of the counseling support activities.

Mr. President, I was concerned to note the Secretary's use of the future tense in writing about funds which were provided for use in this fiscal year. Even if we assume that Congress intended the funds it appropriated for a 237 counseling program to be used for demonstrating and evaluating improved counseling services provided by State and local agencies—and this certainly was not my understanding last year—I doubt it intended a 2-year program that was to be activated only in the 10th month of the fiscal year.

Yet, Mr. President, it was not until late April that HUD issued its Requests for Proposals—RFP's—for the activities the Secretary referred to in his letter to me. And I wish to note that the RFP makes a persuasive case for a continuing counseling program. It states that the contractors' work:

> Shall be part of HUD's effort to develop a continuing program to meet the urgent need for counseling assistance for lower-income families who are delinquent or in default on their mortgage payments.

Now, I do not wish to denigrate what the Department is trying to accomplish here. Indeed, my amendment would allow it to mount an even more intensive demonstration and evaluation program. Apparently it does not have enough money available to fully fund the proposals which have been submitted to them.

Mr. PASTORE. Of course, we cannot prevent the Senator from Illinois from bringing up his amendment, but I thought we were both on the same side. I do not want to be in the position of winning the battle and losing the war.

There is no question, at all, that if we were to agree to the Senator's amendment, we would go to conference with this proposal and it would be knocked out, and we would jeopardize our chances in a supplemental appropriation later. It is a matter of pragmatism, and that is all. All I am saying is that, after all, this is not the ultimate day. We are in accord. The Senator from Colorado and the Senator from Rhode Island are in accord that unless something happens here to justify everything that the Senator from Illinois has said, we will put it in the supplemental, and in the meantime we will see if we cannot get a budget estimate.

The name of the game here is to get the money, not to make a speech. I agree with everything the Senator has said. There is no greater proponent of this proposition. But I do not want to have the Senator put it in here and have us move to lay it on the table. I think that would prejudice our cause, and inasmuch as we have provided for counseling services already under research and technology—all right, maybe it does not belong there, but that is where it was in the budget, and so we left it in there.

The point is, do we want counseling money, or do we not want counseling money? Do we want to make a test case of it here in the Senate, then go to the House of Representatives and get it knocked out in conference, and maybe prejudice our case later? I leave that up to the Senator. We have gone through that before.

Mr. PERCY. Mr. President, I would like to go along with my colleagues, if I can have the assurance that they will be working allies with me, because I absolutely know their own hearts would be in the program. If I can have that assurance, that we will be working together in the way the Senator has suggested in this area, then I certainly will not put the amendment in today, and will do everything I can to assure that the Secretary works with us and not against us in this area.

Mr. PASTORE. I assure the Senator, and I think my colleague from Colorado will agree with this. I have asked the director of our staff to write a letter to Secretary Romney, calling his attention to this colloquy that has transpired today, and that we are very much interested in this item, and would hope he would respond with a budget estimate in this category in time for it to be acted upon.

Mr. ALLOTT. In the next supplemental.

Mr. PASTORE. In the next supplemental.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. Mr. President, I am very pleased that the matter has eventuated this way. I would have joined with Senator PERCY had he decided to move forward with his amendment, but I agree with him, having raised the question myself, that this is the proper course, and will give him all the backing he has requested.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLOTT. Mr. President, let me say this: With me, it is not a question of what I want, but it is a question of being utterly pragmatic about the technical and political situation we find ourselves in with respect to this amendment, and that is all it is. It is not a question of what I want.

I have supported this proposal before, and I shall again, but I join with my friend from Rhode Island in saying I think we are far better off to leave it this way than to push an amendment. No matter what the outcome of the amendment on the Senate floor, we would certainly lose it in conference. There is no way we could keep it this time.

Mr. PERCY. I respect the judgment of my colleagues, and I certainly will accede to that position.

Mr. PASTORE. I thank the Senator.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman, Senator PASTORE, first of all, for the opportunity that I had to talk with him about the matters that I wish to raise at this point prior to this matter coming to the floor of the Senate.

All veterans in the United States who know what they have accomplished are deeply grateful to Senator PASTORE and Senator ALLOTT for all they have done to increase the funds available and to strengthen the programs available for medical assistance for veterans. During the last 2 years, for fiscal years 1971 and 1972, with their leadership, their help, and their constructive attitude, $376.1 million have been added over the administration request for medical care for veterans.

With the 1973 budget as reported, we actually will have increased the hospital staffing for veterans' medical care by 20,000, over these 3 years, which is a tremendous increase and goes a long way to meet the great needs that have been brought to the attention of the Nation and to the attention of Congress during the past 3 years, beginning some 3 years ago, when it was found that medical care for veterans was lagging far behind what was owed to those veterans.

Last month, I presented detailed testimony to the Appropriations Committee regarding current needs that were not yet met. I ask unanimous consent to have that testimony printed at this point in the RECORD.

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

STATEMENT OF SENATOR ALAN CRANSTON, U.S. SENATOR FROM CALIFORNIA

Mr. Chairman and distinguished members of the Subcommittee, thank you for the opportunity to testify before you again, this year, on the FY 1973 budget for the Veterans Administration.

You will recall my testimony the last two years on the FY 1971 and 1972 VA budget requests, respectively. On each of those occasions I differed sharply with the sufficiency of the budget request, especially with respect to the hospital and medical program. For FY 1973, I am happy to say, I find the VA budget

request to be by and large relatively sufficient under existing statutory authorities. My presentation, therefore, will only highlight certain matters that I wish to bring specially to your attention.

At the outset, I want to note my great appreciation for the courtesy and cooperation which the distinguished Subcommittee Chairman (Mr. Pastore) and the ranking minority member (Mr. Allott) have extended to me over the last two years and your enormous assistance, Mr. Chairman, in bringing the VA medical and hospital program to a level on which an adequate FY 1973 budget could be built. Through our efforts together we have appropriated a total of $376.1 million more in the last two fiscal years over the original budget requests. With the funds in the Medical Care item in the FY 1973 budget request, this effort could culminate by 1973 in an increase of about 20,000 health care workers in VA medical facilities since FY 1971. I have one caveat on this score which I will state shortly.

MEDICAL CARE

Average daily patient census

For FY 1972, the Appropriations Committees in both Houses wisely recommended and the Congress adopted a requirement in the appropriation act that the VA must maintain an average daily patient census (ADPC) of at least 85,500. The O.M.B. did not permit the VA to start implementing this requirement until approximately last October, and the census rose 1000 in November and by February (monthly 83,662) had climbed more than 4000 above the September level (79,567). Thus, your legislative action effectively broke the O.M.B. arbitrary ceiling of 79,000 and the ADPC for all of FY 1972 should end up in the 82,000 to 83,000 range (it was 80,826 cumulatively in March).

I believe some kind of Congressional action is necessary to set a minimum annual ADPC in view of O.M.B.'s action last fiscal year and the danger it may decide to repeat this action if left to its own devices. The FY 1973 budget request is generally premised on an ADPC of 83,000. Thus, if an 85,500 minimum were to be imposed again, approximately $55 million would need to be added to the Medical Care item to maintain the present staff-to-patient budget projection of 1.49 to 1. I do not believe it would be wise to impose a census floor without providing adequate additional funding to support the increase.

In this regard, I call to your attention that the provisions of S. 2354 as passed by the Senate on May 4 (inserted in lieu of the text of H.R. 10880) include a requirement for an ADPC of 84,000 for FY 1973 and an average of 97,500 operating beds. I think an 84,000 cumulative annual census is adequate in view of the new legislative authorities also contained in S. 2354 (in large measure already approved by or acceptable to the House), which I will describe later, greatly expanding eligibility for outpatient care and which should have the effect of eliminating all unnecessary hospitalizations resulting from unrealistic restrictions (medically) contained in present VA enabling legislation. To support the 84,000 ADPC figure, an additional $22 million would be needed.

Operating beds minimum

I would also support a 1000 bed raise in the operating beds minimum from 97,500 for FY 1972 to 98,500 for FY 1973 to take account of the five new VA hospitals being activated, but prefer to take this step in the authorizing legislation.

Spinal cord injury units

One other addition to the Medical Care item which I urge, is an increase of approximately $4 million to add about 400 FTEE for the 12 ongoing and 4 new spinal cord injury units to bring the staff-to-patient ratio in these units up to 2:1 by the end of FY 1973. We have made most substantial gains from the appalling ratio that existed two years ago, and I urge the Subcommittee to add funds specifically aimed at finishing the work we began. We owe it to these most seriously disabled veterans not to stand still in providing for the highest standards in the quality of their care.

Expenditure of fiscal year 1972 appropriation increase

In assessing the impact of the funds we have added for Medical Care over the past two years, I share your concern that approximately 30 percent has either not been spent or spent for items not intended by Congress (such as pay raises). But I call your attention that appropriating such additional sums, even when frozen, has been of value in assisting the VA medical program because the availability of frozen funds gives the VA an excellent arguing base for eventually securing part or all of the funds (for example apparently $12 million of the $71,230,000 frozen FY 1972 Medical Care appropriation item will very likely be spent to reduce the fee dental backlog) and also forestalls any attempt to force DM&S to absorb pay raises within existing allocations ($35,270,000 for the pay raise for the second half of FY 1973 was drawn from the frozen funds).

Effect of average GS grade rollback

Mr. Chairman, the most serious current problem facing the VA hospital and medical program today is the effect of OMB Bulletin No. 72–4 directing the VA to achieve an average grade reduction of GS employees by 1/10 of a grade by June 30, 1972. This was followed by OMB Bulletin No. 72–5 directing fixed reductions in FTP and total employment ceilings. On the latter, the VA was, by and large, given the benefit of the doubt (as I urged in my September 14, 1971, letter to the President which I ask be made an exhibit to this testimony), but the effect of the grade rollback requirement is, alarmingly, eroding the quality of patient care.

We must act to prevent any further grade rollback requirement from being implemented for FY 1973 as is now planned. The present rollback is already causing unacceptable chaos and damaging morale by arbitrarily forcing the (1) hiring of untrained personnel at lower GS levels when trained professionals and technicians are available to hire; (2) causing turnover (requiring new training costs and patient care disruption for replacements) or resentment among those denied long overdue promotions; (3) serious depression or advancement opportunities for the lower-paid patient care personnel, especially trainees promised upgrading opportunities in good faith when hired; wholesale abuse of Civil Service job classification standards and temporary appointments and promotions; widening of the disparity between GS and wage board grades (the latter not included in the OMB Bulletin); restrictions on filling openings at high levels for assistants and deputies; elimination of the policy of assigning tasks from title 38 (excepted positions to GS positions); and finally, overall slowing down in the filling of positions while the impact on the grade level is calculated and replacements are sought at far lower GS grades with lower commensurate skills than the individual being replaced.

This is a bleak picture for the veteran patient who finds himself in the care of more and more unskilled trainees rather than experienced health care workers and has to remain in the hospital extra days while waiting longer for X-ray and laboratory results. I urge you in the strongest possible terms to note with alarm in your report the pernicious effects of the grade rollback and to direct either in report language or in the bill that no further arbitrary overall ceilings or grade rollbacks be implemented for the VA during FY 1973. Unless such policies are forestalled, the DM&S personnel increases I referred to earlier as projected in the budget cannot be realized—they will be just paper estimates, like far too much included in budget justifications.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES (MAMOE)

Mr. Chairman, I am submitting for the record a copy of an April 24, 1972 letter to you as Chairman of the Appropriations Committee urging full funding for the Exchange of Medical Information program through supplemental appropriations in fiscal year 1972. Based on the same analysis and my same strong concerns, I recommend that you increase the MAMOE item by $1 million designated for the Exchange of Medical Information program so that it will be funded at the level of full authorization, rather than at the $2 million level requested by the Administration. This program offers too many valuable opportunities for innovation and achievement to be permitted to stagnate at the same dollar figure for FY 1973 as is proposed for FY 1972—a figure almost 17% less than was appropriated for fiscal year 1971. Given the overall increase in the MAMOE item of over 30% as proposed in the FY 1973 budget request over the amount appropriated in FY 1971, it is inexplicable to me that this important program should be suffering a 17% decline.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

Fiscal year 1973 budget request

Mr. Chairman, the VA is to be congratulated for the construction budget request for FY 1973, which for the first time in four years offers hope of moving toward the schedule of construction projections originally established many years ago. I note with pleasure that the budget request now includes funds to carry out the bulk of my recommendations for construction which I presented to you in fiscal years 1971 and 1972—specifically, funds for planning, and in some instances, initial construction of new facilities at the Bronx, New York; Columbia, South Carolina and Los Angeles, California (both Wadsworth and Brentwood); as well as numerous airconditioning projects.

Additional construction funds

Nevertheless, I believe that we have fallen so far behind on our construction and renovation timetable that funds are required in addition to the $155 million request for this item. In that connection, I join in the excellent recommendations of the distinguished Senator from Washington (Mr. Magnuson), Chairman of the Subcommittee on Labor-Health, Education and Welfare, submitted to you by letter on April 5 that $28,342,000 be added in order to begin planning the 12 construction projects rated of highest priority by the Veterans Administration. These include replacement hospitals at Martinsburg, West Virginia; Richmond, Virginia; Portland, Oregon; Vancouver, Wash.; Baltimore, Maryland; Bay Pines, Florida; Augusta, Georgia and Little Rock, Arkansas; a new hospital in the Philadelphia Pennsylvania metropolitan region; and various additions, improvements, conversions and modernizations in Denver, Colorado; Chicago, Illinois; Newington, Connecticut; and Seattle, Washington.

California bed emergency

In addition, I submit for the record a copy of my letter, also of April 24, 1972, and its enclosures to you with regard to the crisis situation regarding the availability of hospital, nursing and domiciliary beds in the State of California. This emergency has been brought about by the need to evacuate large numbers of patients from VA facilities found to be seismically unsafe. The result is an immediate loss of 2432 medical beds in the state and a displacement of some 2600 patients which has already occurred.

This emergency situation exacerbates what has been for some years a serious shortage

of VA medical facilities in California, where 11% of our nation's veterans reside but where less than 9% of VA hospital beds were located at the start of fiscal year 1972. I recognize fully that California is benefitting very substantially from construction of replacement facilities at San Francisco, Los Angeles, and Loma Linda and a new hospital at San Diego, but this does no more than compensate for the loss of hospital and nursing beds at San Fernando (424 beds destroyed due to the February, 1971, earthquake), at Livermore (211 beds shutdown due to seismic instability), and at the Wadsworth Hospital (approximately 675 beds eliminated due to seismic instability, only some of which would be compensated for by the eventual completion of the replacement hospital).

Three new outpatient facilities recommended

In order to meet this urgent situation, I would like to make three suggestions for action in connection with the FY 1973 budget.

1. That the VA be directed to proceed immediately to investigate with the University of Southern California-Los Angeles County Medical Center, the establishment of an outpatient facility, utilizing medical center space, to serve the veterans of the East Los Angeles area. This proposal is discussed in more detail in my January 14, 1972, letter to the President which I have submitted as an enclosure to my April 24, letter to you, Mr. Chairman, regarding construction.

2. That the Veterans Administration be directed to investigate with the Martin Luther King Hospital in Watts the possibility of establishing an outpatient clinic, utilizing space at that hospital, to provide ambulatory care to the veterans in Central and South Central Los Angeles. This was also recommended in my January 14 letter to the President.

3. That the Veterans Administration be authorized to investigate immediately the possibility of establishing an outpatient facility on land which would be donated by the University of California at Davis to operate in close affiliation with the medical school there. Such a facility could be put together in temporary buildings for about $800,000 in the first year, with an additional $1.5 million cost for first-year salaries to serve approximately 130,000 veterans in Sacramento, and Yolo, Contra Costa, and Solano counties. Such a facility would be of enormous assistance to the veterans in this area who are located a great distance from the nearest VA hospital at Martinez (approximately 60 miles Southwest of Sacramento). It also might be the forerunner of eventual relocation of the Martinez Hospital to Davis where it would be more effectively located in terms of proximity to both eligible Upper California veterans and a major medical school.

APPROPRIATIONS TO MEET NEW EXPENDITURES UNDER NEW LAW

Mr. Chairman, just recently the Senate passed unanimously the provisions of two bills reported from the Veterans' Affairs Committee. These bills will have a major impact on the future of the medical programs of the Veterans Administration. These were S. 2219, the Veterans' Administration Health Manpower Training Act of 1972, and S. 2354, the Veterans Health Care Expansion Act of 1972. Companion bills have been passed in the House (H.J. Res. 748 and H.R. 10880), and I have every expectation this legislation will become law by Fiscal Year 1973, very likely by the end of this month.

VA Health Manpower Training Act (S. 2219)

The first of these bills, S. 2219, authorizes an appropriation of $125 million for each of the next seven fiscal years for health manpower education and training programs, and in addition, provides clear statutory authority and direction for carrying out continuing medical education programs for medical and health care staff of VA hospitals and other Federal agencies at an estimated cost of approximately $1.6 million dollars each year.

The new authorities in S. 2219 will enable the Veterans Administration to utilize to the fullest extent its capacity for the training and education of health care personnel and to maximize the training potential of its affiliation with medical and nursing schools and other health care manpower training institutions by providing for direct VA support to affiliated medical education institutions which utilize the VA hospitals as clinical facilities. This direct support would enable the institution to undertake innovative training programs and to expand and improve its capacity to train health care manpower jointly with the Veterans Administration.

Training veterans with medical MOS's

An important emphasis required in the bill for health care manpower training programs supported by the Veterans Administration is the placing of specific emphasis on training programs which will recruit and train veterans with medical military occupation specialities (M.O.S.s) as well as on employing them in the Veterans Administration medical facilities upon completion of their training. The VA is in a particularly opportune position to develop new methods of training and to experiment with educational requirements. The Veterans Administration hospital system can take the lead in producing new levels and types of personnel, in expanding the roles and responsibilities of existing types of personnel, and in putting the innovations to a practical test in a clinical setting under the quality supervision of VA and medical school staffs. This is the atmosphere and the opportunity which has been generally lacking in the medical community (except in isolated outstanding programs, such as at the University of Washington), preventing the approximately 25,000 veterans released each year with specialized paramedical training from applying the skills they have learned in the Service to a productive health career in civilian life.

It is our expectation that after success in developing clinical programs using these veterans has been achieved in the VA, the results of these innovations can be translated into general usage in the community at large.

New medical schools

The primary thrust of S. 2219 is to authorize pilot programs for assistance in the establishment of up to ten new public nonprofit medical schools. A striking example of the potential contribution to the nation's need for additional medical schools which the Veterans Adminsitration can make is the establishment of the Louisiana State University Medical School at Shreveport. This school was advanced several years in becoming operational through utilizing the VA hospital and the Confederate Memorial Medical Center, a community hospital, as clinical resources, as well as relying predominantly on staffs of those hospitals and physicians from the community as faculty resources.

The need for additional health care manpower training institutions has been well documented in study after study sponsored both by the government and by prestigious foundations. The appropriations authorizations included in S. 2219 will permit the Veterans' Administration to participate fully in the effort to meet this need and to repeat the Shreveport success elsewhere.

I urge your Committee to recommend full funding of the programs authorized by this bill to support training of new health care personnel—125 million in the Senate-passed bill.

Continuing medical education

No less important than the training of new health care professionals is the continuing education of existing medical personnel. With the rapid advances in medical knowledge today, and the constant innovations in treatment programs and in the methods of provision of health services, the need for a professional to be given ready access to learning new systems and techniques is essential.

Increasing attention is being paid by states to requiring licensed health personnel either to pursue medical education courses or pass recertification examinations evaluating their skills within the context of modern techniques and learning. The Veterans Administration has long been aware of the necessity for continuing education and has had some excellent programs in the past. While it has demonstrated its concern that its staff maintain the highest standards, the demand for participation in these programs has been greater than the ability of the Veterans Administration to provide such training.

S. 2219 contains provisions to strengthen the VA in its efforts to provide such programs by calling for the formal designation of at least four VA hospitals as Regional Medical Education Centers. At these Centers, staff could be assigned for short periods to serve a residency-type training role, learning new techniques within an actual clinical setting and by participating in the application of the new techniques. These Centers would also, where staff and space is available, offer continuing education programs, on a reimbursable basis to staffs of other Federal agency medical programs, or to community physicians. For example, in many areas, an educational program at the VA facility could provide needed training for the busy practitioner in a rural community who could not leave his practice for an extended period to attend courses at a university medical center.

It is estimated that the costs of one Regional Medical Education Center would be $400,000 for the initial year of operation. Mr. Chairman, I hope you will recommend sufficient funds in the VA Medical Care item to support the establishment of at least four such Centers as directed in the bill at a total cost of $1.6 million.

Veterans Health Care Expansion Act of 1972

Provisions of the other major bill recently passed by the Senate, S. 2354, the Veterans Health Care Expansion Act of 1972, will improve the ability of the Veterans Administration to deliver quality medical care to its beneficiaries by removing certain legislative restrictions on the scope of treatment, particularly for ambulatory and nursing home care, and by expanding the coverage for eligible veterans and including as VA beneficiaries for the first time dependents of totally and permanently disabled service-connected veterans or dependents of those who die from service-connected disabilities as VA. The bill also makes improvements in the training and the personnel system of the Department of Medicine and Surgery to ensure that the highest caliber of health care staff is attracted to the VA and that the highest quality of care is provided to the veterans, as well as again placing special emphasis on the recruitment of veterans with medical MOS's for careers in VA medical facilities.

Additional authorizations of appropriations

The comprehensive overhaul of VA medical care authorities in the bill recently passed by the Senate (in H.R. 10880) is intended to eliminate certain statutory impediments which have often led the VA to adopt restrictive regulations and artificial distinctions not consistent with providing the up-to-date medical care achieveable today. The estimated cost for all the authorities of the bill is $166,950,000 for fiscal year 1973. Of this amount, however, there are two areas for which separate appropriations authorizations are made by the new legislation. These are the authorization of $3 million for research in the diagnosis, treatment, and control of sickle cell anemia, based upon

screening examinations and treatment provided in Veterans Administration facilities, and the authorization of some $100,000 each year for replacing and upgrading the physical plant of the Veterans Memorial Hospital in the Philippines, and for training health personnel at that facility. This latter sum is an extension of authorities which expire June 30, 1972; the former (sickle cell research) is a new authorization and is a companion authority to one of the major new thrusts of the legislation, the establishment of a sickle cell screening and treatment program in Veterans Administration facilities.

I have attached to my statement a chart indicating the estimated costs of each of the authorities of the legislation, and I would like to expand briefly on just a few of the major ones.

Expanded eligibility

The bulk of the additional funds needed as a result of the new authorities in the legislation will cover the costs of providing outpatient care to the veteran with a 50% service-connected disability ($77 million in fiscal year 1973); providing outpatient care to any veteran where it will obviate admission to a hospital ($6.7 million)—authority requested by the administration; providing inpatient and certain outpatient care to dependents of totally disabled service-connected veterans and dependents of those veterans who die from service-connected disabilities ($25.6 million), and providing care to peacetime veterans who cannot meet the costs of hospital care ($11.7 million).

Sickle cell anemia

It is estimated that an additional $2.3 million will be needed in fiscal year 1973 to provide screening for sickle cell anemia to patients at VA hospital facilities, and to veterans receiving examinations to determine eligibility for VA benefits. The bill also authorizes the VA to provide voluntary counseling, necessary hospital care and outpatient services for disabilities arising from sickle cell trait or anemia to the veterans and counseling, and screening to the veteran's spouse, if requested. This new program will enable a great many black veterans and their families who would not otherwise have the opportunity, to receive sickle cell screening examinations, counseling and treatment.

As I stated earlier, in Fiscal Year 1973, $3 million is authorized for research in sickle cell anemia, and I urge, Mr. Chairman, that you recommend appropriations at the full level authorized. This amount will enable the Veterans Administration to build upon the studies it is presently undertaking in sickle cell disease—extending its multi-hospital cooperative studies to double the number of hospitals now involved, and extending clinical information retrieval to all VA hospitals. The VA will also be able to establish in FY 1973 a single laboratory devoted to work in genetic modification, a highly technical and most promising area of basic research indicating there may be a way to correct the abnormality in blood cells of individuals with sickle cell anemia. With the substantial proportion of hospitalized veterans who are susceptible to sickle cell trait or anemia—over 16% of VA hospital patients last year were black—and with the unique ability of the Veterans Administration medical facilities to conduct research under identical controls in a large number of clinical facilities, the potential of the Veterans Administration to achieve scientific research breakthroughs in this heretofore neglected area is outstanding.

Improvements in DM&S Personnel System

S. 2354 also makes improvements in the DM&S personnel system designed to make a career in the Veterans Administration much more attractive to scarce health professions and enable the VA to compete more effectively for their services. The costs involved in the new provisions are estimated to be $35.6 million for Fiscal Year 1973—$22.5 million of this amount for payment to nursing staff of overtime, and premium pay for night, weekend, holiday and on-call duty and $13 million to pay special salary differentials for posts that are difficult to fill and to peg general salaries geographically to an index community hospital. The additional pay authorized by the new legislation will place the nurse in the Veterans Administration facility on a par with the nurse in the community and the nurse in other Federal hospitals covered by the Civil Service in terms of pay benefits.

Mr. Chairman, at this time we are negotiating with the House Veterans' Affairs Committee to resolve the differences between the House-passed bill and the Senate-passed bill. We are making very steady progress, and I hope to send to you very shortly a supplemental report on the funds that will be required by the provisions finally agreed upon by both Houses.

Mr. Chairman, I am grateful to you for all your past help. I hope you will give the same sympathetic consideration to the recommendations that I have made for fiscal year 1973 as you have to my recommendations for the past two fiscal years. My staff and I are available to discuss any of the matters included in my testimony.

ESTIMATED COSTS OF PROGRAMS AUTHORIZED BY THE VETERANS HEALTH CARE EXPANSION ACT OF 1972

[In millions]

Section and description	Fiscal year— 1973	1974	1975	1976	1977
TITLE I					
101(a), contract care	[1]				
101(b), family	[2]				
101(b), direct admission to VA nursing home	[2]				
101(c), home health	[2]				
102(1), peacetime	6.9	7.2	7.5	7.9	8.2
102(2), in-hospital for non-s/c	[2]				
102(3), dependents	16.9	17.7	18.6	19.5	20.5
103(a), outpatient care "obviates"	6.7	7.0	7.7	8.1	8.5
103(a), outpatient care, 50 percent disabled	77.2	78.6	79.4	80.2	80.2
103(a), outpaitent care, dependents	8.7	9.1	9.5	10.0	10.5
103(a), outpatient care, peacetime	4.78	5.02	5.27	5.53	5.86
103(b), annual report, new eligibility	[2]				
104(a), military to comm n/h	[2]				
104(b), NH standards	[2]				
104(d), to comm, n/h after VA exam for s/c	[2]				
105, earthquake loss	[2]				
106 (a) and (b), reimbursable emergency care	[2]				
107, extend authority for grants, Philippines veterans hospital	2.1	2.1	2.1	2.1	2.1
108, sickle cell screening	2.3	2.3	2.3	2.3	1.3
108, research	3.	4.0	5.0		
Title I, subtotal	128.58	133.02	137.37	135.63	137.16
TITLE II					
201, index hospital	[2]				
202, new ACMD's	.080	.084	.089	.094	.099
203-205, physicians' assistants under title 38	[2]				
206(1), upgrade officers	.087	.091	.094	.099	1.03
206(1), physicians' assistant pay grade	[2]				
206(2), Nurse, LPN and NA premium pay	22.5	24.8	27.1	29.5	31.9
206(2), apply to physicians' assistants	[2]				
206(2), pay to meet competition	13.0	13.7	14.5	15.2	16.1
207, physicians' assistant to title 38	[3]				
208, technical	[3]				
209(1), longer temporary appointments	[3]				
209(2), central administration	[3]				
209(3), physicians' assistants GI bill	[3]				
210, malpractice	[3]				
211, technical	[3]				
Title II, subtotal	35.667	38.675	41.783	44.893	49.129
TITLE III					
301(a), bed minimum	[2]				
301(b), earthquake resistant structure	[2]				
302(1), land jurisdiction	[3]				
302(2), lease waiver	[3]				
302(3), technical					
303(1), clarify sharing	[3]				
303(2) and (3), (a) sharing excess beds	[3]				
Title III, subtotal					
TITLE IV					
401, extend authority for VARO Philippines	[3]	.975	.975	.975	.975
402, phone installation	.003	.003	.003	.0035	.0038
402(a)(2), (3) and (b) VA State home grant, percent increase	2.7	2.7	2.7	2.7	2.7
Title IV, subtotal	2.703	3.678	3.678	3.6785	3.6788
Grand total	166.950	175.373	182.831	184.2015	189.9678

[1] Included in sec. 102(3).
[2] No estimate.
[3] No cost.

U. S. SENATE,
Washington, D.C., September 14, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have been deeply concerned about the possible effects on the Department of Medicine and Surgery of the Veterans Administration of delays in allocating the full VA FY 1972 appropriation and of your recently announced proposal to reduce the numbers and average grade level of federal employees.

For years, as you know, the VA hospital system has been operating at a staff level considered to be below that necessary to provide adequate medical care to the nation's veterans. This fact was brought out as a result of hearings which Chairman Olin E. Teague of the House Veterans Affairs Committee and I, as chairman of the former Sub-

committee on Veterans Affairs, held last year on the quality of care provided our Vietnam veterans. I know you understand the great need for increasing funds to operate the Veterans Administration medical system and was particularly gratified that as a result of appropriations committee and congressional action, the administration had by the end of June 1971 increased the VA medical staff by over 6.4 percent over the preceding year.

Funds for the VA hospital and medical program in the recent appropriations bill (P.L. 92–78) which you signed into law August 10, if fully allocated, will bring the level of patient care, medical research and education to a point where the VA hospital and medical program will be capable of adequately meeting the demands placed upon it. The amount decided upon was reached only after considerable deliberation on the part of members of the appropriations committees of both bodies, and after consideration of a great deal of testimony presented by public witnesses at extensive hearings both of the Health and Hospitals Subcommittee of the Senate Veterans Affairs Committee on April 27-29 and of the House Veterans Affairs Committee throughout May. I respectfully urge you to direct OMB to allocate fully to the VA all funds appropriated in the four medical items (medical care; research; construction; miscellaneous). This allocation must take place without delay—by September 30 to prevent antideficiency problems—or the substantial advances all too recently made will be lost and disabled veterans and their loved ones will be the victims.

Also, I urge that the VA be directed to implement the mandate of P.L. 92–78 that the VA average daily hospital patient census for FY 1972 not be less than 85,500.

With regard to your August 15 Executive Order No. 11615 as it affects federal employment, a five percent reduction in Department of Medicine and Surgery employment would result in largely dissipating the increase made at the end of FY 1971 and would be totally inconsistent with providing quality care to our disabled veterans. Imposition of a five percent employment reduction on the VA hospital and medical program would work a cruel hoax on our disabled veterans and their families who just now have been promised the improvement in care we in the Congress and the executive branch have sought for them. Such a rollback would also create a great and highly counterproductive demoralization among health service personnel working within the VA hospitals.

I feel sure you wish as much as I to avoid this kind of disruption of the VA hospital and medical program. Thus, I request that under the "health and safety" exception in paragraph 3 of OMB Bulletin No. 72–5 of August 25, 1971, you direct that all VA personnel employed in the hospital and medical program be exempt from the five percent reduction and also direct OMB to provide the widest possible latitude to the VA in adapting to the average grade reduction requirement.

I very much hope that this letter will be brought to your personal attention and that I may receive a favorable and prompt reply to the recommendations I have made to ensure continuation of quality health care for our veterans.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

U.S. SENATE,
Washington, D.C., April 24, 1972.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: I note that the administration has requested, in its supplemental 1972 budget request, the transfer of $1,924,000 from the FY 1972 appropriation for VA Medical Care to the appropriation for Medical Administration and Miscellaneous Operating Expenses.

According to the request, this amount would be utilized "to continue the program of exchange of medical information for an additional four years."

The description of the utilization of this amount is very unclear as to the time period for which the administration is requesting funds to expend to carry out this program.

In any event, I believe this figure to be totally inadequate. I wrote Senator Pastore on December 3, 1971, asking that at the time the second supplemental is considered his Subcommittee recommend a supplemental appropriation of $3 million for FY 1972, the full amount authorized, for Exchange of Medical Information programs. I would like to stress to you my strong feeling, based on a careful evaluation of this program, that $3 million annually is needed to provide adequate support to innovative efforts in this field. I strongly urge that you give every consideration to recommending an additional $3 million in MAMOE for the Exchange of Medical Information program in the supplemental bill you report from Committee, instead of accepting the administration's suggestion for a transfer of funds.

In July, 1971, when H.R. 9382, which included the VA appropriation items, was under consideration on the floor, Senator Pastore said to Senator Hartke, Chairman of the Committee on Veterans' Affairs: "So far as that [medical information program] is concerned, when it comes up in the first supplemental, I will be for it and I will go along with the $3 million."

Authority to extend this program at the $3 million level of appropriation authorization was granted by P.L. 92–69, signed by the President on August 6, 1971. Unfortunately, enactment of this legislation occurred too late to authorize inclusion of an appropriation for Exchange of Medical Information in the Fiscal Year 1972 appropriation in P.L. 92–78.

Programs under this authority are used primarily to strengthen medical programs at Veterans' Administration Hospitals not affiliated with medical schools and located at some distance from major medical centers. These programs also foster the widest possible consultation and cooperation between VA staff and community medical professionals in providing treatment to VA beneficiaries, and in maintaining a stimulating educational environment for staff and community medical professionals.

These purposes are being accomplished through the exchange of the most advanced medical and scientific information and techniques between VA facilities and medical schools or medical centers, including closed-circuit television, single-concept films, and other similar advanced utilization of media.

One of the most exciting developments I have witnessed in the VA has been the utilization of closed-circuit television in the treatment of patients and in the training of staff. These programs are now in effect at 17 hospitals, and, I believe, could appropriately be extended to a good many more.

These and the many other innovative approaches sponsored under this activity deserve full congressional support. I hope you will agree that an appropriation of $3 million (the full amount authorized) will be a wise investment in a program with the potential of a great return not only for the VA beneficiaries, but also for the general medical community.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

U.S. SENATE,
Washington, D.C., April 24, 1972.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: There is an issue, of an emergent nature, which I wish to bring to your attention at this time while you are considering the supplemental appropriation for FY 1972 for the Veterans Administration. I refer to the emergency situation at the Los Angeles hospital and the resultant urgent need to expedite as much as possible planning, design and construction of a replacement for the Wadsworth facility (for which $20,040,000 is included in the FY 1973 Construction item request). As you know, seismic studies indicated that the present facility is unsafe, and, as a result, all the patients have been transferred to other hospitals or to the Extended Care Hospital in West Los Angeles, where a 530 bed makeshift General Medical and Surgical Hospital will be maintained in affiliation with the UCLA School of Medicine until a replacement hospital is completed. Although renovations and alterations will be made to the pre-World War II former Extended Care Hospital facilities, this "interim" hospital will be, at best, a stopgap measure, from the point of view of patient care and comfort, employee morale and teaching capability.

Therefore, I recommend that you include in your Committee Report on the Second Supplemental Appropriation bill a direction to the Veterans Administration to expend carry-over construction money (about $16.7 million at close of FY 1972) for the purpose of beginning immediately and expediting the planning, surveying, design and site preparation for the Wadsworth replacement hospital, rather than waiting for enactment and apportionment of the FY 1973 appropriation. Immediate action would reduce the period of time that makeshift arrangements will be in effect and that much more quickly provide for the high quality medical care our veterans deserve in the Los Angeles area.

In my recommendations to the Subcommittee on Housing and Urban Development, Space, Science regarding the VA FY 1971 and 1972 medical and hospital program budgets, I have twice identified the Wadsworth Hospital as a grossly inadequate hospital facility based on my findings from extensive hearing testimony. These recommendations were both made long before the seismic instability findings were made. Needless to say, the evacuations and the resulting establishment of the "temporary" Wadsworth hospital have made a bad health care situation considerably worse. That is, as unacceptable as the now condemned Wadsworth buildings were to provide for good quality, modern health care, the "temporary" Wadsworth facilities will be even more unsuited for this purpose. Hence, the real urgency to move ahead as quickly as possible, and this appeal for your support and assistance toward that end.

For your background information, I am enclosing materials describing the Los Angeles emergency situation.

With many thanks for your continued cooperation.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

STATEMENT OF SENATOR ALAN CRANSTON (D., CALIFORNIA), CHAIRMAN, SUBCOMMITTEE ON HEALTH AND HOSPITALS, COMMITTEE ON VETERANS' AFFAIRS, REGARDING VA ANNOUNCEMENT OF EVACUATIONS OF PATIENTS FROM BUILDINGS AT VA HOSPITALS IN LOS ANGELES, LIVERMORE, AND MENLO PARK, CALIF.

JANUARY 17, 1972.

The decision announced by the Veterans Administration last Friday is a responsible

action. It is clear that the buildings involved would not withstand a major earthquake striking in their vicinity and that the areas in question are subject to seismic disturbance. Seismologists generally agree that sometime within the next 30 years California will experience an earthquake equal to or greater than the 1906 San Francisco quake and many times more severe than last February's San Fernando earthquake. It would be sheer folly and the heighth of irresponsibility to fail to take precautionary steps now to evacuate buildings of demonstrated insecurity in the face of such a grim threat.

But in another respect, the decision is regrettable because it will, of necessity, create enormous personal problems and hardships for thousands of veteran patients and VA employees. Virtually all of the patients care facilities at the Wadsworth VA hospital (involving some 620 patients and 791 beds) are to be evacuated; some 1200 domiciliary patients will be transferred and some 1270 domiciliary beds eliminated from the Los Angeles Extended Care Hospital to provide about 530 beds for Wadsworth evacuees; part of one patient building (involving 127 patients and 211 beds) at the Livermore VA hospital and the blind rehabilitation center at the Menlo Park Division of the Palo Alto VA Hospital (involving some 20 patients) also will be evacuated. As a result of these patient evacuations, a very large number of VA employees (probably about 1100) will have to be transferred.

Today's decision was made necessary by the special study which was precipitated by the earthquake which destroyed the San Fernando VA Hospital in Sylmar, California last February 9 in which 36 patients and 10 employees lost their lives. Immediately after that disaster, I personally visited the earthquake site and dispatched key staff members to conduct a special study on behalf of the Senate Veterans Affairs Committee on which I serve as Chairman of the Health and Hospitals Subcommittee. We coordinated our efforts closely with Olin E. Teague, Chairman of the House Veterans Affairs Committee, and Congressman Don Edwards who was conducting a similar investigation for that Committee.

Following our investigations, I introduced legislation to require the VA to develop earthquake and other natural disaster resistance standards for all VA medical facilities and to study all such facilities to determine earthquake and disaster resistance. Such standards will take into account local conditions.

At the same time, the Veterans Administration undertook systematic surveys to determine seismic safety of all VA buildings on the West Coast which do not satisfy local earthquake resistant construction standards. Both Congressional Committees stayed closely in touch with the Veterans Administration throughout this process by repeated inquiries about those studies and forthcoming actions based on them.

As soon as the VA's January 14 decision was announced, my staff both here and in Washington began an exhaustive series of meetings and discussions to gather all the facts and gain the widest possible understanding of the implications of the actions which lie ahead. We met with VA officials, employees and employee union representatives, concerned citizens and veterans organization representatives and medical school deans. I thank all those who assisted us so generously and willingly in this investigation.

Now it is vital that all of us work together to ensure that the evacuations and transfers of patients and employees are carried out with the highest degree of speed, efficiency, sensitivity to individual circumstances and human compassion and understanding. The responsibility to carry out this type of programs lies squarely with the Government, both morally and legally. Those patients involved, as the law fully entitles them to, have entrusted themselves to the care of the Veterans Administration and have made plans in reliance on the VA's assumption of the responsibility to provide for their care in accordance with statutory authority.

Taking preventive action now against a possible future earthquake will be inconvenient for both patients and staff. But it will, hopefully, save and preserve human life—the very purpose of hospital facilities. It is essential that the Government make sure that quarters for our aged, sick and disabled veterans are safe.

I know that all VA employees at these institutions and those receiving evacuated patients will do the very best they can. And I am equally confident that the affiliated medical schools will respond with the same high sense of medical and human priority. UCLA will be intimately involved at the Wadsworth Hospital, Stanford University at the Palo Alto VA Hospital and the new San Diego Medical School at the just completed San Diego VA Hospital which will begin receiving transferred patients shortly.

The VA is being faced with an extremely demanding set of responsibilities. It is imperative that patient evacuations be carried out with extraordinary patience and competence. Additional skilled counselors must be provided to ensure that each patient is personally counseled about his or her future care and that each staff member, as well as each patient, is given full opportunity to receive prompt answers to all questions. The VA has advised me that in addition to career VA employees, all career conditional (nontemporary or limited civil service appointees) employees and Veterans' Readjustment Appointees (recent Vietnam era veterans) will be ensured the offer of transfer to another VA job. Only about 60 Los Angeles employees of 1100 VA employees affected by the evacuations will not be protected.

I have also been assured by the VA Medical District Director that a personalized approach will be followed, although not to the degree I feel is required.

The same high priority consideration shown hospital and nursing home patients must be shown the 1200 domiciliary patients who presently occupy buildings which must be vacated. For each domiciliary patient, the present situation poses an enormous disruption to personal convenience, stability, life style, and, perhaps, health. I have found that these men and women unfortunately often receive the latest consideration and concern from the VA. As I understand it, the options open to the domiciliary patients are to accept transfer to other VA domiciliary or hospital facilities (principally in Temple, Texas, Vancouver, Washington, White City, Oregon, and Tucson, Arizona); to be transferred to available community accommodations; or, where they qualify for skilled nursing home care, to be transferred to an approved community nursing home at VA expense for a minimum of 180 days.

These alternatives may be fine for some, but may be unacceptable or inappropriate for many others. There are few, if any, similar rehabilitation medical/social facilities in the community comparable to the VA Domiciliary in West Los Angeles. I cannot stress too strongly my concern that everything possible be done to see that a sound, healthful and compassionate placement is reached for each and every domiciliary patient and that the process does not reduce itself to the arbitrary offering of inflexible alternatives.

At the same time that we must focus on providing for the immediate needs of individuals, we must keep sight of the effect of these decisions upon the patient care potential of VA facilities in both Northern and Southern California. And we must make a concerted effort to see that this potential is not reduced for any longer than is absolutely necessary as a result of these emergency measures.

It is my understanding that, after all the transfers and evacuations are made, there will be a statewide reduction of 472 general medical and surgical beeds (261 at Wadsworth and 211 at Livermore) in patient care potential. (This reduction is not overcome by the new beds at the San Diego VA Hospital which was already scheduled to begin receiving patients shortly.) This is equivalent to the loss of an average size VA hospital. In addition, in Southern California alone we will lose a total of 1960 other patient beds as follows: domiciliary, 1270; intermediate, 290; nursing home, 225; restoration center, 175.

These are the facts even though attempts may be made to rationalize and explain these losses by citing the availability of some open beds in nearby VA facilities to accommodate some transferred patients and laying greater stress on ambulatory care. The long range question is the potential patient care capacity for VA beneficiaries in California, and that has been reduced by a total of 2432 beds at a time when it is clear the veteran demand for VA hospital, nursing home and medical care is growing and will continue to expand for quite some time.

It is, therefore, tragic that the VA announcement did not include a commitment to replace immediately the lost facilities and to ensure a continuation of adequate VA patient care capacity for California's's veterans. In order to achieve this, I wrote to the President on Friday outlining a series of steps which I believe will restore the VA health care capacity in the immediate future for California's veterans.

1. I urged the President to include in a supplemental FY 1972 budget request and in his FY 1973 budget (to be transmitted to the Congress at the end of this month) adequate construction funds to plan and complete in the next 18 months construction of an earthquake resistant replacement hospital (for Wadsworth as well as the Brentwood Hospital). This action was needed even before the seismic instability of Wadsworth was discovered. I conducted a special investigation which led me to recommend to the Senate Appropriations Committee, both in 1970 and again in 1971, that the Wadsworth VA Hospital be replaced because it was medically inadequate. I made similar recommendations each year for the Brentwood Hospital.

In my letter, I urged the President to add approximately $50 million to the VA construction item to bring about a replacement hospital for both Wadsworth and Brentwood at the earliest possible time. The domiciliary facilities which will be hastily renovated will provide only the most rudimentary hospital-type medical and physical support. These converted facilities will just not be suitable for anything but an interim period while fully appropriate and modern medical facilities are constructed.

Although I think the Veterans Administration can best determine the site for such a replacement hospital in the Los Angeles area, it seems quite logical, since speed will be of the essence to build in the large tract of VA land in West Los Angeles. This would eliminate much necessary site and land negotiations and arrangements and allow for continuation of the excellent, mutually productive affiliation with the UCLA School of Medicine.

2. If the West Los Angeles site is selected for a replacement hospital, we must come to grips with the needs of many veterans in the Los Angeles area who, because of geography and lack of adequate public transportation, are unable to reach the West Los Angeles site, the center city VA Outpatient Clinic, or the VA hospitals at Long Beach, Sepulveda, or the proposed hospital at Loma Linda. I am thinking particularly of the many Chicano

and black veterans living in the East and Southcentral Los Angeles areas who have long sought the construction of a VA hospital affiliated with the USC School of Medicine-Los Angeles County Medical Center in the East Los Angeles area. Because it seems unlikely the VA would agree to construct two more new hospitals in the Los Angeles area (considering that a new Loma Linda VA hospital has been announced, the new San Diego VA hospital is about to open, and construction is ready to begin on a replacement hospital for the Fort Miley VA hospital in San Francisco), I recommended to the President that funds be requested for a new out patient clinic to be opened in East Los Angeles in affiliation with an appropriate medical institution. Such a clinic, at least as an interim measure, would facilitate the diagnosis and treatment of disabled veterans in that area and their transportation to the appropriate VA hospital when indicated.

3. I recommended to the President that funds for the planning and expedited construction of the Loma Lina Hospital, which he announced in August of last year and which is intended in part to make up for the beds lost in the collapse of the San Fernando VA Hospital a year ago, be provided in a FY 1972 supplemental and the FY 1973 budget request.

4. Regarding Northern California, I recommended to the President that the construction of the Fort Miley VA replacement hospital in San Francisco be funded in the same urgent manner in order to compensate somewhat for the lost beds in the north. The delays in initiating construction there must be overcome immediately. It may now also be desirable to consider retaining some beds in the present Fort Miley hospital after the replacement hospital is completed.

If all of these recommendations receive the same urgent attention which has been assigned to the necessary evacuations and transfers, the medical care needs of veterans in California will be adequately met. Otherwise, we will find existing California VA facilities (many of them already hard-pressed) severely overburdened and unable to meet the health needs of three million California veterans, well over half a million of whom have recently been discharged and face so many especially severe problems.

As Chairman of the Veterans Affairs Subcommittee on Health and Hospitals, I plan to continue our very close observation of the planning and implementation of the evacuations and transfers. This will be the primary responsibility of one of my field office staffers. We in Washington will maintain close contact with the situation, working with VA medical officials in Washington, D.C., and do all possible to see that maximum compassion and sensitivity are exercised and that my recommendations to the President for construction are implemented as rapidly as possible.

JANUARY 14, 1972.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing with reference to the announcement by the Veterans Administration today regarding the necessary evacuation of some 2,000 patients in VA hospitals in Northern and Southern California due to a finding that certain VA buildings are not seismically secure. Although this will cause great inconvenience and discomfort to thousands of patients and VA employees, I recognize it is a necessary and responsible action.

I have expressed my concerns about the evacuation and transfer plans to high VA medical officials. I am writing to you about the implications of the evacuations and transfers in terms of the patient care capability of VA facilities in both Northern and Southern California.

It is my understanding that after the evacuations and transfers are completed, the VA will have 300 fewer operating general medical and surgical beds and approximately 1,500 fewer domiciliary beds available in Southern California. (This is not overcome by the opening of the new San Diego VA hospital which already was scheduled to begin receiving patients very shortly to meet the great veteran patient demands in that area over and above the demands created by the present emergency.) Elimination of this patient care capability is entirely inappropriate and unacceptable at a time when California's three million veterans' needs for patient care are clearly increasing, both in terms of the more than one-half million recently returned Vietnam veterans and the advancing age of our veterans of previous wars. I, therefore, urge that you include in your FY 1973 budget sufficient funds (approximately $50 million) in the VA medical facilities construction item to plan and construct in the Los Angeles area a replacement hospital for both the Wadsworth and the outdated neighbor Brentwood hospital in the Los Angeles area during the next 18 months.

The domiciliary facilities which are to be temporarily renovated to receive many of the Wadsworth non-acute transferred patients are acceptable hospital facilities only for the very shortest possible interim period. Permanent, modern hospital facilities must be provided to replace these converted facilities which, in my view, should as soon as possible be returned to use as domiciliary facilities to minimize the damage that will be done by the present reduction of 1,500 domiciliary beds in California.

If, as appears likely to me (in view of the need for speedy action and continuation of the excellent affiliation with the UCLA School of Medicine), a replacement hospital would be situated on the VA West Los Angeles property, I also urge you to include funds in a FY 1972 supplemental budget request and the FY 1973 budget to establish an out-patient clinic in East Los Angeles, affiliated with an appropriate medical institution, to serve the many veterans (particularly chicanos and blacks) in East Los Angeles and Southcentral Los Angeles who have great difficulty, in view of the lack of public transportation, in reaching the West Los Angeles VA hospital, or the proposed Loma Linda VA hospitals. The Los Angeles County Board of Supervisors, the University of Southern California School of Medicine, the American GI Forum and many other veterans and community groups have for some time been urging that the VA complete its plans to construct a new VA hospital in affiliation with the USC-LA County Medical Center, as had been originally planned until the Hazard Park site was abandoned. I believe that a well planned out-patient clinic could fulfill many of the veteran medical care needs in that area, at least on an interim basis.

Also, I believe that the present emergency situation—the elimination of both the San Fernando hospital a year ago and the Wadsworth hospital now—makes it absolutely necessary that the construction of the new Loma Linda hospital, which you announced in August of last year, proceed with all possible dispatch through planning, design, and construction in order to diminish the extreme burden which has been placed on the two remaining hospitals in the Los Angeles area, Sepulveda and Long Beach.

In terms of Northern California's VA medical care capability, we will be losing somewhat less than 200 beds as a result of the Livermore hospital evacuation. To help meet this situation, I urge that all impediments to proceeding with construction of the Ft. Miley VA replacement hospital (ready to break ground now) be removed and that sufficient funds be included in an FY 1972 supplemental appropriation request and the FY 1973 budget to expedite construction and completion at that site at the earliest possible date.

We have no choice but to do all possible to provide for the health and welfare of our nation's veterans, particularly the three million ex-servicemen who reside in California and who face so many especially severe problems. I respectfully urge that you give the most serious personal attention to my recommendations in order to avoid the potentially disastrous consequences which the present emergency measures threaten to the future availability of health care for California's veterans.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans Affairs.

Mr. CRANSTON. The committee has been very responsive to that testimony.

I should like to cite from the report, first, the fact that $54,580,000 has been appropriated above the budget estimate for medical care, and that is a very important step forward. Second, and very important, the maintenance of an average daily patient census of 85,500 has been authorized, which is tremendously important and is a great step forward. Most significantly, within that is the fact that 400 full-time equivalent employees for spinal cord injury units have been added, in order to bring the staff-patient ratio finally up to the necessary 2-to-1 figure. That is a very important step forward, for which I congratulate Senator PASTORE and Senator ALLOTT.

Another point that is very important relates to the matter of grade levels and their reductions. I read three paragraphs from the report:

The Committee recognizes that providing for minimum levels for the average daily patient census and the number of operating beds nationwide deals only with the quantitative aspect of the VA medical staffing situation. The Committee is also extremely concerned about the adverse effect upon the quality of VA medical care that is being produced by the hospital-by-hospital actions to comply with the Office of Management and Budget requirement that a 1/10 grade average reduction be achieved within the Department of Medicine and Surgery by June 30, 1972.

The Committee has been advised that this has produced a serious morale problem within the Department of Medicine and Surgery, and if, as apparently is contemplated by OMB, further grade controls are imposed in fiscal year 1973, the very unsatisfactory medical care and staffing situation which existed 18 months ago could well be reestablished. The Committee believes that any such retrogression would be totally unacceptable and must be avoided. Thus, in order to ensure a continuation of quality, as well as an adequate quantity, of medical care for members of the Armed Forces wounded in Vietnam and other disabled veterans, the Committee directs that no part of any appropriations to the Veterans Administration for fiscal year 1973 shall be restricted as to availability by the imposition of administrative controls on the grade distribution of employees engaged in any part of the VA medical and hospital program (including support and administrative personnel).

In this connection, the Committee concurs with the House and is concerned that current illogical employee ceilings and general grade distributions are hindering the efforts to hire and retain sufficient high-quality staff in the medical programs. The Committee feels that if this situation is not corrected it

will have to consider taking the necessary action to effect correction at an early date.

Mr. President, I ask the distinguished Senator from Rhode Island whether it is correct that the committee is saying, in effect, that the grade reduction control is not to be imposed on the VA medical program in fiscal year 1973.

Mr. PASTORE. That is correct.

Mr. CRANSTON. I thank the chairman, because that is a very important aspect of the work that the committee has done and that we have been doing together.

I should also like to comment on one other aspect of the report in a very positive way. It relates to the construction of hospital and domiciliary facilities.

Senator MAGNUSON and I proposed that much be added here. In consequence of our efforts and the efforts of others—and, again, the leadership of Senator PASTORE and Senator ALLOTT—some $28,342,000 has been added over the budget estimate, and that will cover 12 projects—incidentally, not one of them in my own State of California, but I am delighted that this is happening elsewhere.

Mr. PASTORE. Well, a soldier is a soldier, and a veteran is a veteran, no matter where he happens to be in America. We all believe in that. None of this money comes to Rhode Island, but that is of little consequence. So long as it takes care of veterans, we do not care to what State it goes.

Mr. CRANSTON. Absolutely. And it is very important that it has been accomplished.

Since the testimony I referred to earlier, which I submitted to the committee, new data has been developed through a survey conducted by the House Veterans' Affairs Committee, showing the total VA hospital program needs of $208 million for hospital-by-hospital needs throughout the country. I ask unanimous consent that charts showing the results of the House survey be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CRANSTON. I should like to praise Chairman TEAGUE of the House Veterans' Affairs Committee and his excellent staff, and the entire committee, for their cooperation with us in working on this project and in preparing the data which leads to what I am now going to say.

I selected items from the survey that was made by the House, following certain information available to us and to my staff, plus needed staff increases which VA asked OMB to increase: For example, the hospital-to-patient ratio from 1 to 1.64, instead of 1 to 1.49, as in the budget. OMB said, "No." Also, amounts are needed when new authorization is enacted in House Joint Resolution 748 and H.R. 10880. Both already have been passed by the House.

I refer to a chart, which I ask unanimous consent to have printed at this point in the RECORD.

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

PROPOSED CRANSTON VA MEDICAL AMENDMENT TO H.R. 15093

MEDICAL CARE ITEM

1. Fee dental, $5,311,031:

To meet hospital-by-hospital estimate for fee dental care not funded in FY 1973 budget (based upon House Veterans Affairs Committee survey) or covered by $5 million OMB release of frozen FY 1972 appropriations.

2. Staff, $93,000,000:

To support an increase in hospital staff-to-patient ratio requested by VA from OMB form 1.1.49 to 1:1.64 (12,900 FTEE) for the 85,500 census required in the bill.

3. M&R (non-recurring), $61,231,102:

To meet hospital-by-hospital estimate for non-recurring maintenance and repair not funded in FY 1973 budget (based upon House Veterans Affairs Committee survey).

4. H.J. Res. 748, $80,000,000: [1]

To fund the Veterans Administration Health Manpower Training Act as passed by both Houses (H.J. Res. 748) at the level tentatively agreed to in House-Senate negotiations (Senate version—$125 million; House version—$33 million).[1]

5. H.R. 10880, $103,000,000: [1]

To fund expansions of hospital care and medical services eligibility in provisions passed by both Houses (H.R. 10880) at the level tentatively agreed to in House-Senate negotiations (Senate version $168 million; House version—$48 million).[1]

Subtotal, $342,542,133.

MEDICAL AND PROSTHETIC RESEARCH ITEM

Sickle cell research, $3,000,000: [1]

To fund the sickle cell anemia research line item authorization in H.R. 10880 as passed by the Senate (and agreed to tentatively in House-Senate negotiations).[1]

Total, $345,542,133.

Mr. CRANSTON. The chart summarizes what these needs are. The first three relate to open-ended items that do not require authorizations.

The first is for fee dental to meet hospital-by-hospital estimates for fee dental care not funded in fiscal year 1973 budget—based upon House Veterans' Affairs Committee survey—or covered by $5 million that OMB has released from frozen fiscal year 1972 appropriations. I believe that $5,311,031 should be added for this.

Second, for staffing to support an increase in the hospital staff-to-patient ratio requested by VA from OMB from 1 to 1.49 to 1 to 1.64, which would be 12,900 FTEE, for the 85,500 census required in the bill. That would necessitate $93 million.

Third. On M. & R. nonrecurring, to meet hospital-by-hospital estimates for nonrecurring maintenance and repair not funded in the fiscal year 1973 budget, based upon the House Veterans' Affairs Committee survey, it would require $61,231,102.

Fourth. With reference to House Joint Resolution 748 which, incidentally, I believe will be fully enacted sometime in July, that is to fund the Veterans' Administration Health Manpower Training Act as passed by both Houses—House Joint Resolution 748—at the level tentatively agreed to in House-Senate negotiations. The Senate version was $125 million. The House version was $33 million. I am sure that a figure between those two figures will be agreed on. I believe that $80 million would be an appropriate figure for all those needs.

Fifth. With regard to H.R. 10880, on which I predict enactment, hopefully in July, to fund expansions of hospital care and medical services eligibility in provisions passed by both Houses—H.R. 10880—at the level tentatively agreed to in House-Senate negotiations—the Senate version is $168 million and the House version is $48 million—$103 million would be the appropriate figure there.

Mr. President, it is very important that when these programs are enacted, funds not be diverted from other needed programs to meet those programs. Knowing that we have not yet had an authorization, I hope we could make passage of these additional appropriations contingent on enactment of the authorizing legislation, as it appears in this bill for the HUD and NSF programs.

Finally, there is the matter of medical and prosthetic research, and sickle cell research, to fund the sickle cell anemia research line item authorization in H.R. 10880, as passed by the Senate and agreed to tentatively in House-Senate negotiations. That would be another $3 million, for a grand total here of $345,542,133.

Mr. President, a number of Senators have approached me about this matter and asked what might be done in regard to the pending measure. They are the Senator from Indiana (Mr. HARTKE), the chairman of the Veterans' Committee; the Senator from West Virginia (Mr. RANDOLPH), a member of that committee, who is most interested in funds for House Joint Resolution 748; the Senator from Vermont (Mr. STAFFORD), a member of the committee; Senators BENTSEN, FULBRIGHT, and others.

These and other Senators have hoped that we might take some action that would insure that we will be able to meet these needs. I recognize the problem, based on my conversations with the Senator from Rhode Island (Mr. PASTORE) in order to achieve that end at this time.

I would like to ask when we might be able, as the authorization measures have been finally enacted and as the figure arrived at can be looked at, when will the supplemental appropriation bill be before us when we might, hopefully, take action on these matters?

Mr. PASTORE. I cannot put my finger on a definite date, because it originates in the House and then it all depends when it comes to the Senate; but before we go home, surely, before we adjourn sine die, we will have, at least, one supplemental. There is no question about it.

I want to say to my good friend from California, first, a word of praise for him. I do not think there is a Member of this body who is more dedicated and more conscientious in carrying out the responsibility which has been assigned to him as a member of the Veterans' Committee. I must admit, frankly, that he has become the legislative watchdog

[1] To be made contingent upon the enactment of new authorizing legislation.

H.J. Res. 748 passed the House on July 19, 1971, and passed the Senate on April 27, 1972.

H.R. 10880 passed the House on October 4, 1971, and passed the Senate on May 4, 1972.

$186,000,000 made contingent upon the enactment of new authorizing legislation.

for the protection of our veterans and their medical care.

I want to say for the Senate and for the House that I do not think there is an individual in Congress—and I am talking about 535 Members now, 435 Representatives and 100 Senators—who would deny one nickel for the medical care of our veterans.

That leads me to the consternation—I will use that word—that I experienced with the Office of Management and Budget. Why, in heaven's name, would they find it necessary to freeze funds, funds which Congress voted for the care of veterans? It is beyond me. This is not a dollars and cents issue. It is a "gut" issue of human beings who have served their country, especially in cases where some veterans have been injured in Vietnam with the modern implements of war, where we have seen photographs of veterans who cannot even light their own cigarettes because they have been so maimed.

Congress has been generous.

So has the distinguished Senator from California (Mr. CRANSTON). I have always found it a source of great delight to work with him on some of these appropriations.

So far as dental care is concerned, I understand that the Office of Management and Budget has now decided to unfreeze $5 million.

With regard to some of the other items, particularly items 4 and 5, the authorization has not yet been enacted with reference to those two. The Senate has taken action, and the House has, but the items have not passed and been enacted into law. This takes care of the increase in veterans care after July 1 of this year. For that reason, I think it merits serious consideration when the first supplemental comes up. The same applies to the other items. We have concurred in the increase made by the House in the veterans budget for medical care of $54,580,000. We enumerated certain items in which the Senator is interested. I think that his original request was for an increment of about $60 million——

Mr. CRANSTON. That is correct.

Mr. PASTORE. The House allowed $54,580,000, as I just indicated. We thought that was close enough to the request made by the Senator.

On behalf of the Senator from Colorado and myself, I want to say to the Senator from California that the explanation he has made today will serve a good purpose. We have always been amenable to his requests and we always give him the benefit if there is any doubt. We shall continue to do that.

With reference to the $28,342,000, the so-called Magnuson amendment, there again, as the Senator pointed out, it does not affect any veterans' hospital in my State, or the State of the Senator from California. The fact remains that we should have a long-range plan. We must build more veterans' hospitals. We have some hospitals today which are very old, which were built for the veterans of World War I. They are so archaic in every respect—many of them need to be modernized, remodeled, and air conditioned. New ones need to be built, because our population is changing and moving from one place to another. We all recall the Bronx hospital situation, which is a sad commentary on a country that can spend $5 billion without blinking an eye to continue the bombing of North Vietnam and mining Haiphong—I do not want to make an analogy here—but we seem to be able to find the money. Yesterday, we almost doubled the amount of money going to Bangladesh, which is a good thing to do, but we seem to find money easily to help other people anywhere else in the world but in our own country. When it comes to helping our own people, or helping our veterans, they always seem to talk about a deficit and how much money we do not have.

I say that if we have one single nickel available for our veterans, let us spend it on them, because it is necessary.

I would hope that the Senator from California would continue to cooperate with me and the Senator from Colorado (Mr. ALLOTT) and let us see if we cannot do something about the items he has mentioned when the first supplemental comes up.

Mr. CRANSTON. Mr. President, I thank the Senator from Rhode Island very much for his generous remarks about my efforts as chairman of the Subcommittee on Health and Hospitals.

I thank the Senator from Rhode Island and the Senator from Colorado (Mr. ALLOTT) for all that they have done in the past to help meet these needs.

I had intended to offer an amendment that would seek to get the funds which I think are needed here, but in view of the Senator's assurances that these matters will be looked into with great care, and that we can count on his help when the supplemental appropriations come before us and before this calendar year is over, I will not press such an amendment.

I thank the Senator from Rhode Island very much, once more, for his understanding, for his sincere help in the past, and for his future help which I know will be forthcoming.

Mr. PASTORE. I want to make a suggestion. I know the liaison which exists between his committee and Representative TEAGUE's committee. Much of this investigation was done with the cooperation of Representative TEAGUE's committee.

Mr. CRANSTON. That is right. It was done by his committee.

Mr. PASTORE. I would hope that the Senator would consult with Representative TEAGUE to see if he will not talk with some of the boys in the Appropriations Committee in the House as well.

Mr. CRANSTON. I will. We have already done that. We have a close relationship there. I think that we will find concurrence between the House and Senate.

The Senator referred to the Bronx Hospital, which situation was first brought to my attention and to the attention of the country in a famous Life magazine article 2 years ago. Two years later, on May 20, 1972, the National Observer printed an article under the headline "Neglected Heroes; Paralyzed Vets Blast VA Care." Many of these same hospitals are once again brought to the attention of the public and the conditions that still exist there are once again brought to light.

Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

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

NEGLECTED HEROES: PARALYZED VETS BLAST VA CARE

(By August Gribbin)

Navy Capt. John Barleon crushed his spine in a fighter-plane crash. He underwent extensive surgery to regain combat flying status, and actually flew again. But then his injury worsened.

Today, nearly totally paralyzed, Barleon fights to wiggle his wheel chair in and out of doors he can't open and elevators that stop above or below floor level. He's frustrated by vending machines whose coin slots, like the water fountains, are too high to reach.

NO PHONE CALLS

Yet Barleon lives in West Roxbury Hospital here, a Veterans Administration (VA) *center* for paralyzed veterans—where patients cannot receive incoming phone calls and must share their only recreation room with some 28 veterans' auxiliaries and nurses' groups.

Bill Pederson was manning a machine gun on a moving jeep that hit a land mine north of Hue in South Vietnam. Now Pederson, 24, also is almost entirely paralyzed.

Special aides must clothe Pederson, feed him, and swing him in and out of bed on a special lift. He says one aide who had idly ignored his repeated calls for help at the Hines (Ill.) VA Hospital finally put him in the lift and whispered, "You ever say a word or complain, and I'll let your ass fall from this thing one day."

COMPLAINTS MOUNT

VA doctors say paralyzed patients occasionally do fall from lifts and wheel chairs. But intimidation? That's rare, they say. More often, one hospital director concedes, aides unlawfully take tips or demand bribes. But he says this isn't widespread.

The maimed veterans say differently. And though the hospitalized vets almost invariably praise VA doctors and the "hard-working nurses and paramedical staff," they complain of:

Seemingly eternal waits for admission to hospitals and long delays in treatment once inside.

Unsanitary conditions in some special-treatment areas.

Delays in getting necessary personal-care supplies—including the special devices they need for urinating.

Too few toilets and lack of privacy in bathrooms.

Open wards where the racket of competing TV sets and radios create bedlam.

And, most important, of a shortage of doctors, nurses, and aides that many vets say keeps them from getting promised rehabilitative therapy.

The West Roxbury hospital, for example, has centers specializing in open-heart surgery and spinal-cord injuries. The medical director of the spinal-cord-injury center, whose role is crucial in caring for paralyzed veterans, retired 20 months ago. He hasn't been replaced.

A distressed nurse at another VA hospital says her staff is too shorthanded to carry out doctors' patient-care instructions, much less distribute painkilling medicine that patient's may have on request.

Leslie Burghoff, Jr., another paralyzed veteran at West Roxbury, puts it graphically:

"We need more people. To finish nighttime feedings in a reasonable time, it's rush, rush, rush. The aides push more food into a man's mouth than he can chew. He winds up

coughing and dribbling away the meal he looked forward to. It's dehumanizing."

These grotesqueries do not infect all 166 VA hospital complexes, certainly. Yet an unpublicized General Accounting Office (GAO) investigative report, dated March 16, 1972, found serious overall shortages of VA hospital staff and space. The GAO even says the VA is operating unlawfully by not expanding to remedy critical bed shortages and admissions problems.

One VA physician told GAO investigators that staff shortages in his hospital's radiology service caused delays in interpreting X-rays. That alone could cause admission slow-ups and other delays.

Asked about paralyzed veterans' complaints, officials at the VA Central Office in Washington, D.C., reply that any big medical system has faults and that the VA probably has few, considering its size and complexity. Some officials say most gripes come from distrustful, demanding Vietnam-era vets who won't give radically new VA programs and remedial actions a chance.

Indeed, innovative VA studies do show that Vietnam vets suspect any "system." The vets grouse, then tend to "elope" from hospitals rather than confront problems. Some VA hospitals have followed VA headquarters' promptings and established "Vietnam Committees" composed of patients, physicians, and administrators who together discuss complaints and suggestions.

JUST MOODY GRIPING?

Some hospitals hold staff-patient "rap sessions" and let patients buy ward refrigerators and stock them with pizza, soul food, and the like. Other hospitals let patients decorate and furnish recreation areas at their own expense. There they may play stereos and loud rock music without annoying unappreciative older vets. Patients are also being allowed to ignore the 10 p.m. curfews.

VA spokesmen invariably stress that amputees and paralytics are moody at times, implying that their derogatory statements may have little foundation. The injured themselves explain that they go through periods of "mourning" and bitterness at their anatomical losses. During those bleak moods, they say, they tend to abuse even the best aides.

It's not surprising. The wounds of spinal-cord-injury (SCI) patients—the paraplegics and quadriplegics—utterly twist their lives.

PROBLEMS OF PARALYTICS

Paraplegics lose control of their bowels, bladders, and legs. And as former helicopter pilot David Hunter, 24, puts it, "Most of us will never father a child now." Yet sexual stimuli still affect these men. Some lose their sexual capacity entirely, and older paralytics say that overcoming the grave psychological wounds that this loss often brings is at best a wrenching experience.

Besides these losses, the quadriplegics lose some or all use of their arms. Typically they suffer from chronic breathing ailments. Wild temperature-control mutations make some shiver in mild coolness and others, who cannot perspire, roast in 80-degree temperatures.

Some 2,000 spinal-cord patients are now in VA hospitals. Figures don't show how many are Vietnam casualties. A conservative estimate is that about 3,000 of the 18,000 or so VA-treated spinal-cord patients were wounded in Vietnam.

READJUSTMENT AND ECONOMY

Some VA hospitals attempt to train SCI patients as well as amputees to move out of the hospital into their family homes or into apartments with paid attendants. The VA says it helps speed the veterans' readjustment. It's also cheaper for the VA.

The VA spends about $57 a day ($20,805 a year) caring for each hospitalized SCI patient. If the patient's family takes over care and the patient buys his own food, the VA's budget clearly benefits. More important, rehabilitation specialists say, the paralyzed patient gains from resuming as much control of his life as he reasonably can. And the men want to get out.

Even in that they are thwarted. The men lament that VA hospitals have no list of quarters suitable for paraplegics and quadriplegics. Because of the wheel chairs, doorways must be 36 inches wide, halls 48 inches wide; normally both are narrower. Apartments must have the permanent ramps and the convenient light switches, electrical outlets, and bathrooms that VA hospitals themselves often lack.

HELP IS HARD TO FIND

Patients must do their own advertising for home-care aides. Says Bill Pederson: "Aides are tough to find. Younger people don't want to be tied down; older people lack the stamina or strength. The aide and the patient have to get along real good, and the aide has to be fairly smart. You know, a person can break your legs turning you over in bed. Since you can't feel it, you might not know what happened until gangrene sets in."

For those sorts of reasons, paraplegics, quadriplegics, and other disabled veterans stay in VA hospitals even when they're dissatisfied. Amputees, especially paralytics, must also return frequently for check ups and for care of the immense bed sores and kidney and bladder infections that they commonly develop.

So SCI patients know much about the VA's operations and flaws. They have formed the Paralyzed Veterans of America (PVA) to learn still more and to lobby Congress and the VA for redress.

Jolted by PVA revelations two years ago, the Senate held hearings to determine how well the VA was treating the Vietnam wounded and whether it needed more money to remedy possible weaknesses in its system.

ALLEGATIONS AND ANSWERS

Donald E. Johnson, administrator of veterans' affairs, testified that all was well and that the VA had sufficient funds. However, VA doctors and veterans alleged then the same faults that the veterans complain of now.

During the hearings Life magazine ran an expose about SCI-patient wards at the Bronx, N.Y., VA Hospital, alleging overcrowding and neglect. Its photos showed rats trapped near helpless patients' beds. Life, and some hearing witnesses, said such problems stemmed from the VA's lack of staff and money.

Johnson, the VA chief, called Life's presentation "contrived" and "totally distorted." Presumably he based his rejoinder on such VA investigative reports as one by A. L. Collins, a regional medical director, who termed the article "basically untrue," yet stated:

"The janitor closets [at Bronx] . . . had not been cleaned over a long period. . . . There is a mouse problem but . . . no reports of rats . . . A linen shortage still remains, particularly towels . . . and pajama bottoms . . . Bathrooms are reasonably clean."

Dr. Howard W. Kennedy, chief medical director of the New York region, reported that, "None of the allegations are true—except for the statements regarding the old facilities, shortage of space, staffing deficiencies, lack of adequate funds, and overcrowding of patients."

The hearings prompted Congress to give the VA more money than it requested for fiscal 1971 and 1972. The reason: The VA did not ask for sufficient funds to remedy flaws and expand.

It frequently doesn't. That's because the President's Office of Management and Budget (OMB) actually dictates the size of the VA budget request, and the agency caring for the battle wounded isn't exempted from over-all Government spending restrictions. What's more, the OMB stipulates how VA money will be spent.

In fiscal 1971 the OMB ruled the VA could not hire additional staff. In fiscal 1972 the OMB decreed the VA could not touch $72,000,000 of the added $234,100,000 from Congress. It also made the VA reduce pay levels for "nonprofessionals" such as technicians, aides, and administrative help.

Congress last year ordered that the VA add more hospital beds to reduce alleged shortages and trim waiting lists. Nonetheless, the OMB ordered a cut in beds and in the number of inpatients—even as combat continued.

The General Accounting Office investigated the VA at a House committee's request. Its report said the VA is operating illegally in obeying the OMB. The report said the VA was reporting empty beds in shutdown wards as "operating" and "in service"; that waiting lists for admission were swelling, totaling 16,897 names in December 1971; and that the VA has staff shortages despite hiring 8,645 persons since May 1971.

Max Cleland, a former infantry captain, knows the good and bad of the VA. It provided him with substitutes for his legs and arm, blasted away by a grenade near Khe Sanh. He says, "The VA is my lifeline."

Cleland, now a Georgia state senator, says he's constantly getting emergency calls from needy veterans trying futilely to get into the Atlanta hospital.

"Here's an example," he says. "Recently the private doctor of a World War II amputee named Hugh Kelley called and said Kelley had gone repeatedly to the VA hospital, trying to get in. Nobody paid any attention to him. The doctor said, 'If that guy isn't admitted immediately, he'll die in the waiting room.' Kelley has emphysema, a growth on the lung, and pneumonia. I got him in."

The Atlanta hospital's acting director confirms that there was confusion about admitting Kelley but says he has no details.

Richard Coe, a determined, long-haired, Vietnam-combat artilleryman, damaged his spinal cord in a stateside accident. He's now a paraplegic. He quit the Memphis VA Hospital because, he alleges: "I wasn't getting the rehabilitation I know I was entitled to. No toilet training, no instruction in how to get in and out of a bath tub, no driver training.

"Worst, no one told me or my mother that I'd never walk. For months I lay there waiting for feeling to return. Then someone wheeled in the chair and said, 'Here.' I was outspoken before. I guess I was more candid after that, and they punished me by keeping me in bed except for an hour a day."

Memphis VA Hospital authorities deny Coe's story. They say records show he attended all training classes and that it is "impossible that no one counseled him about his injury."

Skeptical too, the Paralyzed Veterans of America checked out Coe's story. Allan Langer, PVA service director, asserts: "It's true."

Langer, a young paraplegic and victim of a North Vietnamese land mine, observes: "There's no congruity at all in the VA medical system."

Doctors at the Wood VA Hospital in Wisconsin, issue a beer ration "by medical prescription" for certain long-term patients; doctors at Richmond, Va., and West Roxbury consider that a violation of Federal regulations. Physicians at Wood, Richmond, and Biloxi, Miss., make rigorous therapeutic use of swimming pools, manual-arts rooms, bowling alleys, and pool tables. At some other places, one VA physician says, "They think they've completely rehabilitated a man when they cut off his arms."

"On a scale of quality from 1 to 10," says the PVA's Langer, "Castle Point Hospital, N.Y., is 10; Wood Hospital rates about 7; Long Beach 5 or 6; Richmond 4 or 5; Houston, maybe 3; Cleveland 1 or 2; and West Roxbury 1 or 2. East Orange, N.J., is bad. Memphis has problems and so do others."

Consider West Roxbury. The hospital specializes in open-heart surgery and spinal-cord injuries serving about 1,800 quadriplegics and paraplegics. Some are in-patients; the SCI wards usually house about 100 paralyzed veterans. Others return regularly for care as outpatients.

Former pilots John Barleon and Leslie Burghoff, Jr., both quadriplegics, and paraplegic William Green, head of the New England PVA chapter, represent West Roxbury's SCI patients. They aren't uninformed, system-hating rebels, but decorated, World War II veterans who are finally fed up.

They say needed reforms won't come until the SCI center has a medical director to fight for them. The patients say the center needs all of its authorized six physicians; it has four. It doesn't have its authorized psychologist either, although the patients say one is desperately needed because, as a patient puts it, "When the guy next to me asks about his sex life and manhood, what am *I* supposed to tell him?" Besides all this, the men say, the hospital is generally shorthanded in medical aides and other staff. The hospital director doesn't challenge their assertions.

The West Roxbury patients have had as much luck with their repeated requests for a psychologist as with their repeated requests for replacing the doors at one entry, or with petitioning for a usable handle on the only other door for wheelchair patients. After years of inaction, Barleon himself paid an aide to buy and install a proper handle.

Water fountains are too high for wheelchair patients. The men cannot receive incoming calls. The hospital operator tells a patient of a call and the patient returns it—if he can locate one of the two mobile pay phones 50 patients must share.

Fifty men must share two showers on a ward, so there are long waits. There is no privacy at all in cramped "personal-care areas," the euphemism for rooms where paralyzed patients must regularly receive enemas.

On a recent evening those rooms were smelly, the equipment stained. One patient says, "The rooms usually are foul, but they needn't be." Though the rest of the old hospital seems clean, those areas sincerely worry the infection-prone SCI patients.

Wards are crowded and the admissions waiting list is long, yet empty ward rooms hold stored beds. But now at least the hospital has money for modernizing, plans on paper, and a work-completion date of 1975.

"Will that really happen? What will we do until 1975?" ask Green, Barleon, Burghoff, and a passing paraplegic who couldn't avoid overhearing because there's no place for a private talk.

Adds Barleon, somewhat self-consciously: "Don't you think we have reason to be skeptical? We've heard lots of promises."

Mr. CRANSTON. Mr. President, I have one final question on this matter and one other question on another matter that I would like to address to the distinguished Senator.

Until the supplemental is adopted, would the Senator agree that the VA should proceed to the improvement of the new authorities when these bills are enacted with the expectation that funds will be appropriated in the supplemental?

Mr. PASTORE. I have no objection to that.

Mr. CRANSTON. Mr. President, on another matter, not related to veterans' care, I am not suggesting any floor action, but I want to ask about one particular program.

Section 312 of the rehabilitation program has had a mixed history in its existence.

In California it has been an enormously successful program.

The FACE program in San Francisco has begun rehabilitation in some of the city's oldest and most beautiful neighborhoods. San Francisco has invested over $3 million of its own resources to help improve the neighborhoods which have been approved by HUD for code enforcement programs. The program has likewise been very successful in various parts of Los Angeles.

But HUD has spread itself too thin and is continuing to spread this program among too many recipients. As a result, it has reduced the effectiveness of the program. And as a result section 312 funds have only been available to one-third of the applicants who desire to have their homes rehabilitated to meet the goals of the FACE program.

OMB has impounded $40 million of last year's $90,312,000 appropriations, and it has threatened to impound $40 million of the $90 million appropriation included in this bill. These funds have been impounded because the 312 program has been subject to massive abuse in some eastern cities.

The result of this impoundment has been that successful 312 programs have been unable to achieve their HUD-approved objectives. In order to help protect these programs which have been well conducted and cities who have relied on HUD, we believe that we should designate them as a priority use and that these funds should be designated for the completion of successful 312 programs.

I ask the Senator if that would not be his understanding as to the best use of the funds.

Mr. PASTORE. Of course it is. The budget estimate was $40 million. The House allowed $50 million. We made it $90 million. We included in the budget $40 million that was requested for special revenue sharing.

Mr. CRANSTON. The Senator would agree that priorities should go to the places where they have had successful programs so that they can complete them.

Mr. PASTORE. They should go where they are needed the most.

Mr. CRANSTON. That is where they are needed the most.

Mr. PASTORE. If the Senator says that, I am sure that is correct.

TABLE 1.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

State	Total	Medical personnel	Fee dental care	Equipment		Maintenance and repair		Community nursing home care	Other
				New	Replacement	Recurring	Nonrecurring		
Total	$208,013,058	$85,999,632	$10,311,031	$20,589,975	$15,645,015	$2,326,100	$61,231,103	$3,533,953	$8,376,245
Alabama	4,531,708	1,537,057		490,865	265,545		841,990	61,251	1,335,000
Alaska									
Arizona	2,285,238	1,085,069	300,000	201,618	41,875		515,877	90,799	50,000
Arkansas	2,349,244	1,228,695	45,000	273,997	256,123		494,204		51,225
California	23,827,368	10,617,103	1,319,000	1,582,007	2,323,847	438,735	4,879,118	1,016,379	1,651,179
Colordao	2,868,570	357,288	177,388	155,176	79,368	78,367	1,929,428	1,314	90,241
Connecticut	748,693	509,256		118,895	23,260		67,282		30,000
Delaware	982,464	535,100	55,000	107,400	159,485	13,661	51,228	60,590	
District of Columbia	1,807,168	1,003,625		529,377	85,193		118,238	40,515	30,220
Florida	5,534,759	2,608,540	586,000	923,487	335,141		604,090	222,150	255,351
Georgia	8,193,404	4,672,450	900,000	909,598	874,826	346,590	413,984	47,631	28,325
Hawaii									
Idaho	178,383	99,482	55,000	3,717	20,184				
Illinois	11,992,207	6,245,701	625,000	1,169,484	998,341	60,000	699,820	120,085	2,073,776
Indiana	4,755,370	1,833,935		509,490	372,700	87,640	1,791,023		160,582
Iowa	2,346,326	1,371,413		259,757	259,349	2,500	343,658		109,649
Kansas	2,476,367	1,235,537	12,400	491,124	398,682		257,883	63,626	17,115
Kentucky	1,156,220	275,643	150,000	262,829	28,125		286,523		153,100
Louisiana	2,360,259	934,591	193,299	506,250	113,203	4,400	548,457	11,505	48,554
Maine	581,840	341,492		58,473	34,625		147,250		
Maryland	680,677	292,639	65,000	28,700			294,338		
Massachusetts	3,998,292	2,238,092		399,955	149,318	162,785	880,195	27,012	140,935
Michigan	5,390,451	2,603,635	790,000	358,157	314,190	36,390	1,171,589	102,966	13,524
Minnesota	3,410,546	752,857	750,000	1,312,145	349,636	24,420	151,488		70,000
Mississippi	1,470,521	570,733	189,966	86,561	328,780		294,751		
Missouri	7,606,065	2,889,472	131,492	489,680	492,492	292,632	3,297,003	13,294	
Montana	364,878	246,814	50,000				61,676		6,388
Nebraska	814,544	272,788	125,000	114,310	117,726	3,744	91,236	18,067	71,663
Nevada	1,489,066	699,043	45,000	306,740	64,750		359,533		14,000
New Hampshire									
New Jersey	3,878,156	1,564,536		291,400	213,107		1,774,113		35,000
New Mexico	738,320	432,489	65,000	130,382	20,935		89,514		
New York	35,940,002	9,164,747	126,000	1,213,756	814,366	24,115	24,267,081	323,937	5,000
North Carolina	4,541,509	1,911,241	650,000	347,956	366,017	34,561	1,025,033	106,701	100,000
North Dakota									
Ohio	7,108,551	3,027,212	340,000	964,227	944,662	147,634	900,826	480,643	303,347
Oklahoma	4,552,707	2,459,547		739,400	447,082		756,678		150,000
Oregon	1,824,922	245,512	657,000	100,252	86,440		721,443		14,275
Pennsylvania	6,122,743	2,988,406	244,910	197,751	442,344	2,500	1,580,888	180,507	485,437
Rhode Island	1,142,816	647,500	105,000	89,860	56,853	9,400	169,094		65,109
South Carolina	2,418,215	910,239	300,000	180,512	286,792	77,726	607,481	55,465	
South Dakota	1,074,733	467,501	20,000	72,592	105,474		409,166		

TABLE 1.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE—Continued

State	Total	Medical personnel	Fee dental care	Equipment		Maintenance and repair		Community nursing home care	Other
				New	Replacement	Recurring	Nonrecurring		
Tennessee	$3,830,545	$1,726,144	$50,000	903,480	$542,791	$40,900	$567,230		
Texas	13,274,486	5,422,671	501,764	1,701,825	1,321,148	292,800	3,948,620	$85,658	
Utah	1,491,192	646,333	70,000	150,703	216,396		397,760		$10,000
Vermont	229,500	184,500	45,000						
Virginia	3,920,721	2,461,269	135,392	157,484	191,945		803,081	171,550	
Washington	2,464,283	999,492	42,690	231,881	402,190	76,900	565,345	36,135	109,650
West Virginia	1,111,803	693,680	1,000	6,742	10,604		340,131	31,646	28,000
Wisconsin	5,049,823	1,529,570	200,000	1,200,348	554,148	67,700	1,208,330	127,097	162,630
Wyoming	1,156,223	508,993	10,000	153,875	118,764		323,161	37,430	4,000
Puerto Rico	1,941,175	950,000	182,000	105,747	16,193		184,265		502,970

TABLE 2.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Total	$208,013,053	$4,531,708	$2,285,238	$2,349,244	$23,827,368	$2,868,570	$748,693	$982,464	$1,807,168	$5,534,759	$8,193,404
Staff:											
Total	85,999,632	1,537,057	1,085,069	1,228,695	10,617,103	357,288	509,256	535,100	1,003,625	2,608,540	4,672,450
Inpatient	77,007,984	1,478,499	916,248	1,228,695	9,645,877	357,288	349,256	535,100	907,325	2,369,019	4,107,991
Outpatient	7,391,566	58,558	158,821		971,226		160,000			239,521	384,549
Nursing home	677,178										96,977
Domiciliary	418,933										82,933
Other	503,971								96,300		
Outpatient fee:											
Dental	10,311,031		300,000	45,000	1,319,000	177,388		55,000		586,000	900,000
Medical	1,084,658					90,241				255,351	
Equipment:											
Total	36,234,990	756,410	243,493	530,120	3,905,854	234,544	142,155	266,885	614,570	1,258,628	1,784,424
Initial	20,589,975	490,865	201,618	273,997	1,582,007	155,176	118,895	107,400	529,377	923,487	909,598
Replacement	15,645,015	265,545	41,875	256,123	2,323,847	79,368	23,260	159,485	85,193	335,141	874,826
Maintenance and repair:											
Total	63,557,202	841,990	515,877	494,204	5,317,853	2,007,795	67,282	64,889	118,238	604,090	760,574
Recurring	2,326,100				438,735	78,367		13,661			346,590
Nonrecurring	61,231,102	841,990	515,877	494,204	4,879,118	1,929,428	67,282	51,228	118,238	604,090	413,984
Drug treatment centers	2,078,707				1,244,836						
Nursing home care:											
VA											
Community	3,533,953	61,251	90,799		1,016,379	1,314		60,590	40,515	222,150	47,631
State	289,217										
Other	4,923,663	1,335,000	50,000	51,225	406,343		30,000		30,220		28,325

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Total	178,383	11,992,207	4,755,370	2,346,326	2,476,367	1,156,220	2,360,259	581,840	680,677	3,998,292
Staff:										
Total	99,482	6,245,701	1,833,935	1,371,413	1,235,537	275,648	934,591	341,492	292,639	2,238,092
Inpatient	92,932	5,296,805	1,671,340	1,051,322	1,043,537	275,643	807,883	341,492	277,593	2,238,092
Outpatient	6,500	943,896	141,163	317,091	112,000		126,703		15,041	
Nursing home			21,427							
Domiciliary					80,000					
Other										
Outpatient fee:										
Dental	55,000	625,000			12,400	150,000	193,299		65,000	
Medical		68,878					36,329			
Equipment:										
Total	23,901	2,167,825	832,190	519,106	839,806	290,954	619,453	93,098	28,700	549,273
Initial	3,717	1,169,481	500,490	259,757	491,124	262,829	506,260	53,473	28,700	399,955
Replacement	20,184	993,341	372,700	269,340	398,682	23,125	113,203	34,625		149,318
Maintenance and repair:										
Total		759,820	1,873,663	346,153	257,883	286,523	552,857	147,250	294,338	1,042,980
Recurring		60,000	87,640	2,500			4,400			162,785
Nonrecurring		699,820	1,791,023	343,653	257,833	236,523	543,457	147,250	294,338	880,195
Drug treatment centers		128,635	138,202							140,935
Nursing home care:										
VA										
Community		120,085			63,626		11,505			27,012
State		100,341								
Other		1,775,922	22,380	109,649	17,115	153,100	12,225			

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Total	5,390,451	3,410,546	1,470,521	7,606,065	364,878	814,544	1,489,066		3,878,156	738,320
Staff:										
Total	2,603,636	752,857	570,733	2,889,472	246,814	272,788	699,043		1,564,536	432,489
Inpatient	2,528,796	716,857	556,947	1,934,173	221,814	241,308	630,119		1,500,799	428,489
Outpatient	74,839	36,000	13,786	866,081	25,000	31,480	68,924		63,737	
Nursing home				79,689						
Domiciliary										
Other				9,529						4,000

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Outpatient fee:										
Dental	$790,000	$750,000	$189,696	$131,492	$50,000	$125,000	$45,000			$65,000
Medical										
Equipment:										
Total	672,347	1,661,781	415,341	982,192		232,046	371,490		$504,507	151,317
Initial	358,157	1,312,145	86,561	489,680		114,320	306,740		291,400	130,382
Replacement	314,190	349,636	328,780	492,492		117,726	64,759		213,107	30,935
Maintenance and repair:										
Total	1,207,979	175,908	294,751	3,589,635	61,676	94,980	359,533		1,774,113	89,514
Recurring	36,390	24,420		292,632		3,744				
Nonrecurring	1,171,589	151,488	294,751	3,297,003	61,676	91,236	359,533		1,774,113	89,514
Drug treatment centers	13,524									
Nursing home care:										
VA										
Community	102,966			13,294		18,067				
State		20,000			6,388	71,663				
Other		50,000					14,000		35,000	

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Total	35,940,002	4,541,509		7,108,551	4,552,707	1,824,922	1,941,175	$6,122,743	1,142,816	2,418,215
Staff:										
Total	9,164,747	1,911,241		3,027,212	2,459,547	245,512	950,000	988,406	647,500	910,239
Inpatient	8,882,415	1,717,124		2,561,768	2,275,547	212,878	737,485	2,334,013	492,600	741,342
Outpatient	184,168	194,117		128,640	184,000	32,634	212,515	371,492	154,900	43,212
Nursing home	98,164			228,954				64,286		58,008
Domiciliary										
Other				107,850				218,615		67,677
Outpatient fee:										
Dental	127,000	650,000		340,000		657,000	182,000	244,910	105,000	300,000
Medical		100,000		40,400			437,425	8,000	45,034	
Equipment:										
Total	2,028,122	713,973		1,908,889	1,186,482	186,692	121,940	640,095	146,713	467,304
Initial	1,213,756	347,956		964,227	739,400	100,252	105,747	197,751	89,860	180,512
Replacement	814,366	366,017		944,662	447,082	86,440	16,193	442,344	56,853	286,792
Maintenance and repair:										
Total	24,291,196	1,059,594		1,048,460	756,678	721,443	184,265	1,583,388	178,494	685,207
Recurring	24,115	34,561		147,634				2,500	9,400	77,726
Nonrecurring	24,267,081	1,025,033		900,826	756,678	721,443	184,265	1,580,888	169,094	607,481
Drug treatment centers				188,197	150,000			16,378		
Nursing home care:										
VA										
Community	323,937	106,701		480,643				180,507		55,465
State				19,100					20,075	
Other	5,000			55,650		14,275	65,545	461,059		

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Total	1,074,733	3,830,545	13,274,486	1,491,192	229,500	3,920,721	2,464,283	1,111,803	5,049,823	1,156,223
Staff:										
Total	467,501	1,726,144	5,422,671	646,333	184,500	2,461,269	999,492	693,680	1,529,570	508,993
Inpatient	443,901	1,407,972	5,192,628	646,333	184,500	2,106,069	795,196	633,980	1,416,152	471,782
Outpatient	23,600	55,172	230,043			355,200	204,296	43,388	107,057	37,211
Nursing Home		7,000						16,312	6,361	
Domiciliary		256,000								
Other										
Outpatient fee:										
Dental	20,000	50,000	501,764	70,000	45,000	135,392	42,690	1,000	200,000	10,000
Medical								3,000		
Equipment:										
Total	178,066	1,446,271	3,022,973	367,099		349,429	634,071	17,346	1,754,496	272,639
Initial	72,592	903,480	1,701,825	150,703		157,484	231,881	6,742	1,200,348	153,875
Replacement	105,474	542,791	1,321,148	216,396		191,945	401,190	10,604	554,148	118,764
Maintenance and repair:										
Total	409,166	608,130	4,241,420	397,760		803,081	642,245	340,131	1,276,030	323,161
Recurring		40,900	292,800				76,900		67,700	
Nonrecurring	409,166	567,230	3,948,620	397,760		803,081	565,345	340,131	1,208,330	323,161
Drug treatment centers							58,000			
Nursing home care:										
VA										
Community			85,658			171,550	36,135	31,646	127,097	37,430
State							51,650			
Other				10,000				25,000	162,630	4,000

TABLE 3.—VA HOSPITALS AND CLINICS ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Total	$208,013,053	$4,531,708	$2,285,238	$2,349,244	$23,827,368	$2,868,570	$748,693	$982,464	$1,807,168	$5,531,759	$3,193,404
Staff:											
Total	85,999,632	1,537,057	1,085,069	1,228,695	10,617,103	357,288	509,256	535,100	1,003,625	2,608,540	4,672,450
Inpatient	77,007,984	1,478,499	916,248	1,228,695	9,645,877	357,288	349,256	535,100	907,325	2,369,019	4,107,991
Outpatient	7,391,566	58,558	168,281		971,226		160,000			239,521	384,549
Nursing home	677,178										96,977
Domiciliary	418,933										82,933
Other	503,971								96,300		
Outpatient fee:											
Dental	10,311,031		300,000	45,000	1,319,000	177,388		55,000		586,000	900,000
Medical	1,084,658					90,241				255,351	
Equipment:											
Total	36,234,990	756,410	243,493	530,120	3,905,854	234,544	142,155	266,885	614,570	1,258,628	1,784,424
Initial	20,589,975	490,865	201,618	273,997	1,582,007	155,176	118,895	107,400	529,377	923,487	909,598
Replacement	15,645,015	265,545	41,875	256,123	2,323,847	79,368	23,260	159,485	85,193	335,141	874,826
Maintenance and repair:											
Total	63,557,202	841,990	515,877	494,204	5,317,853	2,007,795	67,282	64,889	118,238	604,090	760,573
Recurring	2,326,100				438,735	78,367		13,661			346,590
Nonrecurring	61,231,102	841,990	515,877	494,204	4,879,118	1,929,428	67,282	51,228	118,238	604,090	413,984
Drug treatment centers	2,078,707				1,244,836						
Nursing Home care:											
VA											
Community	3,533,953	61,251	90,799		1,016,379	1,314		60,590	40,515	222,150	47,631
State	289,217										
Other	4,923,663	1,335,000	50,000	51,225	406,343		30,000		30,220		28,325

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Total	178,383	11,992,207	4,755,370	2,346,326	2,476,367	1,156,220	2,360,259	581,840	680,677	3,998,292
Staff:										
Total	99,482	6,245,701	1,833,935	1,371,413	1,235,537	275,643	934,591	341,492	292,639	2,238,092
Inpatient	92,982	5,296,805	1,671,340	1,054,322	1,043,537	275,643	807,888	341,492	277,598	2,238,092
Outpatient	6,500	948,896	141,168	317,091	112,000		126,703		15,041	
Nursing home			21,427							
Domiciliary					80,000					
Other										
Outpatient fee:										
Dental	55,000	625,000			12,400	150,000	193,299		65,000	
Medical		68,878					36,329			
Equipment:										
Total	23,901	2,167,825	882,190	519,106	889,806	290,954	619,453	93,098	28,700	549,273
Initial	3,717	1,169,484	509,490	259,757	491,124	262,829	506,250	58,473	28,700	399,955
Replacement	20,184	998,341	372,700	259,349	398,682	28,125	113,203	34,625		149,318
Maintenance and repair:										
Total		29,820	1,878,663	346,158	257,883	286,523	552,857	147,250	294,338	1,042,980
Recurring		60,000	87,640	2,500			4,400			162,785
Non-recurring		699,820	1,791,023	343,658	257,883	286,523	548,457	147,250	294,338	880,195
Drug treatment centers		128,635	138,202							140,935
Nursing home care:										
VA										
Community		120,085			63,626		11,505			27,012
State		100,341								
Other		1,775,922	22,380	109,649	17,115	153,100	12,225			

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Total	5,390,451	3,410,546	1,470,521	7,606,065	364,878	814,544	1,489,066		3,878,156	738,320
Staff:										
Total	2,603,635	752,857	570,733	2,889,472	246,814	272,788	699,043		1,564,536	432,489
Inpatient	2,528,796	716,857	556,947	1,934 173	221,814	241,308	630,119		1,500,799	428,489
Outpatient	74,839	36,000	13,786	866,081	25,000	31,480	68,924		63,737	
Nursing home				79,689						
Domiciliary										
Other				9,529						4,000
Outpatient fee:										
Dental	790,000	750,000	189,696	131,492	50,000	125,000	45,000			65,000
Medical										
Equipment:										
Total	672,347	1,661,781	415,341	982,172		232,046	371,490		504,507	151,317
Initial	358,157	1,312,145	86,561	489,680		114,320	306,740		291,400	130,382
Replacement	314,190	349,636	328,780	492,492		117,726	64,750		213,107	20,935
Maintenance and repair:										
Total	1,207,979	175,908	294,751	3,589,635	61,676	94,980	359,533		1,774,113	89,514
Recurring	36,390	24,420		292,632		3,744				
Nonrecurring	1,171,589	151,488	294,751	3,297,003	61,676	91,236	359,533		1,774,113	89,514
Drug treatment centers	13,524									
Nursing home care:										
VA										
Community	102,966			13,294		18,067				
State		20,000			6,388	71,663				
Other		50,000					14,000		35,000	

TABLE 4.—GENERAL SCHEDULE GRADE CONTROLS

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Essential positions:											
Unable to fill lower grades	430	1	----	7	113	3	4	----	4	4	12
Promotion not honored	2,547	20	27	175	142	40	28	----	28	19	14
Lost because not promoted	228	----	4	5	66	4	3	----	2	6	6
Promotions:											
Postponed	4,463	99	60	178	386	74	121	24	61	99	50
Number:											
Total fiscal year 1971	22,571	654	150	315	1,205	322	176	112	332	696	758
Fiscal year 1972	7,358	115	58	80	521	62	62	22	110	245	146
July–November fiscal year 1971	6,619	166	46	113	420	65	50	24	76	187	115
Fiscal year 1972	5,351	89	33	80	427	48	42	19	50	193	80
December–March fiscal year 1971	9,078	316	46	122	306	54	53	66	47	328	249
Fisca year 1972	987	14	5	----	59	10	6	2	38	37	41
April–June fiscal year 1971	6,862	172	58	80	479	203	73	22	209	281	394
Fiscal year 1972	1,023	12	20	----	35	4	14	1	22	15	25
Losses July 1971–March 1972:											
Total	9,710	141	120	141	505	136	140	17	187	395	165
Replaced:											
Total	8,432	107	112	114	824	116	131	15	171	343	147
Same grade	3,975	40	53	55	378	67	74	10	31	148	105
Lower grades, total	4,457	67	59	59	446	49	57	5	140	195	42
1	2,562	30	49	28	274	17	30	----	2	98	13
2	1,273	16	8	26	149	20	23	2	10	49	22
3	323	16	1	3	18	8	2	----	48	11	6
4 or more	299	5	1	2	5	4	2	3	80	37	1
Not replaced	1,278	34	8	27	81	20	9	2	16	52	18

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Essential positions:										
Unable to fill lower grades	1	32	7	1	2	----	14	----	----	35
Promotion not honored	----	260	17	35	17	7	65	20	1	125
Lost because not promoted	----	7	----	----	----	2	10	----	1	5
Promotions:										
Postponed	9	382	56	90	17	12	112	20	19	179
Number:										
Total fiscal year 1971	24	954	396	404	386	364	330	245	544	762
Fiscal year 1972	8	722	153	137	170	112	116	17	165	244
July–November fiscal year 1972	10	282	103	100	82	77	109	35	79	280
Fiscal year 1972	5	518	120	79	135	66	109	13	74	207
December–March fiscal year 1971	14	365	73	222	175	231	110	189	384	314
Fiscal year 1972	2	65	18	44	26	37	6	4	55	32
April–June fiscal year 1971	----	307	220	82	129	55	111	21	81	168
Fiscal year 1972	1	143	15	14	9	9	----	----	36	5
Losses July 1971–March 1972:										
Total	10	705	224	157	133	50	191	31	141	450
Replaced:										
Total	7	605	210	146	120	45	145	30	125	411
Same grade	4	362	142	58	51	17	56	10	49	187
Lower grades, total	3	243	68	88	69	28	89	20	76	224
1	2	127	61	50	53	15	57	9	24	174
2	----	99	6	32	10	9	31	5	24	32
3	1	11	----	4	4	2	1	6	5	11
4 or more	----	6	1	2	2	2	----	----	23	7
Not replaced	3	100	14	11	13	5	46	1	16	39

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Essential positions:										
Unable to fill lower grades	18	2	1	----	----	----	----	----	7	----
Promotion not honored	12	12	44	18	10	15	22	----	33	----
Lost because not promoted	2	----	4	----	----	----	----	----	2	----
Promotions:										
Postponed	101	56	36	91	10	31	22	18	71	----
Number:										
Total fiscal year 1971	517	269	506	265	25	198	63	45	420	99
Fiscal year 1972	223	133	101	163	17	104	9	8	195	88
July–November Fiscal year 1971	213	80	112	69	6	64	14	23	193	56
Fiscal year 1972	168	93	67	117	14	57	9	5	136	45
December–March Fiscal year 1971	204	75	314	104	14	68	41	10	129	23
Fiscal year 1972	21	29	13	31	3	12	----	----	24	18
April–June Fiscal year 1971	100	114	80	92	5	66	8	12	98	20
Fiscal year 1972	34	11	21	15	----	35	----	3	35	25
Losses July 1971–March 1972:										
Total	290	164	124	179	32	74	30	28	249	56
Replaced										
Total	213	151	117	162	30	67	27	26	213	56
Same grade	119	61	81	83	17	20	11	11	76	30
Lower grades, total	94	90	36	79	13	47	16	15	137	62
1	81	57	7	52	9	5	11	15	79	22
2	12	25	24	27	3	22	4	----	55	
3	1	6	4	----	----	13	1	----	1	----
4 or more	----	2	1	----	1	7	----	----	2	----
Not replaced	77	13	7	17	2	7	3	2	36	----

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Essential positions:										
Unable to fill lower grades	37	27	----	24	5	----	22	----	7	1
Promotion not honored	197	93	5	78	55	6	73	47	9	9
Lost because not promoted	16	2	----	26	----	----	11	1	4	1

TABLE 4.—GENERAL SCHEDULE GRADE CONTROLS—Continued

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Promotions:										
Postponed	336	128	30	245	29	19	70	206	18	30
Number:										
Total fiscal year 1971	2,209	805	78	727	232	229	199	1,009	81	268
Fiscal year 1972	759	100	21	252	78	84	56	305	30	57
July–November fiscal year 1971	933	151	22	316	39	80	79	288	22	68
Fiscal year 1972	510	92	14	221	65	46	52	246	27	53
December–March fiscal year 1971	934	580	37	199	90	94	76	454	13	178
Fiscal year 1972	148	7	3	7	10	10	3	14	3	4
April–June fiscal year 1971	542	74	19	212	103	55	44	267	46	22
Fiscal year 1972	101	1	4	24	3	28	1	45	----	----
Losses July 1971–March 1972:										
Total	1,008	221	32	376	112	176	61	331	38	89
Replaced:										
Total	867	194	29	272	98	165	13	282	33	80
Same grade	458	102	13	118	52	59	7	122	26	41
Lower grades, total	409	92	16	154	46	106	6	160	7	39
1	250	59	8	102	37	54	5	116	6	33
2	115	25	6	42	7	42	1	40	1	5
3	32	6	1	8	1	7	----	1	----	1
4 or more	12	2	1	2	1	3	----	3	----	----
Not replaced	141	27	3	104	14	11	48	49	5	9

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Essential positions:										
Unable to fill lower grades	1	5	14	----	3	5	9	2	----	----
Promotion not honored	29	130	176	10	8	197	41	42	127	9
Lost because not promoted	----	2	2	----	----	3	2	----	28	1
Promotions:										
Postponed	37	134	248	28	11	132	110	81	73	14
Number:										
Total fiscal year 1971	224	1,016	1,590	183	48	849	288	285	543	172
Fiscal year 1972	39	170	293	24	3	272	135	89	243	42
July–November fiscal year 1971	66	487	330	40	20	234	132	93	156	14
Fiscal year 1972	35	130	192	24	2	222	94	63	148	17
December–March fiscal year 1971	120	444	481	29	9	176	79	139	156	144
Fiscal year 1972	3	26	30	----	1	21	20	1	15	9
April–June fiscal year 1971	38	85	768	114	19	439	77	53	231	14
Fiscal year 1972	1	14	74	----	----	29	21	25	80	16
Losses July 1971–March 1972:										
Total	58	187	494	63	12	202	203	99	239	44
Replaced:										
Total	54	163	439	57	12	173	177	76	223	39
Same grade	14	84	160	15	8	65	104	42	60	19
Lower grades, total	40	79	279	42	4	108	73	34	163	20
1	15	56	149	1	4	37	54	21	94	10
2	8	20	89	5	----	27	14	10	57	10
3	13	1	38	14	----	5	3	2	6	----
4 or more	4	2	3	22	----	39	2	1	6	----
Not replaced	4	24	55	6	----	29	26	23	16	

TABLE 5.—INPATIENT HOSPITAL STAFF, STAFFING RATIO AND AVERAGE DAILY CENSUS

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Additional staff required:											
Total	7,342.8	154.5	79.0	105.0	959.7	39.0	29.0	57.0	76.5	201.6	453.7
Recruit	1,093.6	153.5	79.0	103.0	959.7	39.0	27.0	57.0	76.5	201.6	448.2
Physicians:											
Total	498.9	11.0	4.0	14.0	57.4	1.0	5.0	2.0	10.5	7.9	13.0
Recruit	434.8	10.0	4.0	12.0	57.4	1.0	3.0	2.0	10.5	7.9	12.5
Dentists:											
Total	20.2	1.0	----	----	----	----	----	1.0	1.0	0.2	1.0
Recruit	20.2	1.0	----	----	----	----	----	1.0	1.0	0.2	1.0
Nurses:											
Total	1,416.9	53.1	16.0	15.0	176.0	5.0	2.0	16.0	8.0	38.7	70.0
Recruit	1,381.9	53.1	16.0	15.0	176.0	5.0	2.0	16.0	8.0	38.7	65.0
Nursing assistant:											
Total	1,667.6	44.0	15.0	18.0	208.0	12.0	----	12.0	----	22.5	126.0
Recruit	1,647.6	44.0	15.0	18.0	208.0	12.0	----	12.0	----	22.5	126.0
Average daily census:											
Fiscal year 1971	82,676	2,323	634	1,662	6,200	957	718	257	620	1,945	1,942
Fiscal year 1972 estimate	80,450	2,260	624	1,599	5,771	966	679	261	615	1,990	1,929
Fiscal year 1973 target allowance	83,304	2,304	643	1,566	6,274	971	698	271	633	2,426	1,947
Expected	83,004	2,304	643	1,566	6,274	971	698	271	633	2,426	1,609

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Additional staff required:										
Total	9.5	455.1	162.0	102.0	97.5	25.0	78.0	34.0	24.5	189.0
Recruit	9.5	361.0	158.0	101.0	97.5	25.0	77.0	34.0	24.5	189.0
Physicians:										
Total	----	36.6	7.0	7.0	8.0	3.0	8.0	2.0	3.5	11.0
Recruit	----	28.6	2.0	3.0	8.0	3.0	8.0	2.0	3.5	11.0
Dentists:										
Total	1.0	2.0	2.0	----	----	----	----	----	----	2.0
Recruit	1.0	2.0	2.0	----	----	----	----	----	----	2.0
Nurses:										
Total	1.0	111.0	49.0	17.0	20.0	----	8.0	10.0	7.0	45.0
Recruit	1.0	111.0	49.0	17.0	20.0	----	8.0	10.0	7.0	45.0
Nursing assistant:										
Total	1.0	112.0	23.0	15.0	18.0	11.0	14.0	----	14.0	53.0
Recruit	1.0	112.0	23.0	15.0	18.0	11.0	14.0	----	14.0	53.0

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Average daily census:										
Fiscal year 1971	145	5,489	1,867	1,452	1,432	387	1,225	775	1,410	3,316
Fiscal year 1972 estimate	150	5,331	1,854	1,317	1,427	355	1,221	764	1,345	3,287
Fiscal year 1973 target allowance	150	5,435	1,886	1,360	1,419	374	1,230	766	1,412	3,289
Expected	150	5,435	1,891	1,360	1,419	350	1,230	766	1,412	3,329

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Additional staff required:										
Total	216.0	64.0	58.0	198.5	25.0	20.0	55.0	----------	160.4	38.0
Recruit	202.0	64.0	51.0	192.5	25.0	20.0	55.0	----------	160.4	38.0
Physicians:										
Total	21.0	4.0	7.0	11.5	1.0	2.0	7.0	----------	9.0	3.0
Recruit	15.0	4.0	----------	10.5	1.0	2.0	7.0	----------	9.0	3.0
Dentists:										
Total	2.0	----------								1.0
Recruit	2.0	----------								1.0
Nurses:										
Total	75.0	12.0	4.0	29.0	1.0	1.0	21.0	----------	20.0	2.0
Recruit	75.0	12.0	4.0	24.0	1.0	1.0	21.0	----------	20.0	2.0
Nursing assistant:										
Total	53.0	12.0	20.0	26.0	1.0	----------	9.0	----------	43.0	5.0
Recruit	53.0	12.0	20.0	26.0	1.0	----------	9.0	----------	43.0	5.0
Average daily census:										
Fiscal year 1971	2,472	1,684	1,165	1,493	216	678	147	127	2,296	360
Fiscal year 1972 estimate	2,360	1,582	1,181	1,463	213	667	158	133	2,283	345
Fiscal year 1973 target allowance	2,376	1,635	1,196	1,675	233	697	164	129	2,471	350
Expected	2,376	1,635	1,196	1,675	233	697	164	129	2,471	350

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Additional staff required:										
Total	785.8	198	----------	245.5	150	19	76	265.7	50	70
Recruit	698.8	196	----------	234.5	150	19	76	259.1	50	68
Physicians:										
Total	71.6	6	----------	27.5	14	2	5	19.2	1	3
Recruit	66.6	5	----------	18.5	14	2	5	14.6	1	2
Dentists:										
Total	2.0	----------		1.0	1	----------	1	----------		
Recruit	2.0	----------		1.0	1	----------	1	----------		
Nurses:										
Total	211.1	25	----------	38.0	25	1	10	38.0	9	21
Recruit	186.1	25	----------	38.0	25	1	10	38.0	9	21
Nursing assistants:										
Total	139.1	33	----------	70.0	30	----------	25	127.0	8	16
Recruit	119.1	33	----------	70.0	30	----------	25	127.0	8	16
Average daily census:										
Fiscal year 1971	8,298	2,042	177	3,937	599	817	567	5,048	292	618
Fiscal year 1972 estimate	7,974	2,022	177	3,829	581	812	632	4,976	298	633
Fiscal year 1973 target allowance	8,293	2,063	185	3,973	581	812	640	5,029	298	712
Expected	8,293	2,063	185	3,984	581	812	640	5,029	298	712

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Additional staff required:										
Total	41.0	145.0	573.0	60.7	10.0	203.5	83.0	55.6	144.5	----------
Recruit	41.0	145.0	573.0	60.7	10.0	203.5	82.0	53.6	144.5	----------
Physicians:										
Total	3.0	8.0	27.5	5.7	3.0	7.5	2.0	8.0	7.5	----------
Recruit	3.0	3.0	27.5	5.7	3.0	7.5	2.0	6.0	7.5	----------
Dentists:										
Total			1.0	----------						
Recruit			1.0	----------						
Nurses:										
Total	5.0	33.0	68.0	17.0	2.0	21.0	15.0	8.0	37.0	----------
Recruit	5.0	33.0	68.0	17.0	2.0	21.0	15.0	8.0	37.0	----------
Nursing assistant:										
Total	9.0	20.0	188.0	16.0	----------	20.0	13.0	12.0	54.0	----------
Recruit	9.0	20.0	188.0	16.0	----------	20.0	13.0	12.0	54.0	----------
Average daily census:										
Fiscal year 1971	797	2,570	4,371	464	144	2,240	1,502	1,042	1,757	----------
Fiscal year 1972 estimate	785	2,530	4,189	432	149	2,135	1,505	1,003	1,658	----------
Fiscal year 1973 target allowance	789	2,574	4,245	449	149	2,175	1,563	1,032	1,762	----------
Expected	792	2,574	4,245	449	152	2,175	1,563	1,032	1,762	----------

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CANNON. Mr President, returning to the veterans' situation, do I understand that the bill as it now stands, the committee bill, would increase by some $20 million the budget request for this year for veterans' facilities?

Mr. PASTORE. The Senator is correct.

Mr. CANNON. And this is represented largely by a speeding up or replacement of hospital facilities presently deteriorating, as we saw reported a few years ago in one of the national magazines?

Mr. PASTORE. We are trying to avoid this whole philosophy of wasting money. We are saying that an ounce of prevention is worth a pound of cure. Many of these facilities are neglected and they need to be modernized. That is why we adopted the so-called Magnuson amendment.

Mr. CANNON. Not so many years ago, the administration adopted a policy of attempting to close down some of the veterans' hospitals and not go ahead with new starts. Has this policy been reversed so that we can safely say that we are doing more than we had been doing?

Mr. PASTORE. This appropriation reverses that policy.

Mr. CANNON. Mr. President, a while ago I had occasion to be in Guadalajara, Mexico, speaking to a professional group. While there I learned that a substantial

number of U.S. veterans were living in that community. These were disabled veterans who were living there because they could not afford to live in the United States under the type of compensation they were receiving. These veterans had gone to foreign countries to live, though they were disabled, because of the cost of living factor here. I hope that this type of improvement in our veterans program will be accomplished.

Mr. PASTORE. I would hope so. And I would hope that the matter would be looked into by the administration, particularly the Veterans' Administration. They should do something about it. This is scandalous, to me, when an American veteran is compelled to go to a low standard of living country because he cannot live in his own country on his allowance. It reflects, in my opinion, on the conscience of America.

Mr. CANNON. In Clark County in Las Vegas, which has the largest population of any county in my State, we have many veterans who must travel to the State of California, some 300 miles away, to get veterans' care and to go into the hospital. We have a hospital at Reno which is some 400 miles away. We have been trying to get out-patient facilities there. However, it looks as though we have finally been able to do something. We hope they will have the out-patient facilities there to provide immediate care for veterans there rather than compelling them to drive or to be taken 300 miles away to a veterans' hospital and then having it decided whether than can receive hospital care there.

I am delighted that the committee is taking such affirmative action. I commend both the majority and minority managers of this bill for the part they have played in it.

THE VA HOSPITAL IN PHILADELPHIA

Mr. SCHWEIKER. Mr. President, I was very pleased to learn that the Committee on Appropriations included $3.7 million for architectural planning and site acquisition for a new Veterans' Administration hospital in the Philadelphia metropolitan area. On earlier occasions, I have enumerated in great detail the pressing need for this new hospital in the Philadelphia area. The Veterans' Administration has amply documented this need. At this point, I ask unanimous consent to have my earlier testimony and the statement of my distinguished colleague, the senior Senator from Pennsylvania, Senator SCOTT, included in the RECORD.

On this occasion, I would like to take the opportunity to emphasize several of the positive considerations regarding the Philadelphia hospital.

The Veterans' Administration has long had a standing policy, and a very commendable and effective one I might add, of affiliating its institutions with existing medical schools. Such a policy benefits both parties. It provides the hospital with major resources of medical skill and manpower, drawing upon both the expertise of the faculty and the trained manpower of the students, to significantly increase and improve the delivery of medical care to its patients. The affiliated medical school, on the other hand, benefits from the facilities and opportunities the hospital provides to enlarge the clinical experience for its medical professionals.

In this respect, Philadelphia represents one of the Nation's leading concentrations of medical educational facilities and medical talent. The University of Pennsylvania Medical School is located there and is already affiliated with the existing Veterans' Administration hospital. The medical school of Temple University and the Thomas Jefferson School of Medicine are also located in Philadelphia, as are Hahnemann Medical College and the Medical College of Pennsylvania.

In short, now that the Appropriations Committee has taken measures to meet the pressing need, the capabilities exist in Philadelphia for helping to meet that need efficiently and effectively.

Once again, I would like to commend the Senate Committee on Appropriations, under the leadership of the distinguished Senator from Louisiana, Senator ELLENDER, and especially the Subcommittee on Housing and Urban Development, Space, Science, Veterans, under the chairmanship of the distinguished Senator from Rhode Island, Senator PASTORE, on their work with regard to this appropriation for the very necessary new Veterans' Administration hospital in the Philadelphia metropolitan area.

On behalf of the nearly three-quarters of a million veterans in the greater Philadelphia area, I look forward to the beginning of site selection and planning, and ultimate completion of the new Veterans' Administration hospital in Philadelphia.

HUD COUNSELING SERVICE

Mr. HART. Mr. President, at least two committees of Congress, a grand jury, newspaper reporters, authors and numerous State agencies have been at work for months trying to figure out why our housing programs are such a mess.

When the reports are all in, I suspect we will have several explanations. But—looking at the appropriation bill for the Department of Housing and Urban Development—it is simple to see one of the problems.

What is significant is what is missing: funds for counseling of potential homebuyers before they take on the financial burden of the house. This is a perfect example of the intentions of Congress being frustrated by the executive.

Four years ago, in enacting the National Housing Act of 1968, Congress recognized that minority group members—whose families for generations had been renters—may need help in determining if they could handle problems connected with being a homeowner.

Therefore, Congress directed that counseling for these groups be established—along with the housing programs.

Four years later—with billions of dollars in foreclosures on our hands—we are told by the Department of Housing and Urban Development that they are still trying to figure out how to counsel potential homebuyers.

The most charitable thing I can say is that perhaps the agency has not been looking for advice from the right people.

During hearings of the Senate Antitrust and Monopoly Subcommittee we have had several witnesses who saw no great mystery or magic involved in counseling potential homebuyers. For example, several social service agencies in Boston told us they were ready, willing and able to conduct counseling programs. The only ingredient they did not have was the Federal funds which Congress promised 4 years ago would be available.

At recent hearings on the housing situation in New York, a representative of the Bedford-Stuyvesant Restoration Corp., expressed a desire to add counseling to the groups' mortgage operation.

But more importantly, perhaps HUD officials should go out and talk to bankers—who have been counseling the middle-class homebuyers for dozens of years. Apparently these bankers have had no problem in transferring this experience to minority groups and the poorer families who can now participate in the housing market.

For example, a representative of the Buffalo Savings Bank told the subcommittee that his institution is the largest 235 lender in western New York State—with $16 million committed.

With that great deal of money outstanding the bank is just now facing its first two foreclosures.

The Green Point Savings Bank in Brooklyn has more than $500 million in mortgage loans outstanding. Overall, its delinquency rate is about 1 or 2 percent. In the minority programs, that rate is about 3 or 4 percent—about the national average for FHA loans over the past three decades.

Mr. Isidore J. Lasurdo, executive vice president of the bank, explained that the very good experience with FHA programs was due to careful underwriting—and counseling—of the potential homebuyers.

By checking out the applicant, the bank avoids many problems caused by the out-and-out fraud in Federal housing programs which has been demonstrated across the country.

As Mr. Lasurdo put it:

> We originate all loans and we interview every borrower and then, at least, we know we have a live one.
>
> We send out our own credit application. We close our own loans.

Mr. Lasurdo pointed out by doing this work itself, the bank avoided two of the biggest problems which are leading to foreclosure: Nonexistent buyers and nonexistent jobs.

The major impact of the counseling that banks do is to make sure that the individual buying a home understands fully his financial obligation—that it includes repairs and utility bills—and to assure themselves that the buyer can carry this burden.

That is plain commonsense. Each of us in this Chamber had to meet the same criteria on each home we have purchased over the years.

This is why it baffles me that HUD—after 4 years—is still telling us we must wait a few more months for them to determine how one counsels potential home buyers.

In its report on this bill, the Senate Appropriations Committee says that

HUD officials were not clear on the types of counseling services contemplated.

The committee report goes on to state:

> The committee therefore expects the Department to clarify and more sharply define its intentions and goals in this area. A report on the results of this review should be submitted to the committee by December 31, 1972.

There should be no reason why HUD cannot meet that deadline.

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. 15093) was read the third time.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, because I want to ask for the yeas and nays.

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The 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, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. ALLOTT. Mr. President, I yield back my time.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass? 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 North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), 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 Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Alaska (Mr. GRAVEL), the Senator from North Dakota (Mr. BURDICK), and the Senator from Rhode Island (Mr. PELL), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 70, nays 2, as follows:

[No. 210 Leg.]

YEAS—70

Aiken	Ervin	Nelson
Allen	Fannin	Pastore
Allott	Fong	Pearson
Anderson	Fulbright	Percy
Bayh	Griffin	Proxmire
Beall	Gurney	Randolph
Bennett	Hansen	Ribicoff
Bentsen	Hart	Saxbe
Bible	Hatfield	Schweiker
Boggs	Hollings	Smith
Byrd, Harry F., Jr.	Hruska	Sparkman
Byrd, Robert C.	Inouye	Spong
Cannon	Jackson	Stafford
Chiles	Javits	Stennis
Cook	Jordan, N.C.	Stevens
Cooper	Jordan, Idaho	Stevenson
Cotton	Kennedy	Symington
Cranston	Magnuson	Taft
Curtis	Mansfield	Talmadge
Dole	McGee	Thurmond
Eagleton	Metcalf	Tunney
Eastland	Miller	Weicker
Ellender	Mondale	Young
	Montoya	

NAYS—2

Brock	Roth

NOT VOTING—28

Baker	Gravel	Moss
Bellmon	Harris	Mundt
Brooke	Hartke	Muskie
Buckley	Hughes	Packwood
Burdick	Humphrey	Pell
Case	Long	Scott
Church	Mathias	Tower
Dominick	McClellan	Williams
Gambrell	McGovern	
Goldwater	McIntyre	

So the bill (H.R. 15093) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PASTORE, Mr. MAGNUSON, Mr. ELLENDER, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH, and Mr. YOUNG conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, H.R. 15093 having disposed of, the Senate will now proceed to the consideration of H.R. 15259, the District of Columbia appropriation bill, with debate on the bill and amendments thereto likewise limited under the unanimous-consent agreement previously entered into.

The clerk will state the bill by title.

The legisaltive clerk read the bill by title, as follows:

A bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. INOUYE obtained the floor.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. INOUYE. I yield.

Mr. HARRY F. BYRD, JR. What is the time limitation?

Mr. INOUYE. Two hours on the bill, to be equally divided between the majority and minority, and a half hour on amendments, 15 minutes on each side.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The PRESIDING OFFICER. How much time does the Senator from Hawaii yield himself?

Mr. INOUYE. Mr. President, I yield myself 10 minutes.

It is my pleasure to bring to the floor at this time the fiscal year 1973 District of Columbia appropriations bill which passed the House last Wednesday. It is an especially great pleasure in that the delay that was so frustrating last year has been avoided. As you may recall, last year the subcommittee began hearings on the District of Columbia appropriations on March 15, 1971, and finished them on April 21, 1971, only to have to wait until December to receive a bill from the House. This year our hearings began on February 7 and finished on April 11, during which period we met in 23 sessions and heard testimony from over 100 witnesses. At the time we concluded our hearings the House had not reported a bill. Because we wanted to make our recommendations while the information was fresh in our minds, the subcommittee marked up a bill of its own and brought it to the full committee on May 2. At that time the bill was ordered to be reported after the House had acted. It was agreed that if there were any substantial changes required, either as a result of the House action or for any other

reason, the full committee would be reconvened to consider these changes before the bill was reported to the floor. As it happened, the financial estimates of the District were updated in the interim and the full committee met a second time to consider the various ramifications. This meeting took place Monday, and today we have a bill which we believe is adequate to meet the District of Columbia's needs in fiscal year 1973. There are reductions, to be sure, but I feel that the reductions in no way take away from the support I personally have pledged to the mayor and to the people of the District of Columbia. If we can obtain the same degree of support from Mayor Washington by way of improved accountability for and more responsible use of these funds, we will have struck a very favorable bargain.

There are a number of changes that the committee recommends, which are explained in detail in the report. At this time I would just like to summarize the committee's action. The total request of the District of Columbia for fiscal year 1973 was $900,888,000, of which $722,814,000 was for operating expenses; $28,144,000 for repayment of loans and interest; and $149,930,000 for capital outlay projects. The committee recommends $714,984,300 for operating expenses, a reduction of $7,829,700 from the amount requested and $1,139,700 below the amount recommended by the House last Wednesday; $28,144,000 for the repayment of loans and interest, the same as requested by the city and allowed by the House; and $81,719,100 for capital outlay projects, a reduction of $68,210,900 from the amount requested and $49,674,900 below the amount allowed by the House.

I ask unanimous consent that the summary of bill table that appears on page 2 of the report be included in the RECORD at this time. I believe that it more graphically illustrates the comparative figures.

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

SUMMARY OF BILL

Agency and item	New budget (obligational) authority, fiscal year 1972[1]	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended by House	New budget authority recommended by Senate committee	Senate committee recommendation compared to— Budget	Senate committee recommendation compared to— House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FEDERAL FUNDS						
Federal payment	$177,740,000	$194,074,000	$189,074,000	$187,074,000	−$7,000,000	−$2,000,000
Loans for capital outlay	102,086,000	149,232,000	143,232,000	126,632,000	−22,600,000	−16,600,000
Total, Federal funds to the District of Columbia	279,826,000	343,306,000	332,306,000	313,706,000	−29,600,000	−18,600,000
Commission on the Organization of the District of Columbia Government	425,000					
Total, Federal funds	280,251,000	343,306,000	332,306,000	313,706,000	−29,600,000	−18,600,000
DISTRICT OF COLUMBIA FUNDS						
Operating expenses	666,944,000	722,814,000	716,124,000	714,984,300	−7,829,700	−1,139,700
Repayment of loans and interest	23,573,700	28,144,000	28,144,000	28,144,000		
Capital outlay	323,713,000	149,930,000	131,394,000	81,719,100	−68,210,900	−49,674,900
Total, District of Columbia funds	1,014,230,700	900,888,000	875,662,000	824,847,400	−76,040,600	−50,814,600

[1] Includes fiscal year 1972 2d supplemental appropriation.

Mr. INOUYE. With regard to the Federal funds paid to the District of Columbia, which are also included on the table just inserted—and again I refer my colleagues to page 2 of the report—the city requested a total Federal payment of $194,074,000. Of this amount, $190 million was authorized in the District of Columbia Revenue Act of 1971; the remaining $4,074,000 is requested for water and sewer services rendered Federal activities. This latter amount, the $4,074,000 we have recommended in full. The committee does not, however, recommend the full $190 million requested—the amount normally referred to as the Federal payment. Rather, the committee recommends the appropriation of $183 million, or $2 million less than the House allowance.

I believe the closeness of the House allowance and the committee recommendation is noteworthy, and that it reflects fundamental agreement between the House Subcommittee on the District of Columbia and the subcommitee which I chair, concerning the level of funding necessary to meet the city's needs. The Senators will note on page 2 that the difference between the House allowance and the committee's recommendation for operating expenses is only $1.1 million. The District of Columbia request was for $722.8 million.

Our committee was disturbed by many things that were brought to light during the hearings, but two basic problems are paramount. The first concerns adequate fiscal accountability of funds. The subcommittee asked the General Accounting Office to explore the matter and the GAO returned with a list of 18 deficiencies. I questioned Mayor Washington about the deficiencies during the hearings and later I was informed, on an item by item basis, what the source of the difficulty was. I referred all of this to the General Accounting Office for further investigation but have not received their final report as of this moment.

Based on the GAO study and other revelations during the hearings, I cannot help but think that where there is smoke there is fire. The matter of most concern to me is how much fire and, as a practical matter, what can be done about it. The Mayor and I have discussed this both publicly and privately for many hours. The committee has supported the Mayor in his requests, both financially and personnel-wise, but the day of reckoning cannot be far off. I am not the first subcommittee chairman who has extended this support; my predecessors on the subcommittee, Senators BYRD and PROXMIRE, have gone to considerable lengths to assist in this regard. I am told that the tide of unaccountability is being turned, and that when the day of reckoning does come, the District of Columbia will not be found deficient. The assistance and support provided in the last few years has resulted in renewed emphasis on the budgetary process and increased strengthening of the budget office under the able directorship of Mr. Comer C. Coppie. I look forward to seeing the results of this newly constituted office.

The second basic problem area, which is closely associated with the accounting area, is the problem of Federal grant assistance to the government of the District of Columbia. Through this year's budget, the justification materials have been focused on the funding requirements of the programs receiving appropriated funds only. No effort was made to justify the grant funding in the justifications presented to us, although the amount of the expected grant funding for the fiscal year was noted in the justification materials. I point out at this time the table on page 9 of the report, and ask unanimous consent that it be printed in the RECORD.

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

SUMMARY OF FEDERAL GRANTS ASSISTANCE TO THE DISTRICT OF COLUMBIA BY SOURCE

[In thousands of dollars]

Federal agency	1971 actual	1972 estimated	1973 estimated
1. Department of Health, Education, and Welfare	98,314.4	136,626.7	157,246.7
2. Department of Labor	6,329.5	10,950.5	12,169.3
3. Department of Housing and Urban Development	[1] 40,275.0	[1] 51,710.6	[1] 73,154.5
4. Department of Defense	155.6	150.0	110.0
5. Department of Justice	3,012.8	4,392.3	3,268.7
6. U.S. Civil Service Commission	10.0	41.0	2.6
7. Office of Economic Opportunity	1,551.3	2,283.5	1,595.4
8. Department of Commerce	191.6	315.4	28.0
9. Small Business Administration	33.1	14.2	
10. Department of Interior	89.8	107.8	50.0
11. Equal Employment Opportunity Commission	34.5	40.5	40.0
12. Department of Agriculture	6,597.0	3,628.0	4,334.5
13. Department of Transportation	35,400.5	29,657.7	75,323.5
14. National Science Foundation	103.0	140.0	140.0
15. National Aeronautics and Space Administration	45.0	5.0	20.0
16. Environmental Protection Agency	570.7	55,990.6	25,226.6
17. Water Resources Council	.8	24.8	20.0
Total, Federal source	[1] 192,714.8	[1] 296,178.6	[1] 352,729.8

[1] Includes estimates for Redevelopment Land Agency (RLA):

1971 estimate	$30,732
1972 estimate	41 200
1973 estimate	60,805

Mr. INOUYE. This table illustrates the magnitude of the problem that has frustrated the subcommittee with regard to appropriations for the District of Columbia. The funding request over which the District of Columbia Subcommittee is responsible for fiscal year 1973 is $90-888,000 in new obligational authority. At the same time, the District expects to receive over $350 million in grant assistance from Federal agencies. What this has amounted to in the past is that, while we reviewed the budgets and made what we thought were appropriate reductions, the District government was free to do whatever it pleased with the grant funds, including pay for programs we had specifically denied in the District appropriations.

We cannot say that this is the fault of the other appropriations subcommittees, because the sums granted to the District of Columbia are but a minor portion of the budgets they have to review. Now this review is rightly placed with the District of Columbia Subcommittee. As a result, I have requested, and the committee has consented, that inquiry into the District of Columbia grant funding be made the responsibility of the District of Columbia Subcommittee. While this subcommittee will not have the authority to reduce the grants of these various executive agencies, if irregularities arise or funding becomes excessive, the subcommittee will be responsible to see that it is brought to the attention of the subcommittee acting on the appropriation of the executive agency in question. In this way the subcommittee for the District of Columbia appropriations will be able to control the "total" Federal payment to the city. It will know what the total funding requirement of the city is and be able to act accordingly. No longer will the intent of the subcommittee be circumvented by the use of grant funding.

The committee has taken another progressive step in this bill, Mr. President. As I mentioned earlier, the committee drafted its own bill. Naturally, to satisfy the rules of the Senate, all but one legislative provision was deleted from the proposed language submitted in the budget. Some of these provisions date back over 11 years and should have been enacted into law other than in the appropriation bill. As a matter of fact, we warned the District officials that, if they did not act, we would. The result was proposed legislation that the Senate has since enacted—(S. 2004)—but that is presently sitting in committee in the House with no reporting date in sight. We have not revised the bill in this regard since the House has acted, except to add a provision which was deleted by the House. That is why you will notice numerous provisions lined out in the bill before you. The committee proposes that the legislative items be queried in conference. If they are no longer relevant, the committee proposes to delete them. If they are still required, I propose to ask why the House has not acted on the legislation now before it. I think the matter is worth pursuing.

Mr. President, there is one area where the committee differs considerably from the House as to the amount that should be allowed in fiscal year 1973. It is the capital outlay program. Last year, we were concerned that the program was getting out of hand and, as a result, the conferees agreed that a limitation of $150 million should be placed on the budget request for fiscal year 1973. The District complied with the mandate of the conference report, but I am sad to say that their compliance was, to my way of thinking, merely "token." While the District officials submitted a request for $149 million for fiscal year 1973, it should be noted that a few months ago they also submitted a supplemental request for fiscal year 1972 for another $84.2 million. Inasmuch as $67.8 million of the amount requested in the supplemental was approved, the committee recommends that only $81.7 million of the $149.9 million requested for capital outlay in this bill be approved. This will provide for a capital outlay program in line with what the Congress directed last year. The percentage of District funds being used for repayment of loans and interest for this program is growing astronomically as indicated in our report on page 7. Ten years ago the amount required for the repayment of loans and interest was less than $2 million. This year it is $28 million. If the Congress limits the District, as it has in 1973, to $150 million worth of new projects each year, the debt service cost, the cost of payment of interest and principal, will rise to over $200 million by 1989. That is almost 10 times what it is today. It is very popular for the city to engage in these new capital projects—and Mr. President, it should be noted that I am not against the construction of schools, jails, or highway projects—but we have to look to the future and see what the impact of such an ambitious program will be.

I might add at this point, Mr. President, that funds borrowed for use in the capital outlay program have been utilized, in the past, for more consumable items. The subcommittee has been watching this closely and will continue to do so. If funds are to be borrowed for a period of 30 years, we want to ensure that the goods purchased with those funds last that long as well.

The committee would like to keep the loan repayment expenses as manageable as possible but is unable to do so without keeping a tighter rein on capital outlay projects authorized in this bill. For this reason, the committee hopes that the Senate will endorse the committee's recommendation.

Mr. President, there are several acknowledgements that I feel are appropriate at this time. To begin with, I think it should be noted that this bill is being considered before the first of July only because of the cooperative efforts of all the organizations concerned with the appropriation process, the city, the executive branch, the House, and our committee on appropriations. I do not know if the public realizes the impetus that our chairman, Senator ELLENDER, has provided in seeing to it that the bill and others are considered before the start of fiscal year 1973, but, believe me, he has been the motivating force behind us all.

I would also like to recognize the staff on the committee who have been most helpful. Prior to the first of April, Mr. William Jordan, who has worked with this particular bill for almost 5 years, assisted me. He was also assisting Senator PROXMIRE on the foreign aid appropriations bill at the same time which meant that each of us were receiving half the staff assistance we needed. At this time Mr. Farrell Egge was brought in to handle the staff responsibilities on this bill on a full-time basis and Mr. Jordan was allowed to devote full time on the foreign aid bill. With Mr. Jordan's

assistance, Mr. Egge has filled the breach.

Several members of my immediate staff have also become involved in this budget review, because of their interest and because of the numerous phone calls that I have received from the citizens of the District. They are Mr. Bill Milks, Mr. Anson Choung, and Mr. Charles Dickens, who is an intern from the National Science Foundation. They were of great assistance to Mr. Egge during the transition, as was Mr. Robert Clark, the minority counsel. But the "bright light" in this group is Miss Helen Dackis. Without her assistance, I am certain Messrs. Egge and Jordan would have been truly handicapped.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. HATFIELD. Mr. President, I should like to take this opportunity to commend the chairman of our subcommittee, the Senator from Hawaii (Mr. INOUYE). I have been on this committee only a few weeks, but I represent the minority party, and I feel it is important for the Senate to know that the chairman of our subcommittee has diligently pursued his duties and responsibilities. But far beyond that which is normally expected of a chairman, the Senator from Hawaii not only has informed himself and become very knowledgeable as to the material that is presented through the written form and through the verbal testimony before the committee, but also has acquainted himself from on-the-scene investigation, inquiry, visitation, and interview. Therefore, the depth of his knowledge and background are indeed most impressive.

I also should like to indicate that throughout the hearings it has been obvious to me that the Senator from Hawaii has looked at more than statistics and data and figures. He also has looked at the human factor involved and the human problems represented by these figures in our Capital City.

Many would like to see home rule. I happen to be one of the supporters of home rule for our Nation's Capital. But I feel that through this kind of hearing and the kind of leadership given by Senator INOUYE, we not only are developing the finest and the most efficient program under the present organic act, but also probably are doing more for laying the true foundations for solid home rule, which we hope will come in the very near future.

So, in connection with these many aspects, I take this occasion to commend my chairman and to indicate to him my respect and my great admiration for his efficient handling of the committee and for always giving a fair and total hearing to all viewpoints and all groups.

I share his concern about the capital improvement program particularly, and invite attention to page 37 of our committee report, which outlines this common concern that we share. I think that all our colleagues certainly would support our concern on this basis and therefore support the committee's action, even though we would like to appropriate far more money for these aspects.

I express again my personal appreciation and my admiration for the way the chairman has handled this very difficult assignment. I know the sacrifice of time and the sacrifice of duties which are demanded of him in performing his functions for the people of Hawaii. We all should be very cognizant of the fact that whoever serves as subcommittee chairman—especially a diligent man such as Senator INOUYE—does make sacrifice of his time and energies. I thank the Senator for his outstanding performance.

Mr. INOUYE. I thank the distinguished Senator for his gracious words. It has been a great pleasure to have Senator HATFIELD sitting with me on the subcommittee.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

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

The amendments agreed to en bloc are as follows:

On page 1, line 9, after "June 30, 1973", strike out "$185,000,000" and insert "$183,000,000".

On page 2, line 13, after "(74 Stat. 210)", strike out "$143,232,000" and insert "$126,632,000"; at the beginning of line 17, strike out "$103,070,000" and insert "$90,070,000"; in the same line, after the word "fund", strike out "$16,750,000" and insert "$13,750,000"; in line 18, after the word "fund", strike out "$3,000,000" and insert "$2,600,000"; and, in line 19, after the word "fund", strike out "$14,160,000" and insert "$13,960,000".

On page 3, line 4, after the word "expenses", strike out "$65,029,000" and insert "$63,242,600"; at the beginning of line 13, strike out *"Provided further,* That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations:"; in line 15, after the word "That", strike out "$2,500,000" and insert "$1,000,000"; and, in line 18, after the word "compensation", strike out the colon and *"Provided further,* That not to exceed $100,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further,* That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner".

On page 4, line 8, after the word "Commissioner", insert "cash gratuities of not to exceed $75 to each released prisoner;"; in line 15, after the word "limitation", strike out "$181,700,000" and insert "$181,513,900".

On page 5, line 3, after the word "programs", strike out "$179,526,000" and insert "$179,907,300"; at the beginning of line 4, insert "$9,561,300 shall be for special education. Of the amount provided by this section for Education,"; and, in line 6, after the word "fund", strike out the colon and *"Provided,* That certificates of the following officials shall each be sufficient voucher for expenditures from this appropriation for such purposes as they may respectively deem necessary within the amounts specified: Superintendent of Schools, $1,000; President of the Federal City College, $1,000; President of the Washington Technical Institute, $1,000; and President of the District of Columbia Teachers College, $1,000".

On page 5, after line 13, strike out:

SECTION 5533(c) of title 5, United States Code, shall not apply to compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the period July 1, 1972, to August 31, 1972.

On page 5, line 20, after the word "Recreation", strike out "$13,860,000" and insert "$13,843,500".

On page 5, line 24, after the word "in", insert "authorized"; in line 25, after the word "institutions,", strike out "including those under sectarian control,"; on page 6, line 2, after the word "Resources", strike out "$208,709,000" and insert "$209,915,800"; and, in line 22, after the word "Columbia", strike out "without regard to the requirement of one-year residence contained in the District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital", and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further,* That the authorization included under the heading "Department of Public Health", in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Vocational Rehabilitation Administration of the Department of Human Resources".

On page 7, line 15, after the word "including", strike out "$166,700" and insert "$182,300"; in line 16, after the word "education", strike out "without reference to any other law"; at the beginning of line 21, strike out "$21,711,000" and insert "$21,372,400"; and, in the same line, after the word "which", strike out $20,042,300" and insert "$20,950,500".

On page 8, line 2, after the word "services", strike out "$44,710,000" and insert "$44,309,800"; and, in line 4, after the word "fund", strike out "$13,846,100" and insert "$13,646,100".

On page 9, line 10, after the word "expended", strike out "$131,394,000" and insert "$81,719,100"; in line 11, after the word "which", strike out "$12,227,700" and insert "$3,360,000"; in line 12, after the word "fund", strike out "$2,420,000" and insert "$1,200,000"; in line 13, after the word "and", strike out "$1,760,000" and insert "$1,020,000"; in line 14, after the word "That", strike out "$4,332,000" and insert "$2,516,500"; and, on page 10, line 5, after the word "lapse", strike out

the colon and "*Provided further*, Notwithstanding any other provision of law, and authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obigated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse".

On page 10, line 22, after the word "official", strike out "without counter-signature".

On page 11, after line 4, strike out:

SEC. 3. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10 cents per mile but not to exceed $35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and thirteen (eighteen for veneral disease investigators in the Department of Human Resources) such allowances at not more than $550 each per annum may be authorized or approved by the Commissioner.

On page 11, at the beginning of line 15, change the section number from "4" to "3".

On page 11, at the beginning of line 19, change the section number from "5" to "4".

On page 11, after line 20, strike out:

SEC. 6. The disbursing officials designated by the Commissioner are authorized to advance to such officials as may be approved by the Commissioner such amounts and for such purposes as he may determine.

On page 11, after line 24, strike out:

SEC. 7. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

On page 12, at the beginning of line 9, change the section number from "8" to "5".

On page 12, after line 11, strike out:

SEC. 9. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

On page 12, at the beginning of line 25, change the section number from "10" to "6".

On page 13, after line 3, strike out:

SEC. 11. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioner.

On page 13, at the beginning of line 7, change the section number from "12" to "7".

On page 13, after line 17, insert a new section, as follows:

SEC. 8. The Department of General Services' allocation for construction services shall not exceed 10 per centum of appropriations for all construction projects.

On page 13, after line 20, strike out:

SEC. 13. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided*, That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further*, That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be $200,000: *Provided further*, That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

On page 14, at the beginning of line 9, change the section number from "14" to "9".

On page 14, at the beginning of line 16, change the section number from "15" to "10".

On page 14, at the beginning of line 19, change the section number from "16" to "11".

On page 15, at the beginning of line 13, change the section number from "17" to "12".

On page 15, at the beginning of line 17, change the section number from "18" to "13".

On page 15, after line 20, strike out:

SEC. 19. Appropriations in this act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—

(1) as a full time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or

(2) as a temporary or part time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

On page 16, after line 17, strike out:

SEC. 20. No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 9, line 10, strike out "$81,719,100" and insert in lieu thereof "$81,754,100".

Mr. CRANSTON. Mr. President, I want to make it clear that I am in full support of the very fine efforts of the District of Columbia Appropriations Subcommittee and its chairman, Mr. INOUYE, to provide the District of Columbia with an annual budget that is responsive to the needs of the District citizens and also fiscally sound. H.R. 15259 is just such a bill. The chairman has taken great pains to insure that the District's capital outlay program is kept within strict bounds to insure fiscal integrity. It is, therefore, with some trepidation that I offer this amendment to add $35,000 for a bicycle route system.

This amendment would simply restore a rather small sum, $35,000, which was in the budget request, but which was not included in the bill reported by the Senate Appropriations Committee. This $35,000 item was requested by the District government to implement a 22-mile bicycle route system in the District of Columbia.

My reason for offering this amendment is to deal with a growing traffic safety hazard on the city streets and to help protect the life and limb of the increasing numbers who rely on their bicycles as a serious means of transportation. None of the $35,000 will be used for exclusive recreational trails. Rather, the money will be used for three important purposes:

First, to provide for curb cuts and ramps where necessary and appropriate;

Second, to paint lines on the streets; and

Third, to post signs to warn motorists and pedestrians of the presence of bicyclists.

The line-painting will not establish exclusive bicycle lanes, nor will it inconvenience the motorist or redirect automobile traffic. By providing 22 miles of bicycle routes—that are clearly marked for all to see—we will divert bicycle traffic off the major traffic arteries where accidents and congestion are so likely to happen.

The plan calls for a series of bicycle routes into the downtown area: from the Georgetown area into downtown Washington, from the Connecticut Avenue area downtown, from the Capitol Hill area downtown, and from the Southwest redevelopment area downtown.

In short, my amendment is intended to deal with a growing traffic safety hazard, as recognized by the National Traffic Safety Board in a recent report entitled, "Bicycles as a Highway Safety Problem." In the District of Columbia, surveys have counted approximately 6,000 regular bicycle commuters. And if increasing bicycle sales in the metropolitan area are any indication, the number of bike commuters is growing fast.

The most current data compilation of the Metropolitan Police Department indicates that in the first 3 months of 1972, 13 accidents involving bicycles were reported. Nine of these involved nonfatal injuries. Fortunately, there were no

fatalities. However, in 1971, one person lost his life in an accident involving a bicycle, and 81 sustained nonfatal injuries of varying degrees of seriousness.

I believe it is essential to include in the District of Columbia budget the funds necessary to accommodate the growing numbers of serious bicycle commuters and to assure their safety. The $35,000 is a small amount to pay to reduce the likelihood of increasing deaths and injuries on the city streets.

Mr. INOUYE. Mr. President, the committee did not consider this measure, because it was not submitted by the city of Washington. I understand that the White House submitted this proposal, but the Mayor did not initiate the request. As I understand the situation, the request was added by the council. However, I agree with Senator CRANSTON as to the necessity of this measure. I am pleased to accept the amendment and will take it to conference.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CRANSTON. I yield back the remainder of my time.

Mr. INOUYE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. INOUYE. I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I am enthusiastically in accord with the amendment of the Senator from California. I am a frequent user of bicycles on weekends, and I can assure the Senate that the residents of the District of Columbia have taken to the bicycle paths we now have. The paths are crowded on weekends, and this is a wonderful trend. I commend the Senator.

Mr. CRANSTON. I thank the Senator from Illinois.

PRIVILEGE FROM THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that during consideration of the matter I wish to bring before the Senate, Mr. William Lytton of my staff be allowed the privilege of the floor.

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

Mr. PERCY. Mr. President, I enjoyed very much indeed my service on the Appropriations Committee. As the ranking Republican on the District of Columbia Committee, I benefited tremendously from that service. I know that our distinguished assistant majority leader rendered great service to the District of Columbia on that committee and became knowledgeable, and we lean heavily on him for counsel and advice.

I admire the tenacity with which my distinguished colleague from Hawaii (Mr. INOUYE) went after his job. Although we have had some differences, I pledge to him that as a resident of the District of Columbia, I shall continue my interest in the District of Columbia. We should and can make this a model city for the inhabitants of the Nation's Capital.

Mr. President, I would just like to comment briefly concerning the District of Columbia jail. The Department of Corrections requested $10 million to begin construction of a new jail facility. The House has agreed to appropriate $9 million; however, the Appropriations Committee of the Senate has recommended that no money be appropriated for this project.

The District of Columbia jail has a capacity for 663. However, it has been operating at 83 percent over capacity. The average daily population is 1,213, and a year from now the average population is expected to be 1,351. I am sure that the chairman recalls when I testified before his subcommittee on March 29 of this year, and at that time I warned of the severe overcrowding and the very real danger of a riot situation developing by the end of this summer, which information was given to me by inmates and by other people familiar with the situation out there. The facts which I discussed at that time have not changed, in my judgment. The situation is still critical, and it gets more critical each day. Any hesitation on the part of the Congress would only serve to exacerbate these very serious tensions.

Kenneth Hardy, the Director of the District of Columbia Department of Corrections, has pointed out in testimony before the Senate that—

> Any system whose facilities are operating at more than 50% over-capacity can function neither effectively nor efficiently for long.

Indeed, Mr. Hardy has also commented that he does not see "much difference in the way the Nazis kept the prisoners they had at Dachau and what we are keeping our men in today."

An independent, 2-year study of the century-old District of Columbia jail termed the jail "a filthy example of man's inhumanity to man." Obviously, the intention of the Department of Corrections to replace this barbaric structure can only be praised by all of us who have an interest in the well-being of the District of Columbia.

It is because of this, Mr. President, that I am somewhat concerned by the report of the Appropriations Committee which recommends that no money for the jail be appropriated by the Senate. I know that the distinguished chairman of the subcommittee, Mr. INOUYE, is cognizant of the very pressing need for the new jail. Since the committee report is somewhat incomplete in discussing the reasons for this deletion, I should like to ask the distinguished Senator from Hawaii the reasons for this deletion. I am thoroughly familiar and am supportive of his efforts to bring capital expenditures within control, to see that we do first things first. But this is a most urgent project. Everything that is presently desirable is probably already in the budget. But we have to put first things first.

I recognize that this might not come within the $150 million target figure, but in the Department of Corrections, of the 10 items that were asked for in the budget, the jail was the No. 1 item.

It might be useful for the record to review the fact that the overall construction of the jail is $43 million. Congress has already committed itself to the construction of this new facility by appropriating $2,650,000 as of March 31. The Department of Corrections expects to sign a contract this week with architects for $1,925,000 to provide for plans to be drawn up; and if the money requested for construction by the District would be forthcoming, the Department of Corrections estimates that excavation could be started by this time next year.

Since I am rather unclear as to why the committee has decided not to appropriate this money, I would very much appreciate the chairman's offering for the record the reasons why the committee decided to deny a request by the District in this regard, a request which was reaffirmed at noon today, at a luncheon by former Attorney General of the United States, John Mitchell, who said that in his judgment this is an urgent capital requirement and absolutely essential to continue to carry out a program which has been so costly in lives and to the property of people in the District of Columbia.

The tendency to bring down the crime rate must be accelerated and continued, but we know that a great deal of crime is created by inmates already in prison, almost all of whom will be eventually released. We know that from their experience in having to endure the inhumane conditions existing in jail, many times they revert back to a life of crime. Our prisons are today schools for advanced courses in crime. We are the victims, those of us who are residents of the District of Columbia. I feel, for the record, that it would be highly desirable, therefore—because I know that the chairman does not do things without good reason—to have it stated for the record now, as to what was in the minds of the Appropriations Subcommittee in this regard.

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Hawaii is recognized for 5 minutes.

Mr. INOUYE. Mr. President, last year, Congress appropriated a sum in excess of $323 million for capital outlay projects for the city of Washington. As a result, in conference last year, the House and Senate conference agreed that, henceforth, a ceiling should be established for capital outlays and projects of $150 million per year.

Why?

The reason is simple. Ten years ago, the debt service cost of the city, the cost of interest payments and principal payments, was less than $2 million.

Today, as a result of the borrowing power we have extended to the city, the debt service cost—which is primarily in interest payments—exceeds $28 million.

The committee felt that if the city were permitted to continue with this accelerated capital project, no one would know what the capital debt service cost would be, say, 20 years from now.

We estimated that if we maintain a ceiling of $150 million a year, the debt

service cost in the year 1989—which is not too far away, sir—would be $203 million per year.

In other words, it is easy for city officials to go out to their constituents and say, "We have got you this and that project," because they do not have to pay for it today, Mr. President. Someone's son and daughter will have to pick up the tab for that 15 or 20 years from now.

It should also be noted that Congress, in response to the pleas of city officials, appropriated large sums of money for capital projects.

At this moment, we have over $300 million worth of approved projects still unobligated for construction purposes. If these projects were of such high priority when they were presented to us a year ago, 2 years ago, or 3 years ago, why have the funds not been used?

I have suggested that funding authorization for these projects can be reprogramed and used for the jail.

In order to be consistent with my views that the people of the District of Columbia deserve self-government, I have tried my best to rely on the direction which has been coming from the mayor's office.

The subcommittee therefore requested the city to submit to this committee of ours a priority list of their projects. In the event we limited the construction program to $82 million, what would their priorities be?

Mr. President, in the priorities list, they did not include the city jail. The jail was listed in the third priority group behind at least 22 other projects.

I agree with my distinguished colleague from Illinois that the jail is important. I was at the hearing and listened to the testimony. I was personally rather surprised to find the city coming forth and not including the jail as a high priority matter.

But since I have committed myself to home rule, and since I have assured the city that I will try my best to go according to their direction, we placed their priority list in the committee report with only a few minor revisions. I would like to cite those revisions at this time.

From the amount set aside for Dunbar High School, we have deleted the sum of $225,000. That is not a large amount. But it is pretty substantial when we have a minimum of $35,000 for a bicycle path.

They had in the top priorities an item of $225,000 to build a rifle target range in Dunbar High School. I do not believe that a rifle target range has a high priority in this situation considering the recent history of the United States.

Mr. PERCY. Is that to train law enforcement officials or is it for anyone who wants to use it?

Mr. INOUYE. It is for high school students. I have tried my best, although this job is not my idea of a pleasant assignment, because I am a firm believer in home rule. But I have tried my best to do my job.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 additional minutes.

Mr. INOUYE. Mr. President, I represent the State of Hawaii. The State of Hawaii has been struggling for home rule for a long time. We got it 13 years ago. I would like to see Washington get it tomorrow. As long as we do not have home rule here, I will try my best to provide some fiscal responsibility. I hate to see the young children of today pick up the tab for some of the luxuries that are not necessary.

Mr. President, I could go on and on for hours, if the Senator wants me to, and I could tell him some of the items that have been requested in the capital outlay budget, items that personally I see as being unnecessary items. They could be set aside for a few years at the least.

Mr. President, in closing I would like to note that throughout the United States the people of the United States have experienced hard times. The citizens of the county of Fairfax just last evening voted down a bond issue of something like $55 million for school construction programs.

There are other major cities in this Nation where we have not found a single new classroom built in the last 6 years because of the lack of funds.

Mr. President, this Congress has been, in my view, very generous to the people of this city.

But I would like to temper our generosity with some responsibility. And if the city officials wish to come forth with a revised priority list, I would be very happy to incorporate the list in the bill. Incidentally, I requested the Mayor to do so yesterday. He reported that he was not able to change the priority list.

Mr. PERCY. Mr. President, will the Senator yield me 5 minutes?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I feel that we are getting a clarification of the matter now. It is inconceivable to me that an item that is No. 1 on the priority list of the Department of Corrections, would end up being No. 22 on the overall District of Columbia list.

I see we do have a problem. However, just to clarify the matter, is it the chairman's feeling that this jail should be constructed?

Mr. INOUYE. I feel that the jail should be constructed. It should have been constructed 5 years ago. However, I am still bound by this priority list. Therefore, I have discussed it with their fiscal officers and have suggested that they come forth with a new program of requests to set aside some of these nonpriority matters that have been pending for years and propose a start of construction on the jail. Incidentally, it might be well if the Congress were to take a good look at the construction plans for the jail.

I have made a study and I find that less than 25 percent of the residents of the District of Columbia live in air-conditioned homes.

This jail will have centralized air conditioning. Maybe this is the way to treat our felons. However, I would think that our people should get air conditioning before the prisoners get air conditioning.

Mr. PERCY. Mr. President, I have a roomful of witnesses that are waiting in the committee room at the hearing. I will try to be very brief.

As I understand it, the city has three categories of priorities. The new jail is listed in the first category. There are 25 projects listed in that first category.

I just do not understand it. If we are for the jail, and the House supports it and the chairman and the administration supports it, what do we have to do to get this project going, unless we are willing to set this aside for another year because of somehow not being able to surface this high enough in priorities because of the way we are going about it?

Mr. INOUYE. Mr. President, if the city officials will come forth with a revised priority list which would include the jail, I will publicly assure them at this time that I will do everything to see that the jail construction is made part of the bill.

I realize that the cuts proposed by the Senate subcommittee are rather harsh. But somewhere along the line someone must apply the brakes.

If we had gone along with the requests submitted by the committee, we would have appropriated this year $149 million in construction programs. Add to that the $323 million for last year. What will next year be like and the years following?

Mr. PERCY. Mr. President, I am very sympathetic with the overall objective. I would like very much to go on record as believing that if we delay this project for a year, those who participate in this delay will have to assume personal responsibility for the delay.

This final element in the program to reform the system of justice in the District of Columbia is aimed at safeguarding the lives and property of the people in this city.

The present jail is an absolutely inhumane way of handling our prisoners. They are the ones who will commit the crimes in the future. They are the ones who will rob someone. They are the ones who will rape someone. They are the ones who will murder someone. We must take this step and advance $9 million or $10 million for this step which is very small indeed when compared with the chances we are taking in endangering the lives of the citizens of the community.

I think there is a great obligation on the part of the District of Columbia administration to come forward and respond to this request for the revised list of priorities that the chairman of the subcommittee has wisely asked for.

Mr. President, I would just like to briefly refer to the question of unobligated funds.

I note that on page 40 of the committee report, $6,748,848 is listed as being unobligated as of March 31 by the Department of Corrections. I have checked with the Department of Corrections and they inform me that as of April 30 almost another million dollars was obligated, bringing the unobligated portion down to $5,901,998. Keeping in mind that the contract with architects will very probably be signed this week for almost $2 million, the total unobligated funds is down to a little under $4 million. I think that the trend is very clear that this un-

obligated money is very quickly being obligated. I certainly would not think that we would want to penalize the Department of Corrections, and consequently the citizens of the District, because of other departments or agencies which have not obligated their funds.

Mr. President, I trust that we will find some answer to this problem within the framework that the chairman and the distinguished ranking minority member of the subcommittee are trying to accomplish and not have an uncontrolled capital budget. However, we should have a set of priorities that we can live with and we should not be forced to sacrifice this one capital project that is so important.

Mr. INOUYE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. INOUYE. Mr. President, I wish to have the RECORD note that a few months ago in the second supplemental construction request, Congress appropriated $65,200,000 for four facilities in the Lorton complex to alleviate the conditions there.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, I would like to make a few comments on the matter.

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, as is obvious, the Senate has had very little time to study this appropriation bill. It was only available today. So, with a quick glance, there are three points that I want to mention and I would then like to ask several questions of the able chairman of the subcommittee.

The Senate committee has recommended an appropriation of $189 million below last year's figure.

It is $76 million below this year's budget request and $50 million below the amount approved by the House. Obviously the Senate committee conducted a thorough review of the District of Columbia spending programs.

Second, the total Federal funds to be paid to the District under the committee bill is $313 million, which is $33 million higher than last year's budget authority, but $30 million less than the budget recommendation.

Third, during the period 1951 to 1972 the Federal payment rose as a percentage of the District of Columbia tax revenues from 10.6 percent to 40.5 percent.

For 1973 the committee recommends a Federal payment which would be 40.8 percent of the District of Columbia tax receipts. Obviously this represents a successful effort to arrest the rapid increase in the Federal payment as a share of total District revenues.

I note on page 5 of the report that it goes back to 1951. In fiscal year 1951 the Federal payment, as a percentage of tax receipts, was 10.6 percent. In 1961 it had gone up to 15.9 percent, until last year, and that is fiscal year 1972, it was 40.5 percent, and the new year will be 40.8 percent. That is a very dramatic increase in the Federal share of the cost of the District of Columbia government.

I commend the committee for putting a brake on this tremendous increase in the Federal share.

I wish to direct several questions to the distinguished chairman of the subcommittee.

Did the chairman indicate the total cost of Government in the District of Columbia; that is, the Federal share of the local share combined?

Mr. INOUYE. The request made by the city was $900,888,000. The Senator knows we did not approve the total amount.

In addition to this sum, which includes the Federal payment of $190 million authorized, we have the sum slightly in excess of $350 million in other Federal grants such as impact aid funds from HEW, matching highway funds from the Department of Transportation, and housing funds from HUD.

Up until a few weeks ago the Subcommittee on the District of Columbia had authority only to look into those appropriated funds, but at the request of the full committee the Subcommittee on Appropriations was directed to concern itself and to exercise jurisdiction over all Federal funds. Therefore, beginning with this coming fiscal year the subcommittee will be checking into every penny that comes in from the Federal Government.

I wish to point out that there have been certain expenditures reported in the press that caused some raising of eyebrows. For example, there was the use of impact aid funds to go to a local hotel for a weekend to conduct seminars and having the Federal taxpayers pick up the tab for about $2,000 for food and other accommodations. I do not think this is a high priority matter, but if it is we would like to have city officials say so for the record.

Mr. HARRY F. BYRD, JR. From the short time I had to study the committee report I am not clear whether the total cost of government for the upcoming fiscal year is $824 million or $824 million plus the grants the Senator has been speaking of.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INOUYE. Mr. President, I yield 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. INOUYE. If the conference approves the $824 million the total cost of government in the city of Washington would be $824 million plus $350 million.

Mr. HARRY F. BYRD, JR. Then, as I understand it from the Senator from Hawaii, the total cost of government in the District of Columbia for fiscal year 1973, as recommended by the committee will be $824 million plus $350 million, making a total of $1.174 billion.

Mr. INOUYE. The Senator is correct, but the subcommittee up until this time had no jurisdiction over the $350 million. These were funds authorized and approved by other subcommittees.

Mr. HARRY F. BYRD, JR. Yes; I understand. But I am trying to understand how much it costs to operate the District of Columbia government.

Mr. INOUYE. Over $1 billion.

Mr. HARRY F. BYRD, JR. Where do the funds come from? As I understand it, the figure is $1.174 billion for fiscal year 1973.

Mr. INOUYE. The Senator is correct.

Mr. HARRY F. BYRD, JR. I note on page 2 of the committee report that there was a very substantial supplemental for 1972. In comparing the amount recommended by the committee with 1972 figures, this is following a reduction of $189 million, the supplementals were included as they should have been for 1972.

I am wondering if the Senator anticipates supplementals for 1973.

Mr. INOUYE. It would appear it has become the tradition on the part of the city of Washington to submit supplemental requests. But may I assure the Senator from Virginia that the Subcommittee on the District of Columbia will look upon these supplemental requests with a very hard eye. We will insist that these requests be those that will meet the strict requirements of the law, that they be emergency matters. For example, if we should experience a demonstration during this winter, an unexpected demonstration which would cost extra money for security, police, law and order, I think the city is justified in coming forth and requesting those unanticipated costs.

Mr. HARRY F. BYRD, JR. In looking over the RECORD of last December and taking the committee report today for fiscal year 1972, the supplementals amounted to some $200 million, the way I see it—perhaps a little less than $200 million that the city sought last year in supplementals. Is that correct?

Mr. INOUYE. That is including construction programs also.

Mr. HARRY F. BYRD, JR. It is including the total cost of Government.

Mr. INOUYE. As the Senator will note we took that into consideration when we considered this year's budget, while limiting the capital outlay program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. I yield 2 additional minutes.

Mr. HARRY F. BYRD, JR. My point is the supplementals for fiscal year 1972 amount to about 25 percent of the amount previously appropriated, a very high percentage. I am pleased to hear the Senator from Hawaii, and I know he plans to go very carefully into any requests for supplemental appropriations that might be made by the District of Columbia.

Mr. President, I would like to ask this question: What is the total number of employees now on the payroll of the District of Columbia?

Mr. INOUYE. According to the latest figures we have from the city of Washington, it is 39,726.

Mr. HARRY F. BYRD, JR. That is a lesser number than had been anticipated by the committee a year ago. Is that correct?

Mr. INOUYE. I believe the figures have not changed considerably.

The PRESIDING OFFICER (Mr. SAXBE). The Senator's time has expired.

Mr. INOUYE. Mr. President, I yield myself 1 minute.

With the President's austerity pro-

gram, several jobs have been eliminated. So I would say, although I do not have the figures before me, that the total number should not be far different from that of the last fiscal year.

Mr. HARRY F. BYRD, JR. I would like to ask the Senator in regard to the number of welfare recipients, the average monthly total, what the committee estimates it will be for fiscal 1973.

Mr. INOUYE. The average monthly recipients——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. INOUYE. This is an estimate. For fiscal 1973 the District Budget Office estimate of the average monthly recipients is 124,000. The total expenditure is $106,477,104, which amount we reduced by $3 million.

Mr. HARRY F. BYRD, JR. I would like to point out that just in the short period from fiscal 1970 there has been a very large increase. In 1970 there were 49,983 drawing public assistance. That number will have gone up to 124,400 for fiscal 1973. In that short period of time the number of welfare recipients has more than doubled.

Mr. INOUYE. It has doubled?

Mr. HARRY F. BYRD, JR. From 49,000 to 124,000 is more than doubled. In 1971 it was 99,000. It had doubled from 49,000 in 1970.

Mr. INOUYE. In 1970 it was 49,000.

Mr. HARRY F. BYRD, JR. In 1970 it was 49,000. In 1971 it was 99,000. That is a doubling right there. For 1973 it will be 124,000.

Mr. INOUYE. The Senator is correct.

Mr. HARRY F. BYRD, JR. In 1970, just a short time ago, the city spent $34,814,000 for welfare. For 1973 it will be $106,477,000, or $103,477,000, if $3 million has been deducted. There again, in that short period of time, the cost has increased more than threefold.

Mr. President, I ask unanimous consent that the table from page 29 of the committee report be printed in the RECORD. This table gives the average monthly caseload, the average monthly recipients, and the total expenditures for welfare, beginning in 1962 to 1973.

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

PUBLIC ASSISTANCE CASELOAD AND EXPENDITURES REGULAR CATEGORIES

[Amounts in thousands]

Fiscal year	Average monthly— Caseload	Average monthly— Recipients	Expenditures Total	Expenditures Local	Expenditures Federal
1962	12,706	32,864	15,809.3	6,834.8	8,974.5
1963	11,067	27,597	13,562.3	5,387.6	8,174.7
1964	10,134	25,202	12,511.6	4,799.7	7,711.9
1965	10,647	26,862	13,350.8	5,216.6	8,134.2
1966	11,375	29,368	14,614.5	5,526.8	9,087.7
1967	11,998	30,563	16,479.4	6,897.6	9,581.8
1968	13,086	33,294	19,432.6	8,794.0	10,638.6
1969	14,880	38,447	23,055.8	10,957.1	12,098.7
1970	19,603	49,883	34,814.4	17,932.3	16,882.1
1971	29,615	75,034	56,801.8	29,749.4	27,052.4
1972[1]	36,000	99,158	66,602.2	35,299.2	31,303.0
1972[2]	40,492	106,000	79,253.3	41,153.3	38,100.0
1973[2]	51,000	124,400	106,477.1	55,198.5	51,278.6

[1] Budgeted.
[2] Estimate.

Mr. HARRY F. BYRD, JR. Mr. President, I also ask unanimous consent that the table on page 5, showing the percentage of Federal contributions and costs, be printed in the RECORD.

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

EDERAL PAYMENT COMPARED TO DISTRICT OF COLUMBIA TAX REVENUES

[Dollar amounts in thousands]

Fiscal year	Federal payment appropriated (general fund)	Tax receipts	Federal payment as a percentage of tax receipts
1951	$9,800	$92,393	10.6
1952	10,400	96,486	10.8
1953	10,000	98,669	10.1
1954	11,000	98,950	11.1
1955	20,000	107,381	18.6
1956	18,000	114,179	15.8
1957	20,000	128,724	15.5
11958	20,000	135,640	14.7
959	25,000	138,607	18.0
1960	25,000	150,704	16.6
1961	25,000	156,891	15.9
1962	30,000	168,669	17.8
1963	30,000	192,326	15.6
1964	37,500	201,725	18.6
1965	37,500	215,711	17.3
1966	44,250	237,349	18.6
1967	58,000	253,078	22.9
1968	70,000	281,495	24.9
1969	89,365	317,746	28.1
1970	116,166	363,270	32.0
1971	131,000	406,271	32.2
1972 estimate	173,654	428,850	40.5
1973 recommended	183,000	448,600	40.8

DISTRICT OF COLUMBIA TAXES

Property taxes: Realty; Personal tangible.
Sales and gross receipts: Alcoholic beverages; Cigarette; Insurance; Motor vehicle excise; Public utilities, banks, etcetera; Sales and use.
Income taxes: Individual income; Corporation franchise: Unincorporated franchise.
Other taxes: Inheritance and estate; Real estate recordation; Motor vehicle registration.

Mr. HARRY F. BYRD, JR. Mr. President, one additional item deals with the inaugural ceremonies, and appears on page 33 of the report. There is an item of $879,000 for inaugural ceremonies. Would the chairman indicate just what that $879,000 would take care of?

Mr. INOUYE. This was a request submitted by the city of Washington and by the White House to pay for expenses anticipated for the Presidential Inauguration this coming January. It would be for the construction and rental of the viewing stands, benches, additional security, additional wiring, electricity, cleanup service, and so forth.

It is based upon the experience of the past inaugural ceremonies, and it appears that, as the years go by, inaugurations get a bit more elaborate and a bit more expensive, sir.

Mr. HARRY F. BYRD, JR. Does the Senator have a comparable figure for the inauguration 4 years ago?

Mr. INOUYE. I do not, but if I recall—and I am just delving back into my mind—4 years ago the cost of the inauguration was about $440,000.

Mr. HARRY F. BYRD, JR. The reason why I asked that question is that on May 18 of this year the Senate approved a conference report which carried an item of $650,000 for the Joint Committee on Inaugural Ceremonies for 1973.

Mr. INOUYE. That is for the Capitol.

Mr. HARRY F. BYRD, JR. That did not go to the District of Columbia?

Mr. INOUYE. No; that amount is for the Capitol, the building of the special inaugural front and the guest galleries there.

Mr. HARRY F. BYRD, JR. That is correct, but what I am trying to get clear is the total inaugural cost insofar as the American taxpayer is concerned. If I understand it correctly, it would be $650,000, which has already been appropriated, plus $879,000 which is proposed to be appropriated to the District of Columbia, making a total of $1,529,000.

Mr. INOUYE. It is a very expensive gala, sir.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRY F. BYRD, JR. I would like 2 minutes.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, I think the distinguished and able chairman, the Senator from Hawaii, has tackled this very difficult problem of financing the District of Columbia in a very able and efficient and effective way, and I want to extend to him my thanks as a colleague.

I do think it is very important that the taxpayers realize just how much of the total cost of the government in the District of Columbia is being paid for by Federal tax funds taken from the pockets of all the people of all the United States. That is why I have consistently opposed, and shall continue to oppose, any proposal to put a commuter tax on the citizens of Virginia and the citizens of Maryland, such as was proposed by the city government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I yield 1 minute to the Senator.

Mr. HARRY F. BYRD, JR. I am glad the committee chaired by the Senator from Hawaii knocked that proposal out, because in studying this report it becomes clear that the Virginia taxpayers and the Maryland taxpayers, along with the taxpayers of the other 48 States, are paying substantially to operate the government of the District of Columbia. Any such commuter tax as has been proposed in the past would be very unfair to put on to the people of Virginia and the people of Maryland.

I thank the distinguished Senator, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SAXBE). All remaining time having been yielded back and the bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York City (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD) and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 211 Leg.]

YEAS—78

Aiken	Eastland	Nelson
Allen	Ellender	Pastore
Allott	Ervin	Pearson
Anderson	Fannin	Percy
Bayh	Fong	Proxmire
Beall	Griffin	Randolph
Bellmon	Gurney	Ribicoff
Bennett	Hansen	Roth
Bentsen	Hart	Saxbe
Bible	Hartke	Schweiker
Boggs	Hatfield	Smith
Brock	Hollings	Sparkman
Burdick	Hruska	Spong
Byrd, Harry F., Jr.	Inouye	Stafford
Byrd, Robert C.	Jackson	Stennis
Cannon	Javits	Stevens
Case	Jordan, N.C.	Stevenson
Chiles	Jordan, Idaho	Symington
Cook	Kennedy	Taft
Cooper	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Cranston	McGee	Tower
Curtis	McIntyre	Tunney
Dole	Metcalf	Weicker
Dominick	Miller	Young
Eagleton	Mondale	
	Montoya	

NAYS—0

NOT VOTING—22

Baker	Harris	Mundt
Brooke	Hughes	Muskie
Buckley	Humphrey	Packwood
Church	Long	Pell
Fulbright	Mathias	Scott
Gambrell	McClellan	Williams
Goldwater	McGovern	
Gravel	Moss	

So the bill (H.R. 15259) was passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CRANSTON. I move to lay the motion on the table.

The motion was agreed to.

Mr. INOUYE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. SAXBE) appointed Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. HATFIELD, Mr. STEVENS, and Mr. YOUNG conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15418) making appropriations for the Department of the Interior 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. 15418) making appropriations for the Department of the Interior 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 THE LEAD-BASED PAINT POISONING PREVENTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3080, the Lead Based Paint Poisoning Prevention Act.

Debate on this bill and amendments thereto are limited under the unanimous-consent agreement previously entered into.

The bill will be stated by title, for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (S. 3080) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from

interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURING OF CERTAIN TOYS AND UTENSILS

"SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 5. (a) Effective after December 31, 1972, section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six-one hundredths of 1 per centum".

SEC. 6. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year,".

(e) Title V of the Lear Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS-18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 7. Section 314(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I am glad to have the opportunity to urge the Senate to pass S. 3080, amendments to the Lead Based Paint Poisoning Act.

This measure represents a continuation of existing legislation, Public Law 91-695, which was introduced in 1969, when the first effort was made by Congress and the Government to meet the problem of lead-based paint poisoning.

The proposed legislation represents the result of the experience that was gained during the last 2 years plus additional information and testimony that we had during the course of the hearings by the Health Subcommittee on March 6, 9, and 10 of this year.

This measure was reported by the Health Subcommittee and the Labor Committee by a unanimous vote of Democrats and Republicans. I believe that it has been improved significantly by the amendments of the Senator from Pennsylvania (Mr. SCHWEIKER). He was one of the initial movers in the Senate in drawing our attention to the problem of lead-based paint poisoning. I had the opportunity to appear with him about 3 years ago when we were first attempting to get Federal legislation to solve the problem.

This legislation authorizes $100 million for lead poisoning programs. Five million dollars would go to the Department of Health, Education, and Welfare and to the Department of Housing and Urban Development for Research. Fifty million dollars is authorized for HEW grants to eliminate the hazard if it is found in homes, or in the interiors of buildings, and some $45 million for the screening of individuals who may be affected by lead-based paint poisoning.

Mr. President, this is a poison which has come to national attention only during the past few years, although it is as old as the foundation of our Union. Even Benjamin Franklin commented on it during the first days of the Republic. Unfortunately, very little has been done up to this time to try to do something about the disease, which affects some 400,000 young Americans and will result in the deaths of 200 children this year. 14,000 children will be treated for lead-based paint poisoning, and half of them, even after treatment, will be left mentally retarded.

Mr. President, there are few problems which come before the Senate in which we find that spending $1 of the taxpayers' money toward solving a problem can so successfully relieve pain, suffering, and human misery.

By this authorization, we will, with an adequate appropriation, have a direct effect on the impact of lead poisoning on thousands of American citizens. We will be able to save the lives of hundreds of children. We can eliminate the possibility of mental retardation in tens of thousands of young people and children, and thus meet one of the significant health hazards that face many people in this country today.

The thrust of the legislation is to provide screening, and through the process of screening be able to detect those affected by this disease and provide treatment for it. We will also be able to provide resources to remedy the situation, that is, to eliminate the hazard as it exists, for the most part in older buildings which were painted 30 years ago—buildings in the inner cities—and some in rural America.

We will be providing resources to try to eliminate those surfaces which have peeling chips that can be a cause of lead-based paint poisoning, and also provide for some resources in the area of research.

I would say also, Mr. President, that we adopted in this legislation some standards for paint to be sold for interior residential surfaces. We have carefully tried to avoid setting regulations or standards for paint which would be used on exteriors at construction sites, which pose no serious health hazard.

We have suggested in this legislation that paint with no more than 0.5 percent of lead be manufactured up to January 1, 1973, and by January 1, 1974, such paints must have a lead content of not more than .06 percent.

This is a provision in the legislation that conforms with the Food and Drug

Administration's regulations on the lead content of paint.

Representatives of the paint industry appeared before the Health Subcommittee. By and large, they were extremely constructive and sensitive to the health needs of the American people. They were willing to work with the committee in helping to try and reach some standards. Many companies have developed paint which has no lead content in it whatsoever. That has been done, for the most part, by some of the major companies.

I have had the opportunity to meet some of the representatives of the smaller companies who feel that to reach the point of .06 percent may be a burden for the company and its employees. They felt that there had not been sufficient consideration as to what percent of lead in paint caused a health hazard. But they indicated their interest in conforming to Federal regulations and Federal law.

We have also included in this legislation a study tc be made by the Department of HEW, to undertake what we hope will be an exhaustive study. The Department will report back to the Health Subcommittee in a period of 8 months with recommendations, so that the Health Subcommittee will be able to consider all the conclusions which they have been able to develop, and act on them if the committee deems it necessary and, if the evidence is convincing, to change the figures which have been indicated here.

This is a responsible way to proceed. I have been sufficiently convinced by the research, even the limited research done by the Food and Drug Administration, and the consideration given it by the Department of HEW, to urge that the other figures be included in this legislation.

I would also hope that the paint industry would feel we were trying to be positive and constructive in devising the study and will believe that it is the intention of myself and the other members of the subcommittee that we will all be be very glad to give them a hearing when the results of the study are concluded.

Mr. President, this is important legislation. It can have an important impact on relieving the pain, suffering, and human misery visited on many thousands of Americans today.

I believe that the kind of support for this problem that we heard during the course of the hearings has compelled the introduction of this legislation on the part of all Members of Congress—both the House and the Senate. I know that is close to passing parallel legislation.

Though the amounts of money included in the legislation are minimum amounts, they can, with appropriations, have a great impact on relieving pain and suffering for millions of children and young people in this country right away.

Mr. President, I urge the Senate to approve S. 3080, because it amends Public Law 91-695—the Lead Based Paint Poisoning Prevention Act—to provide $100 million a year in the battle against childhood lead poisoning.

Ten years following the signing of the Declaration of Independence, Benjamin Franklin recorded his long experience with the effects of lead poisoning. In a letter to a close friend in July 1786 he complained that,

> This mischievous effect from lead is at least above sixty years old; you will observe with concern how long a useful truth may be known and exist before it is generally received and practiced on.

Though the "useful truth" about lead based paint poisoning in children has been known for much of the time since Mr. Franklin wrote those words, we have not yet "generally received or practiced on" that knowledge. It would indeed be gratifying if substantial successes against childhood lead poisoning will have been achieved before the 200th anniversary of the Nation's celebration of independence.

Our society has failed, even today, to remove the hazards of lead based paint poisoning. When I first brought the problems of this disease to the attention of the Senate in 1969—the statistics regarding this tragic affliction were as alarming then as they are now:

At least 400,000 children suffer with lead poisoning.

Only 12,000 to 16,000 children actually receive treatment, and half of them are left mentally retarded.

About 200 young children die from lead poisoning each year.

Though lead based paint poisoning accounts for only 5 percent of all accidental poisonings of preschool children, this disease accounts for up to 70 percent of all deaths due to poisoning among preschool age children.

Current figures are believed to merely expose a fraction of those who are actually suffering from this disease. But these figures are sufficient to suggest that childhood lead poisoning is of epidemic proportions. Immediate action is required to curb the spread of this malady. There are two compelling reasons why the Senate must enact legislation to continue the fight against childhood lead based paint poisoning.

First, we know how to cure sick children who are lead poisoned. With proper treatment, the death rate would be substantially reduced. All we need to do is go out and find the children who have high blood lead levels. Once we find them, doctors can treat them and can prevent the damage caused by neglect and inadequate care.

The second reason why we must continue Federal support to combat this disease is equally compelling. We need this legislation because we know how to prevent lead-based paint poisoning. Children get sick when they swallow small chips of peeling paint from the walls of deteriorating homes that have been covered with paints containing lead or lead compounds. Furniture, eating utensils, and toys are also known as the source of lead poisoning in children. By removing lead from paint on surfaces accessible to young children, the hazards of lead-based paint poisoning are eliminated.

Since we have the medical know how to treat those who are sick there is no reason to avoid doing that. We know how to protect children from getting lead sick and we must prevent them from being exposed to this hazard.

The bill before the Senate today—S. 3080—was unanimously approved by the Health Subcommittee and the Full Committee on Labor and Public Welfare. It authorizes $100 million a year to support Federal programs that will begin to curb the damage caused by this disease. These are programs that will extend the services currently authorized under Public Law 91-695, enacted in January 1971.

Under this bill $45 million is authorized for the Department of HEW to continue awarding grants to local community organizations, both public and private, for screening and testing young children who may be lead sick. Health authorities in Chicago, New York City, Washington, D.C., and Boston have learned that when they look for lead sick children. They find them. And the more they look the more they find. This bill will provide assistance to continue the search and to refer sick children for proper medical care.

Physicians also know that while early treatment can erase the effects of lead intoxication, it does no good to hospitalize a child for lead sickness and after treatment, return him to the same conditions that caused the disease in the first place. For that reason, the bill authorizes $50 million a year for the Department of HEW to make grants to public and private organizations to continue attacking the problem of eliminating the hazards of lead based paint poisoning. Although dwellings that are most likely to present a hazard for lead poisoning are also confronted with problems of sanitation and general disrepair it is essential that we begin to eliminate the threat of lead poisoning wherever possible.

We know that many materials and techniques are available to cover up those surfaces that have been coated with lead based paints. But, the most efficient and effective methods for completing that task is a subject of continuing study. For that reason—this bill authorizes $5 million a year for the Department of HUD and the Department of HEW to research the nature and extent of the problem of lead poisoning and to determine methods for effectively removing the hazard of lead poisoning from interior residential surfaces.

In hearings before the Health Subcommittee representatives of the paint industry expressed their concern for defining feasible limits of lead contained in residential paints. As a result, the committee approved an amendment authorizing the Department of HEW to continue research on the various lead compounds commonly used in paints and to report to the Congress within 8 months, any results that may affect the provisions of this act.

Young children are sickened today because of lead used in paints applied to homes 30 to 40 years ago. For that reason this legislation is primarily designed to seek relief for their suffering. Since we know, however, that the elimination of lead in paint can prevent the spread of this disease to future generations of American children and can reduce the recurrence of the disease in children who are sick today, this bill imposes restraints upon the use of lead in paints intended

for residential surfaces accessible to young children.

Officials from the Food and Drug Administration testified before the Health Subcommittee last March that newly promulgated regulations would require a limit of the lead content in such paints to no more than .5 percent by January 1, 1973, and by January 1, 1974, such paints must have a lead content of no more than .06 percent. The committee accepted an amendment to insure that this legislation would conform to the new FDA regulation.

During 1971, the Bureau of Community Environmental Management—the office within the Department of HEW that has primary responsibility for lead poisoning programs—conducted neighborhood surveys in 27 cities across the country to assess the incidence of elevated blood lead levels of children in high risk areas.

During that survey Federal health experts examined 2,309 children in 999 homes in such cities as Nashua, N.H.; Salt Lake City, Utah; and Spokane, Wash. At least 73 percent of those homes were found to have at least one interior surface with a very high lead content. And, up to 95 percent of those homes proved hazardous when the exterior surfaces were examined. Not surprisingly, therefore, 9 percent of the children in this survey were found to have elevated blood lead levels. This is an alarming rate of incidence for any disease.

Medical records show that today's cases of childhood lead poisoning are 10 times greater than those of polio when that disease was a dreaded national epidemic. Our Nation committed the resources needed to conquer polio. We must begin now to do the same for lead poisoning.

Lead-based paint poisoning strikes children between 1 and 3 years of age in 85 percent of all cases. Two-year-olds account for more than 50 percent of the deaths due to lead poisoning. But probably the most disheartening tragedies caused by this disease involve the 6,000 to 8,000 young children who are left mentally retarded by the ravages of lead intoxication. The caretaking costs for one child who must live out his life as a mental defective due to lead poisoning is more than $200,000. Yet, for less than $1,000, the hazards of this disease can be eliminated for that child.

That is the core of hope in the fight against lead poisoning. Lead poisoning is a manmade disease. It is subject to complete control. What we must do is to take forceful action to rid our Nation's neighborhoods of this menace.

The costs of lead poisoning are borne by the whole community. This malady produces tragic wastes of human resources, institutionalization of victims, and mounting burdens on municipal health facilities and finances. No one benefits from lead poisoning except owners of deteriorating property who find it unprofitable to keep their properties in good repair.

I strongly urge every Member of this Senate to vote for S. 3080, which amends the Lead Based Paint Poisoning Prevention Act. With the approval of this measure we can continue the Federal fight against this needless, but tragic disease.

Mr. President, again I want to thank the ranking Republican member of the Health Subcommittee, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), who has followed this matter very closely and has been so helpful in developing the legislation, as well as other members of the Health Subcommittee who have been extremely helpful to all of us in this development.

Now, Mr. President, I yield 5 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER (Mr. BROCK). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I favor the pending bill. Although I am the ranking member of the committee, I would not presume to speak first in this debate. Rather, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), the ranking member of the subcommittee, should precede me, except that he has an amendment and prefers to make his remarks later in that connection.

Mr. President, I am pleased to be a cosponsor of the Lead Based Paint Poisoning Prevention Act, S. 3080, and urge its passage. Lead poisoning is primarily a disease of the poor, the black, the Spanish speaking and other foreign-language groups living in substandard housing. In New York, for example, it is a tragedy that as many as 86 percent of the reported deaths from lead poisoning have occurred among black and Spanish-speaking persons.

This is really terribly tragic.

Mr. President, the Assistant Secretary of Health and Scientific Affairs, Dr. Merlin K. DuVal, testified before the Senate Health Subcommittee of the Committee on Labor and Public Welfare, of which I am ranking minority member, that as to its human dimensions:

> Approximately 25 percent of these children at risk, or about 600,000 children, may have significantly elevated blood lead levels. About 50,000 to 100,000 of these children are apt to have sufficiently high blood lead levels to indicate medical treatment.

These are children of very tender age who live in slums. As to its economic dimensions, he testified that:

> Lead paint poisoning costs this Nation about $200 million annually. This estimate includes the lost earnings and the costs of treatment, education, and institutional care of those afflicted.

In view of the severity of this health problem, which tragically is a manmade disease and, as such, highly preventable, the bill focuses on three interlocking components of this dread disease: detection and treatment; elimination; and research. Each facet will be an integral part of a comprehensive fight against lead-based paint poisoning.

Although the Department of Health, Education, and Welfare has made efforts to control lead poisoning, I believe they have not been sufficiently aggressive in pursuing ways to combat this child health problem. I am concerned that the $16,500,000 available for grants to detect, treat, and eliminate lead-based paint poisoning is definitely inadequate. The bill authorizes $95,000,000.

In my own New York City, an intensive lead-poisoning control program has been undertaken. They have expended since 1970 $4.6 million—$2,400,000 in 1970–71 and $2,200,000 in 1971–72—for which no Federal support was received.

I ask unanimous consent that a copy of New York City's lead poisoning control budget, which screens 100,000 children, be printed in the RECORD.

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

BUREAU OF LEAD POISONING CONTROL BUDGET

New York City's program, with a $2 million budget, screens 100,000 children, but does not include the expense of repairing 1,500 apartments that are rehabilitated each year. The Bureau budget is divided into functional units.

Community relations	$315,740
Responsible for community outreach programs to recruit children for testing in approximately 100 blood drawing sites or in mobile units, and door to door testing programs. The unit also organizes community health fairs and volunteer activities.	
Laboratory unit	226,200
Analyzes 115,000 blood specimens and 60,000 paint samples per year. In addition to routine analyses, the laboratory analyzes interior paints, dishware, toys and other objects to determine if they contain dangerous and illegal amounts of lead.	
Environmental health unit	405,490
The unit completes 5,000 inspections and reinspections of dwelling units where children with lead poisoning live, as well as inspections of day care centers, hospital pediatric wards and other child care institutions. In a program to enforce the Health Codes, the unit collects samples of interior paints, dishware and toys for laboratory analyses of lead content.	
Research unit	39,750
The research objectives are to compile and analyze data to define the lead poisoning problem and provide information for the most effective control and prevention program.	
Control unit	$90,300
Responsible for management analyses and evaluation. A primary objective is implementing a computer based data collection and management control system.	
Bureau directors staff and administration	106,970
Testing	535,220
Funds to hire physicians, nurses, community service aids and clerks who make up the testing teams that test children for lead poisoning.	
Total personnel services (not including fringe)	1,719,675
Other than personnel services (includes testing and laboratory supplies, contract for keypunching and other services, equipment, printed matter and other expenses)	260,590

Based on testing 100,000 children and finding 2,500 cases of lead poisoning the per unit costs of the program may be divided into three categories.

Finding and testing children, $12.50 per child tested.

Testing dwelling units for leaded surfaces, $162.00 per case.

Program Administration, Surveillance and Research, $3.22 per child tested.

PROPOSED PROGRAM EXPANSION

This program ensures that children in immediate danger are identified and brought to medical attention. However, to intensify and expand our existing program, we have submitted a request to the Department of Health, Education and Welfare for an additional $5 million. With this funding, we could expand our screening program and begin a more aggressive attack to eliminate the hazard of lead-based paint in the home environment of young children.

TITLE I—DETECTION AND TREATMENT

New York City has requested $2.3 million to essentially double the screening program. The proposal opens up three new methods of attack.

1. An increase in the number of children in community screening programs by 25,000.

2. A program to retest 15,000 children with marginal blood lead levels (40 or 50 micrograms per 100 ml.) four times per year. The retesting program will increase the number of blood specimens analyzed by 60,000.

3. A new hospital based screening program to test 50,000 children per year.

TITLE II—HOUSING REHABILITATION

It is estimated that with the expanded screening program, the Bureau of Lead Poisoning Control will request that the Emergency Repair Program to execute repairs in 2,850 dwelling units. The current average cost is $450.00 per dwelling unit. However, it is anticipated that lead detecting instruments will be introduced and significantly increase the number of violations found per unit inspected. This will result in a corresponding increase in repair costs. The average cost per unit repaired will increase to $1,263.00. The total cost will be $1,263 x 2,850=$3,599,550. Seventy-five percent of this expense or $2,699,663 is requested under Title II of the legislation.

Mr. JAVITS. Mr. President, as a result of this program during 1970–71, over 200,000 lead poisoning tests were performed and 4,574 children identified with blood lead levels of 60 micrograms per 100 milliliter or higher—the definition of a case of lead poisoning in New York City. Inspections of the home environments where children with lead poisoning reside resulted in the Department of Health ordering repairs in 3,500 dwelling units. These repairs were performed by the landlords or assigned to the city's Housing and Development Administration. Despite this effort, New York City estimates that 5,000 children with lead poisoning remain in the population, not yet located by the program.

Old paint is a formidable source of lead exposure for children. It is estimated that 450,000 apartment units in New York City, out of a total of something in the area of almost 3 million, are in such a state of disrepair that a child living in them will be exposed to the hazard of lead-paint poisoning. Approximately 120,000 children are living in these dwellings. The New York City Health Code banned the use of high content lead paint on interior surfaces in 1959. However, most deteriorating housing stock was built before World War II. In January of 1970, the New York City Health Department created the Bureau of Lead Poisoning Control. The Bureau's approach has been to seek out and attempt to protect the child who is most likely to suffer from lead poisoning. It is recognized that the long-term solution will be to replace the deteriorating housing of the inner city.

In an effort to protect future generations of children from lead based paint, the bill amends the definition of lead based paint to that of a 0.06-percent content, effective January 1, 1974. This is a trace amount which would be a significant safeguard for young children and in accordance with proposed FDA regulations.

I am concerned that some method of enforcement must be provided based upon the New York City experience when they undertook a survey to determine the lead content of paint sold for use on interior surfaces. The startling results of this survey showed that the manufacture of lead based interior paint is still a problem. The New York City Health Code has required a lead content warning for interior paint since 1959. It states that if a paint contains more than 1 percent lead, it must bear a label stating: "contains lead, harmful if eaten—do not apply on toys, furniture, or interior surfaces which may be chewed by children."

Despite the existence of this section of the health code for over a decade, the New York City Bureau of Lead Poisoning Control found that paints manufactured by 25 of 76 companies included in the survey did not comply. In some instances, labels even stated that the paint was safe for cribs and playpens despite a lead content as high as 9.5 percent.

Despite all of this and despite the necessity for standards and inspection, if we are to achieve success against child lead poisoning, this legislation is absolutely essential. We must pass this legislation and must assure its adequate funding.

I hope that the bill will be passed by the Senate this afternoon.

Mr. President, I express my appreciation for the outstanding work done by the Senator from Pennsylvania (Mr. SCHWEIKER) on our side and by the Senator from Massachusetts (Mr. KENNEDY) on the majority side in bringing this matter to fruition on the floor.

AMENDMENT NO. 1227

Mr. SCHWEIKER. Mr. President, I call up my Amendment No. 1227.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of my amendment be dispensed with.

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

The amendment reads as follows:

At the end of the bill add the following:

SEC. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his descretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

Mr. SCHWEIKER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, before getting into the details of the amendment which I have offered, I would like to pay tribute to the distinguished chairman of our subcommittee, the Senator from Massachusetts (Mr. KENNEDY), who, as he mentioned a moment ago, had joined with me in testifying on this problem some 3 years ago, and in working out various remedies to solve the tragic health hazard in the inner city areas of this country.

The Senator from Massachusetts has not only done that, but he has also shown a leadership and initiative in our committee that has produced a favorable legislative climate for passing the previous lead-based paint poisoning prevention bill, as well as setting up this particular bill for a further refinement and further leadership on the problem.

So I thank the distinguished Senator from Massachusetts for his help and leadership in this regard.

Mr. President, I also express my sincere thanks to the distinguished Senator from New York (Mr. JAVITS) for his long-standing and valued interest and support in this basic problem. His own area of the country, of course, has very serious ramifications with this problem and symptoms of it.

The Senator from New York has been most interested and most helpful and most expeditious in moving this bill not only through our subcommittee but also through the full committee as well. I thank him for his help in this regard.

Mr. President, next I would like to point out that one of the other amendments which is already in the bill broadens the concept of this problem to go into other areas where the lead-based paint problem exists. In one specific amendment that the committee was kind enough to accept, it provides for a prohibition of the application of any lead-based paint to any toy, furniture, cook-

ing utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this act.

This is very important because in many areas we have little children in cribs who, being little children, will chew or gnaw on the edge of that crib and if that crib is painted with lead-based paint, there is a very serious health hazard involved.

I know that many parents will remember that bare spots are left on the headboard and footboard of a crib from children chewing on it. I can speak from personal experience, having had five of my own, that they are pretty bare after a few children have gone through this particular growth stage. This presents a rather serious health hazard when such a situation exists and a small child might come into contact unwittingly with that lead-based paint. So, I appreciate the kindness of the committee in accepting the amendment.

Mr. President, I would like to address myself next to the pending amendment.

Mr. President, I have discussed this amendment with the members of the Labor and Public Welfare Committee, which considered S. 3080 and on which I serve, and the chairman and members of the committee have indicated their support for my amendment.

The amendment has also been brought to the attention of the Senate Banking, Housing and Urban Affairs Committee, since it pertains to federally insured housing, and the chairman has indicated that this amendment would be acceptable to his committee.

Lead-based paint for interior household use which contained very high percentages of lead compounds, at least 50 percent lead in several cases, was in fairly wide use during the years before 1950. As a consequence, much of the housing in existence today which was constructed prior to 1950 is likely to contain paint with these very high levels of lead compounds. My pending amendment would require the Secretary of Housing and Urban Development to establish procedures to minimize the hazards of lead-based paint poisoning, when inspecting residential housing constructed prior to 1950 for which an application for mortgage insurance or housing assistance payments has been made to the Federal Government.

Before approving such a mortgage or initiating a subsidized program, HUD is currently inspecting such property to determine compliance with code enforcement and the value of the property for mortgage purposes. Therefore, these procedures would not present an additional burden or significant cost to HUD. The amendment would require the Secretary to establish procedures to eliminate the hazard when paint in housing constructed prior to 1950 is found to be cracking, scaling, peeling, or loose. This is the condition in which it can most easily be eaten by small children who are subject to the disease of pica, which is an appetite for nonfood items and which is caused by eating items of any kind, including paint.

The amendment would also require the Secretary to give to the buyers of such housing assured written notification of the hazards of lead-based paint, as well as a description of the symptoms and treatment of lead-based poisoning together with information concerning the importance of the removal of such hazards and techniques currently available to do so.

This notification is very important because many people in the center cities today have no concept that day by day their children could be ingesting lead-based paint, and they have no knowledge that such a danger exists. So notification is very essential in connection with earmarking and providing a remedy to the problem.

I have long been concerned with the need to provide a solution and an end to the very serious problem of lead paint poisoning. We should use every means available, and my amendment would incorporate into an existing HUD procedure the means to warn the buyer of the hazard of lead-based paint and remove the immediate danger before he moves into the house.

S. 3080, the bill which we consider today to extend and expand the Lead-Based Paint Poisoning Prevention Act, would provide a major vehicle for ending for all time this tragic disease by providing additional resources to aid communities in detection and treatment of lead-based paint poisoning as well as assisting them in identifying problem areas where lead-based paint presents a high risk. My amendment to this bill will further increase the ability of the Federal Government to attack this tragic and totally preventable disease.

Mr. KENNEDY. Mr. President, I commend the Senator from Pennsylvania for offering this amendment. I think it is completely consistent with the thrust and purpose of the legislation. It would be extremely useful and important in trying to warn those persons who are purchasing homes about the potential danger of lead-based paint poisoning.

Do I understand from the Senator from Pennsylvania that as a practical matter a purchaser who bought a home under the provisions of this amendment would be notified that children who had lived there before had gotten lead-based paint poisoning and that this information would be made available?

Mr. SCHWEIKER. The amendment would do two things. It would, first of all, provide an inspection procedure for each house that comes up in the Federal housing and FHA program during any particular year, whereby part of the inspection before FHA approval would be for chipping and peeling paint, and if such a condition is found FHA under the amendment would have the authority to go to the builder or the remodeler and have him remedy the situation before the house is accepted by FHA.

Second, notwithstanding the remedy provided, a notice must be given to the buyer in which he is warned of the danger of lead based paint poisoning and pointing out that further chipping and peeling could occur and what to do about it.

Mr. KENNEDY. I understand this pertains to the new purchaser of the home by giving him notice. That is one purpose of the amendment. The second purpose of the amendment is to do something about the chipping or peeling or fragmentation of lead based paint in old homes at the time of the transaction or sale.

What the Senator is doing effectively by his amendment is to provide an additional kind of remedy or effort to try to reach the situation that exists in the older buildings or houses being turned over under the FHA program. Is that correct?

Mr. SCHWEIKER. That is correct.

Mr. KENNEDY. I think this certainly means a greater sense of protection. This provides notice and this is one of the real problems we have seen during the course of our hearings. Too infrequently parents know of the dangers of lead poisoning and we find instance after instance, and we have had testimony to this effect, where one child had lead paint poisoning, that child is cured, and lo and behold, the parents would bring in another child from the same house; or the house would be sold, and new children would move in and the new family that moved in would see their children affected.

This amendment provides important notification. It also has enforcement proceedings because it would require those that are going to sell these homes and take advantage of the FHA program must eliminate the hazard. This is important. It seems to me not to be an unreasonable requirement. I think this is consistent with the thrust of the legislation and I am glad to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. KENNEDY. I am prepared to yield back my time.

Mr. SCHWEICKER. I am prepared to yield back the remainder of my time on the amendment and the remainder of our time on the bill.

The PRESIDING OFFICER. All time is yielded back on the amendment of the Senator from Pennsylvania. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BOGGS. Mr. President, the Labor and Public Welfare Committee has reported a bill which I consider to be of exceptional importance to the people of Delaware. I am referring to S. 3080 which amends the Lead-Based Paint Poisoning Prevention Act of 1971.

I want first of all to express my strong support for this legislation. It would continue existing authority to award grants to local agencies conducting lead based paint poisoning prevention programs while increasing the Federal share of the cost of those programs from 75 percent to 90 percent. This assistance will permit local authorities to continue screening children for high levels of lead in their blood and also to seek better methods of eliminating the hazards of leaded paint in their efforts to end the tragedy of permanent brain damage.

This legislation would also make a number of improvements in the original Lead-Based Paint Poisoning Prevention

Act. These include a prohibition on the use of lead based paint in the manufacture of toys, furniture and dishes distributed in interstate commerce, greater research by HEW on safe lead levels in paint, and grants to State agencies to establish centralized laboratory facilities to coordinate testing efforts.

When the initial legislation was passed last year, the State of Delaware and the State of Rhode Island were inadvertently barred from receiving assistance under its provisions. This was due to a strict interpretation of the language of the law which provided assistance only to units of local government. In Delaware and Rhode Island, the problems of lead-based paint are handled by statewide agencies which were ruled ineligible for assistance under this act. This was certainly not the intent of the law, and I am pleased that the Labor and Public Welfare Committee has added section 6 to S. 3080 which would permit Delaware and Rhode Island to receive assistance.

The situation in Delaware is one of great concern to me, and I know this is a serious problem throughout the country. Only recently two more Wilmington children suffered brain damage as a result of oral contact with leaded chips in their homes. The loss to society in terms of the human potential of these children is immeasurable. These tragedies and others occurring daily across the country should never have happened. They could have been prevented.

Mr. President, the money authorized by this legislation is well spent. Ultimately, the cost to society of caring for the victims of lead paint poisoning will be far greater than the cost of preventing these tragedies before they occur.

The job is a big one. It has been estimated that in Wilmington, Delaware, nearly every house painted prior to World War II, was painted with a lead-based paint. Solutions will require the concerted effort of Federal, State, and local officials as well as the public.

The State of Delaware's Division of Physical Health is working to eliminate this problem, but it is counting on Federal assistance to help out. I am confident that such assistance will be forthcoming with the passage of S. 3080. I urge Senators to support it.

Mr. PERCY. Mr. President, I am pleased that the lead-based paint poisoning amendments are before the Senate today. The bill, S. 3080, extends the provisions of the Lead-Based Paint Poisoning Prevention Act, improves the granting procedure, and authorizes more funds for State and local lead poisoning programs.

This is an excellent piece of legislation, one that is clearly needed to improve the current program. The Committee on Labor and Public Welfare has made one particular improvement in the program which will be of great benefit to my own State of Illinois.

Title V of the act, according to the amendments, will now provide that grants under sections 101 and 201 of the act may be awarded to an agency of State government where such agency provides direct services to local communities.

Availability of funds to State agencies will enable Illinois to obtain Federal support for our statewide program to combat lead paint poisoning. Illinois was the first State to have initiated a statewide campaign for poisoning detection. In order for the State department of public health to accomplish its goal it must have access to Federal funds. The lead problem in Illinois is not confined to Chicago; more than two-thirds of the "at-risk" children in Illinois—more than 666,000—live outside Chicago.

Lead-based paint poisoning remains a serious threat to more than 1 million young children in Illinois, and millions of Americans nationally. It is imperative that we have a stronger program and stricter regulations on the lead content in paint, as provided by S. 3080. I, therefore, strongly support the bill and hope that it will receive prompt approval in the House.

Mr. ROTH. Mr. President, I rise at this time to add my support for the passage of S. 3080, a bill to amend the Lead-Based Paint Poisoning Prevention Act. This bill, which I cosponsored, continues the valuable program first enacted in January of 1971 to eliminate the poisoning of children from lead-based paints.

Lead-based paint poisoning is a man-made disease that strikes in epidemic proportions in many cities of our Nation. Its victims are predominantly children living in the slums of our cities. It is caused almost invariably by repeated ingestion of chips and flakes of lead containing paint and plaster from the walls, windowsills, and woodwork of dilapidated houses built prior to World War II.

Methods of screening, diagnosis, and treatment for lead-based paint poisoning have been available for some time. Despite this, it continues to cause needless deaths of many children, and leaves many more with mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and other handicaps. It is a serious indictment on our society that we know so much about this disease and yet have done so little to eliminate it.

The bill before us today is a continuation of a significant national effort to deal effectively with the problem of lead-based paint poisoning. It provides a three-pronged attack on the disease. First, it authorizes funds for grants and contracts for screening programs to identify those children with the disease who need treatment. The second part of the three-part program is an extension of authorization for the existing program to assist in the development of community programs that will identify high risk areas and neighborhoods and provide procedures to eliminate the hazards detected in those communities. The third part of the program is the authorization of funds for the Department of Housing and Urban Development to work in cooperation with the Department of Health, Education, and Welfare to determine the extent of the lead-based paint poisoning problem and to establish the most efficient ways to cover up exposed surfaces in residential communities.

It has been estimated that the cost of treatment and institutionalization to age 60 of a person who incurs severe permanent brain damage from lead poisoning in childhood ranges up to $250,000. It has been estimated on the other hand that the cost of complete removal of old lead paint from an average rowhouse with 10 windows, 2 doors, and baseboards would be about $300, and that the cost of replacing windows and door units and baseboards in such a house would be from $600 to $1,200. These are only dollar differences. They do not measure the suffering and heartache felt by families affected by lead based paint poisoning, nor do they take into consideration the unnecessary waste of potentially valuable human resources.

Rene Dubos, Rockefeller University microbiologist and expert on lead based paint poisoning, did not exaggerate when he said:

> The problem is so well-defined, so neatly-packaged, with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it.

I urge my colleagues to support this legislation, so that we can eliminate this unnecessary health hazard from our Nation.

The PRESIDING OFFICER. The question now recurs on the committee substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. GAMBRELL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 212 Leg.]

YEAS—82

Aiken	Ellender	Mondale
Allen	Ervin	Montoya
Allott	Fannin	Nelson
Anderson	Fong	Pastore
Bayh	Fulbright	Pearson
Beall	Griffin	Percy
Bellmon	Gurney	Proxmire
Bennett	Hansen	Randolph
Bentsen	Harris	Ribicoff
Bible	Hart	Roth
Boggs	Hartke	Saxbe
Brock	Hatfield	Schweiker
Burdick	Hollings	Smith
Byrd, Harry F., Jr.	Hruska	Sparkman
Byrd, Robert C.	Humphrey	Spong
Cannon	Inouye	Stafford
Case	Jackson	Stennis
Chiles	Javits	Stevens
Cook	Jordan, N.C.	Stevenson
Cooper	Jordan, Idaho	Symington
Cotton	Kennedy	Taft
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dole	Mansfield	Tower
Dominick	McGee	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Young
	Miller	

NAYS—0

NOT VOTING—18

Baker	Gravel	Mundt
Brooke	Hughes	Muskie
Buckley	Mathias	Packwood
Church	McClellan	Pell
Gambrell	McGovern	Scott
Goldwater	Moss	Williams

So the bill (S. 3080) was passed, as follows:

An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Security determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to provide nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 407. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 5. (a) Effective after December 31, 1972, section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six-one hundredths of 1 per centum".

SEC. 6. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal but not appropriated may be appropriated for the succeeding fiscal year,".

(c) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate, prescribed for GS–18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including travel-time) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least

one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 7. Section 314(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

SEC. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain paint and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT ON DEPARTMENT OF TRANSPORTATION APPROPRIATIONS (H.R. 15097) ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, yesterday I asked consent, and it was granted, to proceed Friday to the consideration of the bill making appropriations for the Department of Transportation (H.R. 15097), following disposition of the Flammable Fabrics Act. For some unknown reason the Record today does not show that such consent was requested and given for the consideration of the transportation appropriations bill Friday. Nevertheless the record of the Journal does so show.

I, therefore, now ask unanimous consent that time on that bill, H.R. 15097, be limited to 30 minutes, to be equally divided between the Senator from New Jersey (Mr. CASE)—I have cleared this with him—and myself, as manager of the bill; that time on any amendment, debatable motion or appeal be limited to 20 minutes, equally divided between the mover of such and the manager of the bill, and in instances in which the manager of the bill supports such, the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

Mr. JAVITS. Mr. President, would the Senator provide for amendments to amendments?

Mr. ROBERT C. BYRD. Yes, I did already. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

ANNOUNCEMENT OF JOINT MEETING OF THE TWO HOUSES OF THE CONGRESS TOMORROW TO HEAR ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

Mr. MANSFIELD. Mr. President, there will be a joint session in the Chamber of the House at 12:30 p.m. tomorrow to hear an address by the President of the United Mexican States, Mr. Echeverria.

I wish to notify the Senate that it should be prepared to leave in a body tomorrow at approximately 12:13 p.m. to go to the Chamber of the House for the purpose of greeting the President of the United Mexican States.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight it stand in adjournment until the hour of 11:30 a.m. tomorrow.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow after the two leaders have been recognized there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

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

ORDER OF BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call prior to the march over to the House of Representatives tomorrow that the Senate stand in recess until the end of the speech by the President of the United Mexican States, or until the hour of 2 p.m., whichever is sooner.

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

Mr. MANSFIELD. And, Mr. President, after the speech of the President of Mexico, under a previous agreement, the Senate will then turn to the consideration of Calendar No. 758, H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, and I ask unanimous consent that it be in order that this measure be laid before the Senate at that time and under those conditions.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning business proceed until the hour of 12 o'clock noon tomorrow.

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

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. BROCK). Under the previous order, the Chair lays before the Senate S. 3390, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today. The Senate is expected to adjourn shortly until 11:30 a.m. tomorrow.

ORDER FOR ROUTINE BUSINESS ON FRIDAY

On Friday, the Senate will come in at 10 a.m.

I ask unanimous consent that after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

ORDER FOR CONSIDERATION OF ALLOTT AMENDMENT ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I have been told by the distinguished Senator from Colorado (Mr. ALLOTT), just a few minutes ago, that he is prepared to offer an amendment to the Foreign Assistance Act. There is already a time limitation agreement thereon of 1 hour, and the distinguished Senator from Colorado (Mr. ALLOTT) indicated to me that he would be willing to call up his amendment the first thing on Friday. Therefore, I ask unanimous consent that when the unfinished business is laid

before the Senate on Friday, the amendment by Mr. ALLOTT be called up and made the pending question.

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

ORDER FOR CONSIDERATION OF MEASURES ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the amendment by Mr. ALLOTT on Friday, the unfinished business be laid aside temporarily and the Senate proceed to the consideration of H.R. 5066, the Flammable Fabrics Act; that upon the disposition of H.R. 5066, the Senate proceed to the consideration of H.R. 15097, a bill making appropriations for the Department of Transportation, 1973; that upon the disposition of that bill, the Senate proceed to the consideration of S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948; that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 3645 or until the close of business on Friday, whichever is the earlier.

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

TIME LIMITATION ON S. 3645

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I have been directed to do so by the distinguished majority leader—that time on S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948, be limited to 1 hour, to be equally divided between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from Vermont (Mr. AIKEN); that time on any amendment thereto, debatable motion, or appeal in relation thereto be limited to 20 minutes, to be equally divided between the mover of such and the distinguished Senator from Arkansas (Mr. FULBRIGHT), unless the Senator from Arkansas (Mr. FULBRIGHT) should favor such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

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

ORDER FOR CONSIDERATION OF TOWER AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next—I have cleared this with the distinguished Senator from Texas (Mr. TOWER)—upon the disposition of the amendment by the distinguished Senator from Pennsylvania (Mr. SCOTT), the distinguished Senator from Texas (Mr. TOWER) be recognized for the purpose of calling up two amendments in consecution; that time on each of the amendments—I have also cleared this with Mr. TOWER—be limited to 1 hour, the time to be equally divided between the distinguished mover of the amendments (Mr. TOWER) and the distinguished manager of the bill (Mr. SPARKMAN); that time on any perfecting amendments in the first or second degree be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill; that in the event the manager of the bill favors such, the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

Mr. STENNIS. Mr. President, reserving the right to object—I do not intend to object—I have not heard everything the Senator has said. To what bill is he referring. I thought I heard the Senator use the term "motion to strike."

Mr. ROBERT C. BYRD. The Senator from Texas (Mr. TOWER) has two amendments. I am not sure what they comprehend but they may be motions to strike. I doubt it.

Mr. STENNIS. The Senator is not talking about the amendments that I have here?

Mr. ROBERT C. BYRD. No; not at all.

Mr. STENNIS. I thank the Senator very much.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Monday, next, following disposition of the two amendments of the Senator from Texas (Mr. TOWER) the Senate proceed—for the purpose of transacting some business on a second track—to the consideration of S. 3617, a bill to strengthen and expand the Headstart program.

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

QUORUM CALL

Mr. ROBERT C. BYRD. 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. 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.

AUTHORITY FOR POST OFFICE AND CIVIL SERVICE COMMITTEE TO FILE REPORTS BY MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be authorized to file reports until midnight tonight.

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

AUTHORITY FOR COMMITTEE ON APPROPRIATIONS TO FILE ITS REPORT ON DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL BY MIDNIGHT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow to file its report on the bill making appropriations for the Department of Transportation.

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

REVISION OF ORDERS FOR CONSIDERATION OF THE ALLOTT AMENDMENT TO THE FOREIGN ASSISTANCE ACT AND S. 3645, A BILL TO FURTHER AMEND THE U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previously entered order be reversed with respect to the calling up on Friday of the amendment to the Foreign Assistance Act by the Senator from Colorado (Mr. ALLOTT), and S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act.

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

QUORUM CALL

Mr. ROBERT C. BYRD. 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. 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.

REVISION OF UNANIMOUS-CONSENT AGREEMENT ON THE ORDER OF THE CONSIDERATION OF CERTAIN AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next there be a slight revision in the order for the consideration of amendments as follows: That the Sparkman amendment be made the pending question immediately following the conclusion of morning business; that the Sparkman amendment be followed by an amendment by the Senator from Texas (Mr. TOWER); and that the Tower amendment be followed by a second amendment by the Senator from Texas (Mr. TOWER); following which the amendment by the Senator from Pennsylvania (Mr. SCOTT) then be made the pending question before the Senate.

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

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to extend beyond the hour of 12 o'clock noon,

with statements limited therein to 3 minutes.

At the hour of 12:13 p.m., the Senate will recess and Senators will move in a body toward the House of Representatives for a joint meeting of the two Houses, to be addressed by the President of the United Mexican States. Following the joint meeting of the two Houses and no later than 2 o'clock, whichever is earlier, the Senate will resume its deliberations. The unfinished business will be laid aside temporarily and H.R. 9092, the bill by Mr. McGEE, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, will be laid before the Senate, there being a time agreement thereon.

Upon the disposition of H.R. 9092, the Senate will take up H.R. 14989—an act making appropriations for the Departments of State, Justice, and Commerce, the judiciary and related agencies—on which there is a time agreement. There will be rollcall votes tomorrow afternoon on both measures. It is my understanding that several amendments will likely be called up—especially to the bill making appropriations for the Departments of State, Justice, and Commerce—and rollcall votes will occur on those amendments. There is a likelihood, therefore, that the Senate will be in session until a reasonably late hour tomorrow.

For the information of Senators, so that they may be alerted in time, it is anticipated that on Friday there will be at least four rollcall votes. I would anticipate, furthermore, Mr. President, and I would hope that the Senate could complete the transaction of its business on Friday afternoon by 3 o'clock or earlier.

Additionally, may I say, there will be no Saturday session by reason of the fact that the Senate will have cleared all appropriation bills from the calendar, no amendments to the unfinished business can be scheduled for Saturday, and the calendar otherwise will be pretty clear.

Finally, I believe there will be at least three rollcall votes on Monday.

When the already scheduled four amendments to the unfinished business have been disposed of on Monday, the Senate will proceed to the second track and consider the bill to strengthen and expand the Headstart program, S. 3617. It is hoped that a time agreement can be reached on that bill, but this cannot be done until Monday.

Mr. President, if there be no further business to come before the Senate——

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COOPER. Is it anticipated that the vote on the pending business will be completed on Monday?

Mr. ROBERT C. BYRD. In answer to the very able senior Senator from Kentucky, it is not anticipated that action on the unfinished business will be completed on Monday.

Mr. COOPER. There is no time agreement, then, on amendments offered, including the Mansfield amendment?

Mr. ROBERT C. BYRD. No time agreement has been entered into with respect to any amendment relating to the so-called Mansfield amendment.

Mr. COOPER. I thank the Senator.

ADJOURNMENT TO 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate today, I move, in accordance with the previous order that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and at 4:23 p.m. the Senate adjourned until tomorrow, Thursday, June 15, 1972, at 11:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 14, 1972:

ENVIRONMENTAL PROTECTION AGENCY

Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

HOUSE OF REPRESENTATIVES—*Wednesday, June 14, 1972*

The House met at 12 o'clock noon.

Rev. Edward G. Latch, D.D., offered the following prayer:

Lift ye up a banner upon the high mountain.—Isaiah 13: 2.

God of our Fathers, Maker and Ruler of men, we thank Thee for this day when we lift up before our eyes the flag of our Republic. Grant, O Lord, that this banner flying in the breeze may awaken in us and in our people a greater love for our Nation and a deeper devotion to the princely principles of life and liberty for all men. Make us conscious of our duties as citizens of this free land and by Thy spirit may we accept our responsibilities to keep our land strong and free and good.

Bless Thou the flag of our beloved country and continue to make it a symbol of hope to all mankind. May it fly forever over this land of free men and free women. Before it we pledge the loyalty of our lives to the United States of America. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 3166. An act to amend the Small Business Act.

RECESS

The SPEAKER. Pursuant to the order of the House of June 1, 1972, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding.

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 14, 1972

The United States Air Force Band and the United States Air Force Singing Sergeants entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, Mr. Red Skelton, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and Leaders of the Military Women entered the door to the right of the Speaker and took the positions assigned to them. Mr. Red Skelton was seated at the desk in front of the Speaker's rostrum.

The United States Air Force Band and United States Air Force Singing Sergeants (conducted by Major Albert Bader, USAF) presented *This Is My Country* (soloist Sergeant Charles Kulita).

The Doorkeeper (Honorable William M. Miller) announced the Flag of the United States.

[Applause. The Members rising.]

The United States Air Force Band played *Americans We.*

The Flag was carried into the Chamber by Color Bearer and a guard from each of the branches of the Armed Forces: Sergeant Edward D. Showers, USAF, Honor Guard, Bolling Air Force Base; SA Rickey L. Jones, USN, Ceremonial Guard, U.S. Naval District; Pfc. R. R. Reynolds, USMC, Marine Barracks Guard Company; Spc. 4 Steve Ruch, USA, Fort McNair; and SA Michael D. Bethel, U.S. Coast Guard.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, this year marks the 25th anniversary of the United States Air Force and your Flag Day Committee is pleased to have the United States Air Force Band and Singing Sergeants conducted by Major Albert Bader participating in today's Flag Day ceremonies.

Our honored guest for Flag Day, 1972 is known and admired by all of us. When we think of Red Skelton, we think of *Clem Kadidlehopper, Freddy the Freeloader, Sheriff Deadeye, Junior the Mean*