Allowing the time, effort, and energy invested in the nonpublic school system to go down the drain would cost the taxpayer much more than the tax credit bill I have introduced.

The bill I have introduced would cost the United States only approximately $500 million in lost revenues a year—surely much less than the cost of adjusting other tax inequities, and surely worth it to the taxpayer.

Were the public schools to close, school systems around the country would be forced to absorb 5,000,000 students, at the approximate cost of $858 per pupil. The $750 million that it would cost New York State to absorb its 814,378 private school students into its already overcrowed and financially strapped public school system, would be crippling to the State's taxpayers. That does not even include the incalculable cost of decreasing educational options and further crowding already overcrowded facilities.

We must not allow educational freedom to become the exclusive domain of the rich who can easily afford any tuition fees at all. The inflationary pressures are hitting the ghetto and inner city nonpublic schools the worst. Those institutions can offer real opportunity and choice to poor students. They make up more than 27 percent of the Nation's nonpublic schools—but without some relief on the financially overburdened parents of these poor children—these schools are exceeding the national average closing rate of almost two schools per day.

The bill I have introduced is similar to the one introduced by my distinguished colleagues Mr. MILLS and Mr. BURKE. It is aimed at remedying tax inequities, and allows only a greatly reduced credit for those who can afford to pay.

It is urgent that Congress act on this proposal soon. The need is great and the need is now.

A SALUTE TO EDUCATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. YOUNG of Florida. Mr. Speaker, have you ever stopped to think what your life would be like if you were not able to read or write? Your ability to communicate with others and to relate to the modern world would indeed be severely hampered. Illiteracy is so infrequent in our modern society that we seldom give it a second thought, however, it was not very long ago in our Nation's history that it was more the rule than the exception.

Thanks to the foresight of great leaders and educators who realized the invaluable importance of education, our country set forth to establish a public education system second to none in the world. This educational system has virtually erased illiteracy from our citizens and has made it possible for each child to gain the education necessary to live a full life and meet the challenges of this modern world.

I personally, would like to salute those dedicated people whose work has made this educational system what it is today. These teachers and administrators are continually improving the quality of education and teaching, to insure the basic right of each child to gain an education. These people provide the backbone of our society, for it is education that teaches the tolerance and understanding necessary to live together in peace and the knowledge and skills necessary to build a better world for tomorrow.

A SALUTE TO EDUCATION

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CARNEY. Mr. Speaker, a free society, in order to avoid the twin threats of anarchy and tyranny, must of necessity be composed of individuals who are intellectually and morally responsible, informed and mature. It is vital that these characteristics be dispersed throughout the population to the broadest possible extent, for it is with the mass of the people that leadership must lie in order for a nation to be truly free.

Since the birth of our Republic, this imperative has applied more fully to the United States than to any other society on earth. The stress has naturally been greatest on our educational institutions, and, as a result, Americans today enjoy the largest, best-financed, and most open system of education mankind has ever seen. Its successes have been monumental—not only has the survival of the democratic experiment initiated by the American Revolution been secured, but our schools and colleges have nurtured the freest as well as most industrially advanced society on earth. Of course, no institution which has been given such enormous tasks to perform can be perfectly successful; our educational system has its failures, which continuously act as spurs to self-evaluation and improvement. However, our educators' performance on balance has been remarkably gratifying, and is indeed worthy of our congratulations on this Salute to Education Day.

JOHN PAUL VANN

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. COUGHLIN. Mr. Speaker, I had the pleasure of knowing John Paul Vann during a trip I took to South Vietnam in 1970. We spent some time together in the Delta region which was under his charge at the time.

He was one of the most effective and talented men we had in South Vietnam. His knowledge and understanding of the country and the Vietnamese people was encyclopedic. He appreciated the subtleties of Vietnamese society and in return he was loved and respected by the people of that strife-torn country. He had a keen analytical mind, a refreshing penchant for speaking his mind, and a noted lack of patience for fools. He was the kind of public servant and human being who is all too rare in this world—dedicated, hardworking, prescient, and self-effacing.

The loss of John Paul Vann is a blow to our efforts to return South Vietnam to a state of peace, stability, and tranquility. His friends in Vietnam and here in this country will miss his wise counsel and independent views. But I believe the spirit of the man will live on. For those who follow in his footsteps, I believe it would be wise for them to consider seriously emulating the thoughts and actions of this most extraordinary man.

SENATE—*Thursday, June 22, 1972*

(Legislative day of Monday, June 19, 1972)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. ROMAN L. HRUSKA, a Senator from the State of Nebraska.

PRAYER

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

God of the ages, before whom nations rise and fall and pass through times of trouble, be near to all leaders of this Nation to judge and to guide them in their labors. If we have turned from Thy ways, reverse our direction. If we have broken Thy law, help us to amend our ways as to keep Thy law. Send Thy light and truth into our hearts that we may follow the higher law of love. Grant Thy higher wisdom that we may see clearly Thy will and, seeing what Thou dost intend for mankind, help us to do it. May our work this day begin, continue, and end in Thee, to the glory of Thy holy name. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 22, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROMAN L.

HRUSKA, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, June 21, 1972, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

DEMOCRATIC CONVENTIONS

Mr. SCOTT. Mr. President, the Minnesota Convention of the Democratic-Farmer Labor Party offers an interesting preview of what some people may regard as the priorities of issues in this country.

Their platform, in a tumultuous convention, came out in favor of unlimited amnesty, all-out freedom on abortion legislation, and marriage between homosexuals.

The convention devoted no consideration whatever to jobs, employment, health improvement, tax relief, or those other issues with which Congress deals constantly.

The Oregon Democratic Convention was pretty much the same way. As I recall it, they were for GI benefits for deserters, liberalizing abortion laws, and legalization of marihuana—in other words acid, amnesty, and abortion.

The Vermont Democratic Convention proceeded on much the same lines and favored pretty much the same general approach, except I do not believe they went so far as to propose a full GI bill of rights to deserters and cowards generally.

These conventions gave little or no thought to the real issues that affect America today, the issues of how to relieve people from the onerous burden of taxes, how to improve their health, how to give them better job opportunities, or how to enable them to cope with the problems of everyday living in a society which is the more tumultuous and the more turbulent because of their own actions.

So, I hope that when we get down to discussion of issues, it will be remembered that these legions of license, these lads for liberty, are not true libertarians in the ancient sense of the word at all, but are simply people who would turn this country over to the wildest freedom to pursue their own emotions, their own lusts, their own passions—which passions do not seem to include a passion for the improvement of the condition of the average man, woman, and child in America.

What a pity, Mr. President. What a shame. What an abhorrent distortion of democratic procedures.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order, the distinguished Senator from Tennessee (Mr. BAKER) is now recognized for not to exceed 15 minutes.

WORLD CONFERENCE ON THE HUMAN ENVIRONMENT IN STOCKHOLM

Mr. BAKER. Mr. President, from June 5 to June 16, 1972, there assembled in Stockholm, Sweden, delegations from 113 nations to an unprecedented world conference, convened to deal with unprecedented world problems: the crisis of the human environment.

Having served at Stockholm as a member of the U.S. delegation, and for a year before that as Chairman of the Advisory Committee to the Secretary of State in planning U.S. participation in the Conference, I take this occasion to share with my Senate colleagues a few impressions of that unique and possibly historymaking assemblage.

Compared with the many other international environmental meetings that have been taking place at a rising tempo in recent years, this United Nations Conference in Stockholm was unique primarily in its scope—which was nearly worldwide. I say "nearly" because the Soviet Union and most of its Warsaw Pact allies regrettably elected to boycott the Conference over the East German participation issue, despite Western offers to negotiate a compromise. Against this can be set the participation of all the other major powers of the world including the People's Republic of China, and—what is perhaps more remarkable—the participation of the vast majority of the low-income nations that are striving for development. Of the 113 countries attending, about three-quarters were developing countries of Latin America, Asia, Africa, and Oceania.

This global participation, including a preponderance of less developed countries, was a major distinguishing feature of this remarkable conference. Over the long future there can be no doubt that the preservation of the resources and environmental quality of the earth will require the cooperation of all countries, at all stages of development. But to enlist the cooperation of low-income nations in this global effort requires that we speak to their condition and their aspirations—which are primarily those of poor peoples seeking to overcome poverty.

It was largely because of this fact that, for the purposes of this U.N. Conference, the term "human environment" was understood in its broadest sense. As the very able Chairman of the U.S. delegation, the Honorable Russell E. Train, Chairman of the Council on Environmental Quality, said in his opening address to the Conference, "our subject is much broader than pollution." He called attention to the presence on the agenda not only of pollution problems, but also of the environmental problems of human settlements, the preservation of natural resources, and the environmental aspects of development. Then, in a well-reasoned appeal to the interest of the developing countries, he continued:

> My country has learned that economic development at the expense of the environment imposes heavy costs in health and in the quality of life generally—costs that can be minimized by forethought and planning. . . . The time to do the job of environmental protection is at the outset, nor later. Is is far cheaper and far easier. . . .
>
> Economic progress does *not* have to be paid for in the degradation of cities, the ruin of the countryside and the exhaustion of resources.
>
> And the converse is equally true: Environmental quality and resource conservation for the long future do *not* have to be paid for in economic stagnation or inequity.
>
> Environmental quality cannot be allowed to become the slogan of the privileged. . . . I reject any understanding of environmental improvement that does not take into account the circumstances of the hungry and the homeless, the jobless and the illiterate, the sick and the poor.

I ask unanimous consent to have the full text of Mr. Train's thoughtful address to the Conference printed at the end of my remarks.

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

(See exhibit 1.)

Mr. BAKER. Mr. President, many statements by spokesmen of the developing countries made clear that they shared with us a common awareness: That environmental protection is not a threat to their hoped-for development but rather a new, qualitative dimension of development. There can be no question that this common awareness, forged over 2 years of preparation for the Stockholm Conference, was a sine qua non of its success. Without it, the votes simply would not have been available to adopt the key action recommendations.

As it was, the Conference approved over 100 recommendations on an enormous variety of environmental questions on which, for one reason or another, international cooperation is required. At the conclusion of the Conference the most important of these recommendations were summarized by our delegation in these 12 points:

First. Recommended unanimously the creation in the U.N. of a permanent high level environmental unit to coordinate U.N. environmental activities, and a U.N. environment fund expected to be funded at $100 million over the first 5 years. The United States has pledged up to $40 million on a matching basis, subject to congressional action.

Second. Urged completion in 1972 of a global convention to restrict ocean dumping.

Third. Recommended steps to minimize release of such dangerous pollutants as heavy metals and organochlorines into the environment.

Fourth. Recommended a global "Earthwatch" program to be coordinated by the U.N., to monitor and assess environmental trends in atmosphere, oceans, land, and human health.

Fifth. Called for early completion of conservation conventions, including the World Heritage Trust for natural and

cultural treasures and a convention restricting international trade in endangered species.

Sixth. Called for world programs to collect and safeguard the world's immense variety of plant and animal genetic resources on which stability of ecosystems and future breeding stocks depend.

Seventh. Urged strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling.

Eighth. Recommended creation of an Environmental Referral Service to speed exchange of environmental know-how among all countries.

Ninth. Urged steps to prevent national environmental actions from creating trade barriers against exports of developing countries.

Tenth. Recommended higher priority for environmental values in international development assistance, for example, more emphasis on conservation, land use planning, and quality of human settlements.

Eleventh. Urged greater emphasis on population policy and accelerated aid to family planning in countries where population growth threatens environment and development goals.

Twelfth. Issued a declaration on the human environment containing important new principles to guide international environmental action, including principle 21 that states are responsible to avoid damaging the environment of other states or of the international realm.

Mr. President, I am all too well aware that these recommendations, useful as they are, do not by any means measure up in every respect to the vast requirements of the world's environmental problems. Even the modest steps they contemplate can only be realized if governments will follow through in the action stage.

I will not try to comment in detail on each of these 12 key points. However, I would like to dwell briefly on the first point and the last point on the list.

Point 1 recommends that a permanent U.N. environmental coordinating unit be created, under the policy guidance of a 54-member governing council and headed by an executive director; and that he be charged with coordinating all U.N. environmental activities and with administering a new U.N. environment fund.

This recommendation is, in effect, the organizational key to all the others. The U.N. General Assembly is expected to act on it at its 27th session next fall. The concept originated in a proposal which President Nixon made last February 8 in his environmental message to the Congress. It flows from the President's conviction, stated in the U.N. chapter of his 1972 foreign policy report to the Congress, that—

> Ours is the age when the problems and complexities of technological revolution have so multiplied that coping with them is, in many ways, clearly beyond the capacities of individual national governments. Ours, therefore, must be the age when the international institutions of cooperation are perfected. The basic question is—can man create institutions to save him from the dark forces of his own nature and from the overwhelming consequences of his technological successes?

It is gratifying that the U.S. delegation was able to negotiate, and obtain unanimous conference approval for, a viable organizational structure for environmental activities within the United Nations. This was a major achievement at the Stockholm conference. It was made possible in large part by the knowledge that the U.S. Government takes a serious interest in this new venture and is prepared to make its fair share contribution to it on a matching basis up to $40 million over 5 years. I may add that the timely action of the Senate in passing Senate Concurrent Resolution 82, in support of this proposal, at the moment when the matter was under discussion in Stockholm, was most welcome.

I turn now to item 12 on the list, the adoption of the Declaration on the Human Environment. Like all composite and negotiated texts, this one cannot possibly satisfy anybody. But it contains among its 26 principles some to which we attach major importance as laying a foundation for future international law in the field of the environment. The most basic of these is the language in principle 21 declaring that States have "the responsibility to insure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction." Unfortunately, the text as a whole—like that of most negotiated instruments—is sadly lacking in consistency, relevance, and inspirational tone. But the same could be said of some of the most influential documents of all history, such as Magna Carta which established trial by jury as well as the basic principle that the King is subject to the law—and yet is virtually forgotten except for a few lines.

The final chapter in the negotiation of this Declaration on the Human Environment was an instructive exercise in diplomacy—one which threatened to end in total failure and was rescued on the very last day of the Conference. The main threat to the document came from the People's Republic of China, making one of its first major diplomatic efforts in the United Nations. The Chinese delegation succeeded in reopening the carefully balanced draft that had been painstakingly negotiated in advance of the Conference. They stimulated a number of extreme amendments, full of intemperate language aimed at the United States and other alleged imperialist-colonialist powers.

They seemed to be trying to produce majority support for a document so anti-American that we would have to repudiate it, or perhaps destroy the document altogether. In this they failed. If it was also their purpose to become accepted as the new champions of the poor and underprivileged of the world, they scored no brilliant success in that effort either. Some minor language backed by the Chinese delegation was included, but to their evident discomfiture the United States was able to support the final text—while the Chinese delegation stood in conspicuous isolation in its refusal to participate in the act of adoption, since it objected to the final clause on the environmental effects of nuclear weapons.

These two results—the recommendation on a U.N. environmental unit and fund, and the adoption of a meaningful declaration over Chinese objections—these successes indicate the basic wisdom of our environmental diplomacy in making common cause with the moderate nations of the developing world. Their support, their votes, their sense of a basic common ground with the United States and the West, were indispensable to the success of the conference and are a good augury for world environmental cooperation in future years. It should be a major task of our U.N. diplomacy to make sure that this common ground is consolidated in future years.

Mr. President, it would be idle to exaggerate the achievements of the Stockholm conference. But it would be still more foolish to dismiss them. As the exceptionally able Conference Secretary General, Maurice Strong of Canada, told the final meeting:

> We have taken the first steps . . . to act together in a manner consistent with the earth's physical interdependence.

Whether those first steps will be followed by truly effective action to preserve this planet earth, will depend on the will of governments and many kinds of institutions, from the world level to the regional, national, state, city and village level, for countless years to come.

Mr. President, I will say in candor that some of the recommendations of the conference, particularly in regard to international cooperation to control pollution, did not go nearly as far as many of us, myself included, would have wished. This merely reflects the fact that the UN can only do what its members are willing to do, and no government—not even that of the United States, which has done far more than most in this field—has yet received an undeniable mandate from its citizens to take all the costly steps that pollution abatement and control are sooner or later going to require. But we have begun to move. And at Stockholm we began to move even at that most necessary and difficult level, the entire world.

The American people have reason to be proud of the participation of the United States in this first world conference on the Human Environment. Under Chairman Russell Train, who led our efforts with consummate skill, we had a delegation which was remarkable for its distinction and ability—both from congressional and governmental ranks and from the private sector. To substantiate this fact I ask unanimous consent to have printed in the RECORD the full list of the U.S. delegation.

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

OFFICIAL U.S. DELEGATION

Chairman, Mr. Russell Train, Chairman, President's Council on Environmental Quality.

Vice-Chairman, Mr. Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs.

Senator Howard H. Baker, Jr., Chairman, Secretary of State's Advisory Committee.

Mr. William D. Ruckelshaus, Administrator, Environmental Protection Agency.

Mr. Rogers C. B. Morton, Secretary of the Interior.

Mr. Laurance Rockefeller, Chairman, Citizen's Advisory Committee on Environmental Quality.

Mrs. Shirley Temple Black.

Mr. Bert S. Cross, Chairman, Minnesota Mining and Manufacturing Co.

Mr. Roger Egeberg, Special Assistant to the Secretary, HEW.

Mr. John D. Ehrlichman, Assistant to the President for Domestic Affairs.

Mr. Jerome H. Holland, U.S. Ambassador to Sweden.

Mr. Frank Ikard, President, American Petroleum Institute.

Mr. Samuel Jackson, Special Assistant to the Secretary, HUD.

Mr. Norman B. Livermore, Secretary of Resources, State of California.

Mr. John A. Love, Governor, State of Colorado.

Dr. Gordon MacDonald, Member, CEQ.

Mr. S. Dillon Ripley, Secretary, Smithsonian Institution.

Mr. John W. Rollins, Chairman of the Board, Rollins International, Inc.

Mr. William J. Scott, Attorney General, State of Illinois.

Mr. Elvis J. Stahr, President, Audubon Society.

Mr. John Tukey, Professor of Economics, Princeton University.

Mr. Ross Vincent, Louisiana Ecology Center.

Mr. John C. Whitaker, Deputy Assistant to the President for Domestic Affairs.

Mr. Robert White, Administrator, NOAA.

Mr. BAKER. Mr. President, in addition to Chairman Train, I want also to pay tribute to the vice chairman of the delegation, the Honorable Christian A. Herter, Jr., whose service at Stockholm was the culmination of a preparatory process lasting nearly 2 years and involving 15 or more agencies of the Government. As Special Assistant to the Secretary of State for Environmental Affairs, Mr. Herter supervised this entire process within the U.S. Government, which resulted in major American contributions to the proposals that were placed before the conference. It is doubtful that a successful conference could have been held without this contribution.

Finally, let me say that as Chairman of the U.S. Advisory Committee for the Stockholm Conference I received in the months preceding the conference the views of thousands of concerned American citizens about what our policy at Stockholm ought to be. I am well aware that many of the Stockholm recommendations are bound to fall far short of the hopes of these public-spirited people. Indeed, they fall far short of my own hopes in many respects.

I believe the answer for this is not a hysterical rejection of the governmental process or of international negotiation. It is rather to continue and to try ever harder to educate public opinion, here and around the world, on what is necessary to assure for ourselves and future generations a better quality of life. The success of the Stockholm venture depends completely on the backing of effective public opinion both here and abroad. I congratulate all good citizens who are lending their efforts to this cause and urge them to continue. In doing so I hope they will consider not only our national environmental efforts but those of the entire world, the finite and vulnerable home which we Americans share with the rest of humanity.

Mr. President, may I say in closing that it was an eye-opening experience for me to participate in this conference and to be exposed, not only to the tenure of the conference, but also the procedures. One of the highlights was the 8:30 a.m. meeting of delegates each morning. Many of our colleagues in the Senate were there, including the junior Senator from New York (Mr. BUCKLEY) who is in the Chamber now, the Senator from Utah (Mr. MOSS), the Senator from New Jersey (Mr. CASE), and others. It was a magnificent performance by the American delegation, one that the Senate and the country can be proud of.

EXHIBIT 1

REMARKS BY THE HONORABLE RUSSELL E. TRAIN, CHAIRMAN, U.S. DELEGATION TO THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT AND CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES

Mr. President, Mr. Secretary-General, distinguished Ministers and Delegates:

On behalf of the United States I wish to congratulate you, Mr. President, on your election to lead us in our work during these two critical weeks, and to express our appreciation to the Government of Sweden as the original proposer and generous host of this very important United Nations Conference on the Human Environment.

Let me also express our warm thanks to the distinguished Secretary-General of the Conference, Mr. Maurice Strong, for his able leadership during more than year and a half of intensive preparations, the quality of which has much to do with the hopes for this conference.

From the beginning of his Administration, President Nixon has given high priority to environmental protection as a matter of both domestic and international policy. As he has stated, we must act as "one world" to protect the human environment. This Conference provides a unique opportunity for such a united effort.

An immense diversity of nations is gathered here from every region of the earth. We are brought together by a common concern for the quality of human life, the everyday life of people throughout the world. Our subject is much broader than pollution. It includes the kind of communities in which people live. It includes the way resources will be managed for billions of people today, and still more billions in the future. Our concern is that all nations of the world should better understand and better control the interaction of man with his environment; and that all peoples, now and in future times, should thereby achieve a better life.

In addressing this universal subject of the human environment, every nation's view is conditioned by its own historical experience.

When my country was very young, and President Thomas Jefferson resided at the edge of the Virginia wilderness at Monticello, what distinguished our new republic was not wealth or industry, in which we were not at all impressive, but the compelling force of an idea newly put into practice. This idea was that a nation of immigrants, equal under the law and exercising their right to "the pursuit of happiness," could settle and cultivate a continental wilderness, and establish in it their free institutions. For a century and more, we were largely preoccupied with that undertaking.

Some 65 years ago, when the American frontier was a thing of the past, President Theodore Roosevelt wrote with admiration about this continental adventure—but he struck a new and more ominous note. Our natural resources, he said, were being rapidly depleted; and he continued with these words:

"The time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soils shall have been still further impoverished and washed into the streams, polluting the rivers, denuding the fields, and obstructing navigation. These questions do not relate only to the next century or to the next generation. It is time for us now as a nation to exercise the same reasonable foresight in dealing with our great natural resources that would be shown by any prudent man in conserving and widely using the property which contains the assurance of well-being for himself and his children."

Unfortunately, our country did not always follow that good advice. Particularly in the generation just past, we not only committed many of the faults Theodore Roosevelt criticized. We went further and, through inadequate control of our increasingly powerful technology, imposed burdens on our environment, urban and rural alike, such as he never dreamed of.

Now the United States is altering its course. We have examined the costs of correcting the most obvious of these problems—pollution—and we have begun to pay the high price of corrective action too long delayed.

Of course, the environmental afflictions we are coping with are largely those of an affluent nation. My country enjoys economic blessings such as many another country earnestly desires to achieve. The United States Government remains convinced that other nations throughout the world can and must increasingly enjoy the same blessings of economic growth and overcome the curse of poverty. In this Second Development Decade it remains the firm purpose of the United States to assist in that global effort through the United Nations and otherwise.

My country has learned that economic development at the expense of the environment imposes heavy costs in health and in the quality of life generally—costs that can be minimized by forethought and planning. We are learning that it is far less costly and more effective to build the necessary environmental quality into new plants and new communities from the outset than it is to rebuild or modify old facilities.

This point bears repetition: The time to do the job of environmental protection is at the outset, not later. It is far cheaper and far easier.

This point holds true for every country at every stage of development. Economic progress does *not* have to be paid for in the degradation of cities, the ruin of the countryside and the exhaustion of resources.

And the converse is equally true: Environmental quality and resource conservation for the long future do *not* have to be paid for in economic stagnation or inequity.

Environmental quality cannot be allowed to become the slogan of the privileged. Our environmental vision must be broad enough and compassionate enough to embrace the full range of conditions that affect the quality of life for all people. How can a man be said to live in harmony with his environment when that man is desperately poor and his environment is a played-out farm? Or when the man is a slum-dweller and his environment is a garbage-strewn street? I reject any understanding of environmental improvement that does not take into account the circumstances of the hungry and the homeless, the jobless and the illiterate, the sick and the poor.

President Nixon, in transmitting to the

Congress the first annual report on the quality of our nation's environment, expressed this central thought when he said: "At the heart of this concern for the environment lies our concern for the human condition, for the welfare of man himself, now and in the future."

This insight—the unity of environmental protection and economic well-being—is likely to be one of the most vitally important insights to emerge from this Stockholm Conference. No longer should there be any qualitative difference between the goals of the economist and those of the ecologist. A vital humanism should inspire them both. Both words derive from the same Greek word meaning *house*. Perhaps it is time for the economist and ecologist to move out of the separate, cramped intellectual quarters they still inhibit, and take up residence together in a larger house of ideas—whose name might well be the House of Man.

In that larger house, the economist will take full account of what used to be called "external diseconomies" such as pollution and resource depletion, and he will assign meaningful values to the purity of air and water and the simple amenities we once foolishly took for granted. He will develop better measures of true well-being than the conventional Gross National Product. The ecologist, in turn, will extend his attention beyond the balance of nature to include all those activities of man's mind and hand that make civilized life better than that of the cave dwellers. Both will collaborate to advise the planners and decision-makers—so that cities and countryside of the future will promote the harmonious interaction of man with man, and or man with nature; so that resources will remain for future generations; and so that development will lead not just to greater production of goods but also to a higher quality of life.

This conference, then, is a great beginning. The many countries here have differing experience and differing priorities, but all of us are reaching toward a new realization of truths taught us by science and by bitter experience. Together we can now broaden our cooperation for the common good—to learn the facts about man's interaction with his earthly environment; to persevere in global development efforts while taking new steps to cleanse and protect the atmosphere, the oceans, the soil and the forests.

We are of course well aware of the limits of international cooperation. It is often fitful and troubled with false starts. The fact of national sovereignty entails frank recognition that many or even most of the crucial environmental actions have to be taken freely by governments and by citizens in their own interest as they see it. In my own country we have taken vigorous measures in recent years to clean up our air and our waters, to reorganize our government structure for more effective environmental management, and to open up our courts and our processes of government to the invigorating energies of concerned private citizens. In the quest for environmental quality, no need is greater than the development and participation of a concerned, informed, and responsible citizenry.

We in the United States are definitely beginning to make progress in our war on pollution. For example, the level of major air pollutants such as particulates, carbon monoxide, and sulfur oxides, has dropped significantly over the past three years in most of our cities. The level of automobile emissions is likewise going down. We still have a long way to go and there is no room for complacency. But we are demonstrating that the problems of environmental pollution are not insoluble and that they can be dealt with through determined action by government and by citizens.

On the international level, we believe that the United Nations itself has a vital role to play in providing coordination and leadership in the global quest for environmental protection and the quality of life. The Stockholm Conference can help give direction and energy to this historic opportunity for the United Nations.

We have high hopes for the Stockholm Conference. The United States has given its full support to the preparations for it. Of the nearly two hundred recommendations submitted by the Secretariat for our consideration, the great majority have the general or specific support of the United States.

This Conference will do more than raise the level of national and international concern for environmental problems—indeed, it has already achieved that. We are confident that it will also generate national, regional, and global action to recognize and solve those problems which have a serious adverse impact on the human environment.

Among the action proposals, in the view of the United States, certain ones stand out as of particular importance.

1. Specifically, the United States supports the establishment of a permanent entity within the United Nations—a 27-nation Commission of the Economic and Social Council and a high-level secretariat unit—to coordinate multinational environmental activity and to provide a continuing focus for U.S. attention to environmental problems.

2. The United States supports the creation of a $100 million U.N. Environmental Fund financed by voluntary contributions from member governments. We are prepared to commit $40 million over a five-year period on a matching basis to the fund.

3. We support and urge vigorous regional action where this is necessary to adequate management of environmental resources. Last April the President of the United States and the Prime Minister of Canada signed a pioneering agreement committing both nations to a cooperative long-term program to protect the water quality of the Great Lakes. But many other major international bodies of water are in similar need. The Baltic, the North Sea, the Mediterranean, the Caspian, the Rhine, the Danube and many more in every continent cry out for effective regional environmental cooperation. In many of these areas the time for action is rapidly running out.

4. We support efforts to strengthen monitoring and assessment of the global environment, and to that end to coordinate and supplement existing systems for monitoring human health, the atmosphere, the oceans, and terrestrial environments.

5. We support coordinated research to strengthen the capability of all nations to develop sound environmental policies and management.

6. We support effective international action to help nations increase their environmental capabilities. This includes the strengthening of training, education, and public information programs in the field of environment—both to develop an environmentally literate citizenry and to train professional environmental scientists and managers. It also includes the establishment of improved mechanisms, such as an international referral system, by which nations can efficiently share their national experience concerning the best methods of solving specific environmental problems in such fields as land use planning, forest and wildlife management, urban water supply, etc.

7. We support creation of a World Heritage Trust to give recognition to the world interest in the preservation of unique natural and cultural sites.

8. We support international agreement at the earliest practicable date to control the dumping of wastes into the oceans and we also urge appropriate national action to support this objective. The announcement by the delegate of the United Kingdom of the progress recently made toward agreement on an ocean dumping convention is very welcome, and the United States strongly supports prompt follow-up action. Marine pollution generally should have a high priority for international cooperative action.

I recall last Christmas standing on a magnificent stretch of lonely beach in the Bahamas, watching the great sea waves sweep in from the open Atlantic. Hardly a foot of that beach was without its glob of oil, and the upper reaches of the beach, at the limits of the tide, were littered with the plastic and other non-degradable detritus of our civilization.

9. We support cooperative action to protect genetic resources and to protect wildlife. For example, the United States hopes that this Conference will support the objective of a moratorium on the commercial killing of whales. Such action would be especially timely in view of the scheduled session of the International Whaling Commission in London later this month.

10. Recognizing that uniform pollution standards are not practical or appropriate at this time with respect to pollution which is without significant global impacts, we support the establishment by the appropriate international agencies of criteria upon which national pollution control policies can be based. We believe all nations, in their own interest, will wish to establish and enforce the highest practicable environmental standards needed to protect human health and the environment. Even though these levels will vary among nations, it is important that every effort be made to harmonize differing national environmental policies.

11. We support the identification and evaluation of potential environmental impacts of proposed development activities. Such evaluations should normally lead to higher development benefits in the long term. Likewise, we urge all nations and international organizations to undertake systematic environmental analyses as a normal part of their planning and decision-making activities.

12. Finally, we support the draft Declaration on the Human Environment as a fitting message from this Conference to the world, and a further proof of our serious intent. In particular we support its important provisions concerning the responsibility of States for environmental damage and the obligation of States to supply information on planned activities that might injure the environment of others. We believe that every nation should adopt effective procedures to insure that its neighbors have adequate notice of plans and projects which could significantly affect their environment, and that measures should be taken to assure that any such adverse impacts be avoided or minimized.

The frustration of modern man is two-fold. There are those who have not even the basic material equipment for a decent life and who rightfully desire very ardently to acquire it. But there are also those who get much of what they ask for, and who for awhile go on asking for more—more goods, more services, more electric power, more comfort—until some dark night, alone with themselves, they are moved to ask: Why? What is it all worth if the fields and the forests have been despoiled, the air befouled, the animals reduced and the broad oceans debased?

The fabric of human happiness is as complex and as delicately balanced as natural processes themselves. Our immense and still growing power over our surroundings must go together with a new responsibility and a new discipline—the discipline of conserving resources, of limiting our births, of living within the means of the natural support systems on which we depend.

Such thoughts raise difficult questions, but they are unavoidable. Probably one of the

most useful functions of this Stockholm Conference is to raise such questions, even where the answers are not yet fully apparent.

In many respects, no doubt, the questions and the answers will vary widely from one nation or region to another. But in other respects the environmental and economic problems of this one earth are truly global, and we need to begin systematic analyses of them on a global scale.

Certainly one truth is already undeniable: In our use of resources we must have regard for the needs of those who will come after us. Our most fundamental obligation to future generations is to enhance the estate we transmit to them. Where once man saw himself as custodian of a body of goods and values and traditions, we now realize that he is also custodian of nature itself. Our children will not blame us for what we wisely use, but they will not forgive us for the things we waste that can never be replaced.

Now that the natural order is increasingly subject to human design, our concern, our sense of co-responsibility must grow commensurately with our new understanding. There is a great excitement in the new journey we are on, a journey of understanding and cooperation, not of mastery and conquest. The essence of 20th century achievement will lie in our success in the struggle—not with each other or with nature, but with ourselves—as we try to adapt creatively to the realization that we are all hostages to each other on a fruitful but fragile planet.

The nations of the earth have many opportunities for working together to meet these challenges. The United States has joined in numerous active bilateral and multilateral arrangements for environmental protection. I have already mentioned the recent Great Lakes Water Quality Agreement with Canada. Two weeks ago, on May 23rd, President Nixon and President Podgorny signed a long-term agreement for close environmental cooperation between the United States and the Soviet Union. By signing the agreement, both our countries have signaled to the world the priority attention that should be devoted to the environment and to working together on the great causes of peace. Both nations recognize the deep desire of all people to direct their resources to solving the pressing social problems of today.

It will be the task of the United Nations to view all these environment activities in a global perspective—to speak for the whole world on international environmental questions.

We know the United Nations cannot solve every problem, but it must not set its sights too low. It should be animated by the same essential fact that has brought us tgoether in Stockholm: There is an environmental crisis in this world. The crisis differs, it is true, both in kind and in degree from one nation or region to another—but it is a world crisis nonetheless.

President Nixon, discussing the tasks facing the United Nations in his foreign policy report to the American Congress early this year, described the crisis—and the response to it—in these words:

"Ours is the age when man has first come to realize that he can in fact destroy his own species. Ours is the age when the problems and complexities of technological revolution have so multiplied that coping with them is, in many ways, clearly beyond the capacities of individual national governments. Ours, therefore, must be the age when the international institutions of cooperation are perfected. The basic question is—can man create institutions to save him from the dark forces of his own nature and from the overwhelming consequences of his technological successes?

"I believe profoundly that the answer is yes."

Mr. President and fellow delegates to the Stockholm Conference, it is by our actions, both now and in the years to come, that we have a chance to justify that affirmative answer. We need not act in hysteria, nor credit every prophecy of ecological doom—but act we must. If we act with vision and determination, we will preserve for the children of all nations a chance to live in an earthly home worthy of their needs and hopes.

Mr. RANDOLPH. Will the Senator yield?

Mr. BAKER. I yield to my colleague from West Virginia.

Mr. RANDOLPH. I have listened to the helpful report of the Senator from Tennessee (Mr. BAKER). I desire to commend him and Senators BUCKLEY, CASE, MAGNUSON, MOSS, PELL, and WILLIAMS who were members of the U.S. delegation to the first United Nations Conference on the Human Environment in Stockholm, Sweden. The Senate Public Works Committee has contributed a substantial body of law to the subject of environmental development. I am sure that not only those of us on that committee, but those who serve on other committees having jurisdiction over environmental matters and all Members of the Senate, are indebted to Senator BAKER and our other colleagues who worked constructively to make this first international effort worthwhile.

Mr. BAKER. I appreciate the gracious comments of the distinguished chairman of the Senate Committee on Public Works and am grateful for his support in this very significant undertaking. Senator RANDOLPH is a vigorous leader in the development of environmental protection legislation, and his leadership is reflected in our country's progress in this area.

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

Mr. BAKER. I yield.

Mr. BUCKLEY. Mr. President, I rise to add my few comments to those made by the distinguished Senator from Tennessee on the results of the Stockholm conference. I know the newspaper reports in the United States tended to take a gloomy view, and purely political implications were inserted into what should have been a scientific endeavor among nations.

However, when one contemplates the enormity of the problems and the cooperation of all nations for the first time in human history in this intensely important area, we can all be proud of the accomplishments, concern, and particularly the leadership of the United States.

The attention of the world has been riveted on the importance of coming to grips with the impact of man's activities on the environment. We have taken the important first step, and as the Senator from Tennessee emphasized, whether those steps will lead us in the proper direction at the proper speed will depend entirely on whether the people of our various nations will back the efforts that have been initiated at Stockholm.

One of the very important things that came to the surface is the fact that, understandably, many underdeveloped nations are fearful that the environmental concerns which have originated in developed countries may have the effect of freezing them at their present status of economic development. It is my hope and expectation, however, that as they increase their understanding of the ultimate economics of shaping their own developmental activities into environmentally necessary channels, they would see that far from pricing themselves out of the world markets, they will achieve vigorous accomplishments.

If all nations of the world adopt the same sense of conscientiousness and environmental responsibility, the net impact would not be to disturb or dislocate trade channels.

I want to take this opportunity to say how much the success of that conference depended on the leadership of the Senator from Tennessee who did a magnificent job in collecting and synthesizing information from the thousands of people from whom he received views.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 6 minutes, with statements therein limited to 3 minutes.

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

The Senator from Tennessee is recognized.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORTS ON FINAL DETERMINATION OF CERTAIN INDIAN CLAIMS

Three letters from the Chairman of the Indian Claims Commission transmitting, pursuant to law, reports on the final determination of the Commission with respect to the claims of the Natives of Palmer, Alaska, the Natives of Tatitlek Village, Alaska, and the Natives of Chitina, Alaska (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION TO PHASE-IN MOTOR VEHICLE SAFETY STANDARDS

A letter from the Secretary of Transportation submitting proposed legislation to authorize the Secretary to phase-in motor vehicle safety standards by specified percentages over a period of time, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Federal Program of Aid to Educationally Deprived Children in Illinois Can Be Strengthened" and a report entitled "U.S. Technical Assistance to Support Indian Agricultural Development" (with accompanying reports); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3511. A bill to authorize appropriations for activities of the National Science Foun-

dation, and for other purposes (Rept. No. 92-918).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on today, June 22, 1972, he presented to the President of the United States the enrolled bill (S. 513) for the relief of Maria Badalamenti.

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. RIBICOFF:

S. 3739. A bill to establish within the Department of Commerce an Economic Adjustment Administration, to transfer thereto certain functions and duties of other departments and agencies relating to economic development and assistance, to establish a comprehensive program of economic adjustment assistance, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MAGNUSON (by request):

S. 3740. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself, Mr. BROOKE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. NELSON, and Mr. PEARSON):

S. 3741. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF:

S. 3739. A bill to establish within the Department of Commerce an Economic Adjustment Administration, to transfer thereto certain functions and duties of other departments and agencies relating to economic development and assistance, to establish a comprehensive program of economic adjustment assistance, and for other purposes. Referred to the Committee on Government Operations.

ECONOMIC ADJUSTMENT ORGANIZATION ACT

Mr. RIBICOFF. Mr. President, the American economy is in deep trouble. Our tragic 6 percent unemployment figure persists—in my own State of Connecticut it is more than 8 percent, and in some communities 20 percent. Our trade deficit is mounting—more than $2 billion in the first quarter of this year alone. Twenty-five percent of our industrial capacity remains idle while our Nation desperately needs rebuilding.

Clearly, both workers and businessmen need effective help now. One approach which has become the subject of much discussion is the Foreign Trade and Investment Act of 1972, the Hartke-Burke bill. This is a well intentioned effort to preserve American jobs. But its sweeping provisions would create many new problems for our foreign relations and for American foreign trade and investment, while it is not at all clear whether it would provide any net benefits in terms of domestic employment. While interim measures to protect certain American industries may indeed be necessary, the application of across-the-board quotas would probably provoke retaliation by our major trading partners. It is of the highest priority that practical effective alternatives to the Hartke-Burke legislation be developed to deal with the legitimate grievances of all those adversely affected by our trade policies.

In order to provide such alternatives, I am today introducing the Economic Adjustment Organization Act.

I have been in touch with Chairman MILLS of the Ways and Means Committee in the other body regarding my proposal and hope to consult with him and other interested congressional colleagues on this legislation in the future. After full hearings and the opportunity for all parties concerned to express their views I hope that legislation will be passed which will meet the needs of both workers and businessmen.

The Economic Adjustment Organization Act is an attempt to develop adequate Federal programs to help workers, companies, and communities affected by public policy decisions, and is not confined to assistance necessitated by trade policy decisions. It goes beyond present adjustment assistance provisions both in its coverage and types of assistance offered. The present provisions on the books since 1962 offer much too little, are too difficult to get and are invariably too late.

At present we have only bits and pieces of offices and agencies and department planning and administering programs dealing with economic conversion, adjustment assistance, training and job placement. Also lacking is a single high level body to spot in advance those industries and companies which are or will be soon facing serious difficulties, and to identify the priority areas for economic activity in the next 5, 10 or 20 years.

To remedy this situation two new governmental bodies are set up under my act. The Economic Adjustment Administration, to be located in the Commerce Department, would coordinate existing adjustment programs whose benefits would be liberalized and expanded. It would establish new workers' retraining programs and offer incentives to industries about to relocate to stay where they are. The administration would make agreements with affected States and communities and work closely with them.

Also created is a new independent Economic Priorities Advisory Council to set civilian priorities for the Nation and identify future manpower needs and economic trouble spots.

There is no early warning system for labor when jobs are in danger. There is no way for helping firms before they are in desperate straits or retraining workers before they are lining up for unemployment checks. The Economic Priorities Advisory Council made up of industry, labor, and Cabinet representatives will perform those needed functions. We have no systematic way to encourage industries to develop along lines with high social priority and a high degree of future success. Much talk is heard about the need to convert from a wartime to a post-Vietnam peacetime economy. The key to any successful defense conversion program will be the assumption by the Government of the responsibility for defining civilian priorities. This new Economic Priorities Advisory Council will help chart the future directions of the civilian economy and encourage economic expansion into new areas of viable economic activity. The Council would also advise the new Economic Adjustment Administration in the types of training and other assistance needed.

Too many of our manpower training programs are teaching skills for jobs that no longer exist or that will not be offered in a particular locale. Training programs must be geared to specific jobs which will be available when the training is ended. There is little point to training a worker in New York for a job that exists only in California.

Smaller companies experiencing financial difficulty need more than low-cost loans. They would also be able to get the expert technical advice and individualized planning they need to remain competitive. Research and development seed money would be made available for private projects and the development of new products. At the same time their employees would be trained to perform the new skills that will be needed in the new operation. Interim emergency financing would be available to these companies pending approval of longer term loans.

If companies decide to transfer production facilities abroad they would be required to demonstrate that the full range of Government assistance offered them is inadequate to insure profitable operations within a reasonable period of time. If they cannot, they would help defray the costs of assisting the laid-off employees they are leaving behind. These provisions should allay the fears of workers and communities that they will be left in the lurch by companies concerned only with their own immediate interests. Yet a company would still retain its freedom to relocate elsewhere by demonstrating its good faith and sound business reasons for leaving.

Under this legislation, once eligibility is established both a company and its laid-off workers would receive immediate assistance. Workers would begin collecting roughly 85 percent of their previous wages and their health and pension benefits would be continued. Those within 3 years of retirement would be able to retire with full benefits. Younger workers would be able to enroll in new or existing training programs which would help insure their employment upon completion of the training courses either with their former employer, and preferably in the area where they live.

The company could receive loan assistance, technical advice, retraining of its labor force, and other benefits in order to continue operating in the same locale. If it still decided to move elsewhere in the United States, it would have to offer its employees the right of first refusal for a similar job at the same rate of pay.

In sum, my legislation embodies a new approach to deal with some of the new kinds of problems facing us today. It involves a coordinated attack by the Federal Government, with the emphasis on early warning, and speedy, unencumbered help for workers. The focus is on readjustment and retraining in order to best utilize our technological, managerial, and manpower resources.

Enactment of my proposed bill will enable us to anticipate change instead of dealing only with its effects. It will enable our trade negotiators at the projected 1973 trade talks with our major trading partners to negotiate with greater confidence in our ability to adapt to changes. It will enable working people to feel more confident of their jobs and the well-being of their families. The Economic Adjustment Act offers both labor and industry a means of improving their respective economic positions while contributing to the overall health and vitality of our Nation.

I ask unanimous consent that a comparison of the Economic Adjustment Organization Act and the Foreign Trade and Investment Act of 1972 (S. 2592) be printed at this point in the RECORD, along with the text of the Economic Adjustment Organization Act.

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

COMPARISON OF THE ECONOMIC ADJUSTMENT ORGANIZATION ACT AND THE FOREIGN TRADE AND INVESTMENT ACT OF 1972, S. 2592

1. New Government bodies:

S. 2592 establishes a three member Foreign Trade and Investment Commission which has discretion to impose and modify the import restrictions and decide escape clause cases.

Economic Adjustment Organization Act establishes a nine member Economic Priorities Advisory Council to give advance warning of industry and labor problems, set civilian priorities for years ahead. Also establishes a new Administration within the Commerce Department to plan and implement worker retraining and relocation programs and assistance to companies.

2. Import restrictions:

S. 2592 limits annual imports to same percentage as 1965–1969 on country by country and item by item basis. (Would not affect existing voluntary quota agreements, e.g., textiles, steel).

Economic Adjustment Organization Act does not set import limits which might lead to retaliation and higher costs to consumers. It provides timely, adequate help to workers displaced by imports or any other public policy decision and retraining for jobs available in their locality wherever possible. Does not modify existing provisions of law providing for restriction of imports.

3. Tax changes:

S. 2592—Effects activities of U.S. companies abroad by eliminating foreign tax credit, personal income tax exemption, and no longer permits these companies to defer taxes on foreign earnings until income repatriated to U.S.

Economic Adjustment Organization Act—Seeks to prevent American companies from going abroad by making them pay one-half of costs of retraining and assistance to their displaced workers if companies cannot prove they would have been unprofitable in U.S. even with the assistance offered them. Does not penalize U.S. companies doing business abroad by imposing a tax burden greater than competing foreign firms.

4. Capital and technology flows:

S. 2592:

Grants President authority to restrict capital and technology flows abroad.

Tightens enforcement of anti-dumping statutes and countervailing duty (foreign government subsidies).

Economic Adjustment Organization Act—Economic Adjustment Administration would give technical help, R&D money and low cost loans to companies to permit them to stay competitive, permitting U.S. to continue receiving benefits of foreign technology.

5. Effect on present adjustment assistance:

S. 2592—Loosens the injury requirement for eligibility for current adjustment assistance benefits.

Economic Adjustment Organization Act—More simple and liberalized injury test for adjustment assistance, and in addition makes workers and firms eligible for expanded benefits if affected by changes in government, procurement patterns (e.g. defense, space) or other public policy decisions. Includes retention of health benefits for workers and families and accelerated retirement for older workers.

S. 3739

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Adjustment Organization Act".

TITLE I—TRANSFER OF FUNCTIONS AND ESTABLISHMENT OF ADMINISTRATION AND ADVISORY COUNCIL

SEC. 101. STATEMENT OF PURPOSE.

It is the purpose of this Act to consolidate in a single agency in the Executive branch the administration of programs of economic development and worker retraining and assistance, and to provide a comprehensive program for the solution of economic and unemployment problems caused by—

(1) changes in government procurement and budgetary priorities;

(2) the relocation of United States firms to other areas in the United States or to locations outside the United States;

(3) economic dislocation resulting from increased imports; and

(4) any other economic dislocation caused, in whole or in part, by governmental action.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "Administration" means the Economic Adjustment Administration established in the Department of Commerce by section 104 of this title.

(3) The term "Administrator" means the Administrator of Economic Adjustment.

(4) The term "Council" means the Economic Priorities Advisory Council established under section 105 of this title.

SEC. 103. TRANSFER OF FUNCTIONS.

(a) To carry out the purposes of this Act, there are transferred to the Secretary all functions, powers, duties, authorities, assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records of—

(1) the Office of Economic Adjustment of the Department of Defense;

(2) the Economic Affairs Bureau of the United States Arms Control and Disarmament Agency; and

(3) the Research and Development Incentives Program of the National Science Foundation.

(b) All functions of the Secretary under the Public Works and Economic Development Act of 1965 shall be carried out through the Administration, and all powers of the Secretary under section 701 of such Act are conferred on the Secretary for the purpose of carrying out this Act.

(c) The President is requested to present to the Congress, after consultation with the Secretary and the Administrator, a reorganiaztion plan providing for the transfer of—

(1) such functions and authorities of the Secretary of Labor relating to manpower development and training;

(2) such functions and authorities of the Small Business Administration relating to economic development; and

(3) such other functions and authorities, as the President determines are necessary or appropriate to carry out the purposes of this Act.

SEC. 104. ESTABLISHMENT OF ECONOMIC ADJUSTMENT ADMINISTRATION.

(a) To assist the Secretary in carrying out the purposes of this Act, there is established within the Department of Commerce the Economic Adjustment Administration. The Administration shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate.

(b) There shall be two Associate Administrators of the Administration who shall be appointed by the President by and with the advice and consent of the Senate, and who shall perform such duties as the Administrator shall prescribe.

SEC. 105. ECONOMIC PRIORITIES ADVISORY COUNCIL.

(a) There is established an Economic Priorities Advisory Council which shall consist of nine members as follows:

(1) the Secretary of Commerce who shall be chairman of the Council;

(2) the Secretary of Labor;

(3) the Secretary of Treasury;

(4) three members representing organized labor; and

(5) three members representing management or the business community.

The members appointed pursuant to clauses (4) and (5) of the preceding sentence shall be appointed by the President by and with the advice and consent of the Senate.

(b) Each member of the Council who is not an officer of the United States shall be entitled to receive compensation at not to exceed the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, during such time as he is engaged in the performance of duties as a member of the Council. Each member of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(c) The Council shall meet at the call of the chairman but not less than four times a year.

(d) The Council shall—

(1) advise and assist the Secretary and Administrator with respect to the activities of the Economic Adjustment Administration under this Act;

(2) review and evaluate the effectiveness of programs carried out under this Act;

(3) conduct surveys and establish area and industry priorities for the application of economic adjustment assistance under this Act;

(4) carry out studies and prepare projections of future areas of economic activity in which the United States can expect to be competitively disadvantaged and identify industries in which economic adjustment assistance may be necessary; and

(5) conduct research and propose new measures and programs to provide economic adjustment assistance to workers and firms who may be eligible for assistance under this Act.

(e) The Secretary shall make available to the Council such professional and clerical assistance as the Council may require.

SEC. 106. TECHNICAL AMENDMENTS.

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

"(59) Administrator of the Economic Adjustment Administration."

(2) Section 5315 is amended by adding at the end thereof the following:

"(95) Associate Administrators of the Economic Adjustment Administration (2)."

(b)(1) The last sentence of section 601 (a) of the Public Works and Economic Development Act of 1965 is repealed.

(2) Section 5316(120) of title 5, United States Code, is repealed.

TITLE II—ECONOMIC ADJUSTMENT ASSISTANCE

SUBTITLE A—ELIGIBILITY FOR ASSISTANCE

SEC. 201. DEFINITIONS; ADMINISTRATION OF TITLE.

(a) For purposes of this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "firm" includes a subdivision of a firm.

(3) The term "worker" means, with respect to a firm, an employee or former employee of the firm.

(b) The Secretary shall administer this title through the Economic Adjustment Administration, established by title I of this Act.

SEC. 202. ELIGIBILITY REQUIREMENTS.

(a) A firm shall be eligible for economic adjustment assistance under subtitle B if it is established that a significant number or proportion of the workers of the firm have become unemployed or underemployed, or are threatened to become unemployed or underemployed, and that such unemployment or underemployment, or threat of unemployment or underemployment, has been caused in material part by—

(1) changes in Federal government procurement patterns or in Federally supported programs, or other policy decisions of the Federal government, or

(2) increased imports of articles competitive with articles produced by the firm.

(b) The workers of a firm shall be eligible for economic adjustment assistance under subtitle C if it is established that the workers have become unemployed or underemployed, or are threatened to become unemployed or underemployed, and that such unemployment or underemployment, or threat of unemployment or underemployment, has been caused in material part by—

(1) changes in Federal government procurement patterns or in Federally supported programs, or other policy decisions of the Federal government,

(2) increased imports of articles competitive with articles produced by the firm, or

(3) the relocation, or proposed relocation, of facilities of the firm to a place outside the United States.

SEC. 203. PETITIONS.

(a) A petition by a firm for eligibility for economic adjustment assistance under subtitle B may be filed with the Secretary by the firm or its authorized representative.

(b) A petition by the workers of a firm for eligibility for economic adjustment assistance under subtitle C may be filed with the Secretary by the workers or by the certified or recognized union or other authorized representative of the workers

SEC. 204. DETERMINATIONS BY SECRETARY.

(a) Upon the filing of a petition under section 203, the Secretary shall determine and certify whether the firm is eligible for economic adjustment assistance under subtitle B or the workers of the firm are eligible for economic adjustment assistance under subtitle C, as the case may be.

(b) Determinations and certifications by the Secretary under subsection (a) shall be made as soon as possible after the date on which a petition is filed but in any event not later than 60 days after such date.

(c) Any certification under subsection (a) that the workers of a firm are eligible to apply for economic adjustment assistance under subtitle C shall specify the date on which the unemployment or underemployment began or threatened to begin.

(d) Whenever the Secretary determines, with respect to any certification of eligibility of the workers of a firm, that separations from the firm are no longer attributable to the conditions specified in section 202 (b), he shall terminate the effect of such certification. Such termination shall apply only with respect to separations occurring after the termination date specified by the Secretary.

SEC. 205. INVESTIGATIONS AND REPORTS BY TARIFF COMMISSION.

At the request of the Secretary, the United States Tariff Commission shall conduct an investigation with respect to a firm to assist the Secretary in determining whether increased imports of articles competitive with articles produced by the firm has been a cause in material part of unemployment or underemployment, or threatened unemployment, of workers of the firm. The Commission shall report the results of its investigation to the Secretary at the time specified by him.

Subtitle B—ECONOMIC ADJUSTMENT ASSISTANCE TO FIRMS

SEC. 211. APPLICATIONS; ECONOMIC ADJUSTMENT PROPOSALS.

(a) A firm certified under section 204 as eligible for economic adjustment assistance under this subtitle may, at any time within 2 years after the date of such certification, file an application with the Secretary for such economic adjustment assistance. Within a reasonable time after filing its application, the firm shall present a proposal for its economic adjustment.

(b) Economic adjustment assistance under his subtitle consists of technical assistance, financial assistance, and tax assistance, which may be furnished singly or in combination. Except as provided in section 212, no economic adjustment assistance shall be provided to a firm under this subtitle until its economic adjustment proposal has been certified by the Secretary of Commerce—

(1) to be reasonably calculated materially to the economic adjustment of the firm,

(2) to give adequate consideration to the interests of the workers of the firm, and

(3) to demonstrate that the firm will make all reasonable efforts to use its own resources for economic adjustment.

(c) Any certification made pursuant to this section shall remain in force only for such period as the Secretary may prescribe.

SEC. 212. INTERIM ASSISTANCE.

(a) In order to assist a firm which has applied for economic adjustment assistance in preparing a sound proposal for its economic adjustment, the Secretary may furnish technical assistance to such firm prior to certification of its proposal.

(b) In order to assist a firm which establishes its need for financial assistance prior to certification of its economic adjustment proposal, the Secretary may provide financial assistance to the firm to the extent he determines such assistance to be necessary.

SEC. 213. USE OF EXISTING AGENCIES AND PROGRAMS.

(a) Insofar as possible, the Secretary shall provide technical assistance and financial assistance under this subtitle through existing programs established by law. To the extent that a firm's certified proposal for economic adjustment cannot be carried out through any existing program, the Secretary is authorized to furnish technical assistance under section 214 and financial assistance under section 215 to such firm.

(b) The Secretary is authorized to cooperate with State and local governments in furnishing technical and financial assistance to firms under this subtitle and, in connection therewith, to furnish technical assistance to such State and local governments.

(c) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this subtitle in connection with furnishing economic adjustment assistance to firms, which sums are authorized to be appropriated to remain available until expended.

SEC. 214. TECHNICAL ASSISTANCE.

(a) The Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will materially contribute to the economic adjustment of the firm.

(b) Technical assistance under subsection (a) may include assistance, by means of grants or otherwise, for research and development in connection with projects which will create new employment opportunities.

(c) The Secretary of Commerce shall require a firm receiving technical assistance under this subtitle to share the cost thereof to the extent he determines to be appropriate.

SEC. 215. FINANCIAL ASSISTANCE.

(a) Subject to the provisions of this section and section 216, the Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such financial assistance in the form of guarantees of loans, agreements for deferred participations in loans, or loans, as in his judgment will materially contribute to the economic adjustment of the firm. The assumption of an outstanding indebtedness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Guarantees, agreements for deferred participations, or loans shall be made under this section only for the purpose of making funds available to the firm—

(1) for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, or

(2) in cases determined by the Secretary of Commerce to be exceptional, to supply working capital.

(c) A guarantee, agreement for deferred participation, or loan shall be made by the Secretary only if he determines that the interest rate of the loan is reasonable.

(d) The Secretary shall make no loan or guarantee having a maturity in excess of 25 years, including renewals and extensions, and shall make no agreement for deferred participation in a loan which has a maturity in excess of 25 years, including renewals and extensions. Such limitation on maturities shall not, however, apply to—

(1) securities or obligations received by the Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor, or

(2) an extension or renewal for an additional period not exceeding 10 years, if the Secretary determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

(e) No financial assistance shall be provided under this section unless the Secretary determines that such assistance is not otherwise available to the firm, from sources other than the United States Government, on reasonable terms, and that there is reasonable assurance of repayment by the borrower.

(f) The Secretary shall maintain operating reserves with respect to anticipated claims under guarantees and under agreements for deferred participation made under this section. Such reserves shall be considered to

constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200).

SEC. 216. ADMINISTRATION OF FINANCIAL ASSISTANCE.

(a) In making and administering guarantees, agreements for deferred participation, and loans under section 215, the Secretary may—

(1) require security for any such guarantee, agreement, or loan, and enforce, waive, or subordinate such security;

(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees, agreements, or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees, agreements, or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees, agreements, or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 215.

(b) Any mortgage acquired as security under subsection (a) shall be recorded under applicable State law.

SEC. 217. TAX ASSISTANCE.

(a) If—

(1) to carry out an economic adjustment proposal of a firm certified pursuant to section 211, such firm applies for tax assistance under this section within 24 months after the close of a taxable year and alleges in such application that it has sustained a net operating loss for such taxable year, and

(2) the Secretary determines that tax assistance under this section will materially contribute to the economic adjustment of the firm,

then the Secretary shall certify such determinations with respect to such firm for such taxable year. No determination or certification under this subsection shall constitute a determination of the existence or amount of any net operating loss for purposes of section 172 of the Internal Revenue Code of 1954.

(b) For purposes of the Internal Revenue Code of 1954, references to certifications and applications under section 317 of the Trade Expansion Act of 1962 shall be treated as also referring to certifications and applications under subsection (a).

(c) The Secretary may recommend to the Congress the enactment of such special tax benefits for firms eligible for economic adjustment assistance under this subtitle as he considers desirable.

SEC. 218. MISCELLANEOUS PROVISIONS.

(a) Each recipient of economic adjustment assistance under this subtitle shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary may prescribe.

(b) The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to economic adjustment assistance under this subtitle.

(c) No economic adjustment assistance shall be extended under this subtitle to any firm unless the owners, partners, or officers certify to the Secretary of Commerce—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such assistance, and

(2) the fees paid or to be paid to any such person.

(d) No financial assistance shall be provided to any firm under section 215 unless the owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the provision of such financial assistance.

SEC. 219. PENALTIES.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary under this subtitle, or for the purpose of obtaining money, property, or anything of value under this subtitle, shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

SEC. 220. SUITS.

In providing technical and financial assistance under sections 214 and 215, the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction or in any United States district court, and jurisdiction is conferred upon such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 214 and 215 from the application of sections 517, 547, and 2679 of title 28, United States Code.

Subtitle C—ECONOMIC ADJUSTMENT ASSISTANCE TO WORKERS

PART I—AUTHORITY

SEC. 231. APPLICATIONS.

(a) Any adversely affected worker may file an application with the Secretary for one or more of the forms of economic adjustment assistance provided by the subtitle.

(b) Economic adjustment assistance under this subtitle consists of—

(1) readjustment allowances,

(2) training benefits,

(3) relocation allowances, and

(4) early retirement benefits.

(c) The Secretary shall determine whether an applicant is entitled to receive the economic adjustment assistance for which application is made and shall furnish such assistance if the applicant is so entitled. Such determination shall be made as soon as possible after the date on which application is filed but in any event not later than 30 days after such date.

PART II—READJUSTMENT ALLOWANCES

SEC. 241. QUALIFYING REQUIREMENTS.

(a) Payment of a readjustment allowance shall be made to an adversely affected worker who applies for such allowance for any week of unemployment which begins after the 30th day after the date of the enactment of this Act and after the date determined under section 204(c), subject to the requirements of subsections (b) and (c).

(b) Total or partial separation shall have occurred—

(1) after the date of the enactment of this Act, and after the date determined under section 204(c), and

(2) before the expiration of the 2-year period beginning on the day on which the most recent determination under section 204(c) was made, and before the termination date (if any) specified under section 204(d).

(c) Such worker shall have had—

(1) in the 156 weeks immediately preceding such total or partial separation, at least 78 weeks of employment at wages of $15 or more a week, and

(2) in the 52 weeks immediately preceding such total or partial separation, at least 26 weeks of employment at wages of $15 or more a week in a firm or firms with respect to which a determination of unemployment or underemployment, or threat thereof, under section 204 has been made, or

if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary.

SEC. 242. WEEKLY AMOUNTS.

(a) Subject to the other provisions of this section, the readjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to 85 percent of his average weekly wage or to 85 percent of the average weekly manufacturing wage, whichever is less, reduced by 50 percent of the amount of his remuneration for services performed during such week.

(b) Any adversely affected worker who is entitled to readjustment allowances and who is undergoing training approved by the Secretary, including on-the-job training, shall receive for each week in which he is undergoing any such training, a readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) The amount of readjustment allowance payable to an adversely affected worker under subsection (a) or (b) for any week shall be reduced by any amount of unemployment insurance which he has received or is seeking with respect to such week; but, if the appropriate State or Federal agency finally determines that the worker was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

(d) If unemployment insurance, or a training allowance under any other Federal law, is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to subsection (c) or (e) or to any disqualification under section 253) to a readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of readjustment allowance otherwise payable to him under section 243(a) when he applies for a readjustment allowance and is determined to be entitled to such allowance. If the unemployment insurance or the training allowance paid to such worker for any week of unemployment is less than the amount of the readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a readjustment allowance and is determined to be entitled to such allow-

ance, a readjustment allowance for such week equal to such difference.

(e) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as a training allowance referred to in subsection (d), and as a readjustment allowance would exceed his average weekly wage, his trade readjustment allowance for such week shall be reduced by the amount of such excess.

(f) The amount of any weekly payment to be made under this section which is not a whole dollar amount shall be rounded upward to the next higher whole dollar amount.

(g) (1) If unemployment insurance is paid under a State law to an adversely affected worker for a week for which—

(A) he receives a readjustment allowance, or

(B) he makes application for a readjustment allowance and would be entitled (determined without regard to subsection (c) or (e)) to receive such allowance.

the State agency making such payment shall, unless it has been reimbursed for such payment under other Federal law, be reimbursed from funds appropriated pursuant to section 287, to the extent such payment does not exceed the amount of the readjustment allowance which such worker would have received, or would have been entitled to receive, as the case may be, if he had not received the State payment. The amount of such reimbursement shall be determined by the Secretary on the basis of reports furnished to him by the State agency.

(2) In any case in which a State agency is reimbursed under paragraph (1) for payments of unemployment insurance made to an adversely affected worker, such payments, and the period of unemployment of such worker for which such payments were made, may be disregarded under the State law (and for purposes of applying section 3303 of the Internal Revenue Code of 1954) in determining whether or not an employer is entitled to a reduced rate of contributions permitted by the State law.

SEC. 243. TIME LIMITATIONS ON READJUSTMENT ALLOWANCES.

(a) Payment of readjustment allowances shall not be made to an adversely affected worker for more than 52 weeks, except that, in accordance with regulations prescribed by the Secretary—

(1) such payments may be made for not more than 26 additional weeks to an adversely affected worker to assist him to complete training approved by the Secretary, or

(2) such payments shall be made for not more than 13 additional weeks to an adversely affected worker who had reached his 60th birthday on or before the date of total or partial separation.

(b) Except for a payment made for an additional week specified in subsection (a), a readjustment allowance shall not be paid for a week of unemployment beginning more than 2 years after the beginning of the appropriate week. A readjustment allowance shall not be paid for any additional week specified in subsection (a) if such week begins more than 3 years after the beginning of the appropriate week. The appropriate week for a totally separated worker is the week of his most recent total separation. The appropriate week for a partially separated worker is the week in respect of which he first receives a readjustment allowance following his most recent partial separation.

SEC. 244. APPLICATION OF STATE LAWS.

Except where inconsistent with the provisions of this part and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law—

(1) under which an adversely affected worker is entitled to unemployment insurance (whether or not he has filed a claim for such instance), or

(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated, shall apply to any such worker who files a claim for readjustment allowances. The State law so determined with respect to a separation of a worker shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such worker becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance).

PART III—TRAINING

SEC. 251. PURPOSE; APPLICATIONS; ETC.

(a) To assure that the readjustment of adversely affected workers shall occur as quickly and effectively as possible, with minimum reliance upon readjustment allowances under this subtitle, every effort shall be made to prepare each such worker for full employment in accordance with his capabilities and prospective employment opportunities. To this end, and subject to this part, every adversely affected worker who applies for readjustment allowance under part II shall also apply for testing, counseling, training, and placement assistance under this part. Any other adversely affected worker may apply for testing, counseling, training, and placement assistance under this part. Each such applicant shall be furnished such testing, counseling, training, and placement services as the Secretary determines to be appropriate.

(b) Insofar as possible, the Secretary shall provide assistance under subsection (a) through existing programs established by law. To the extent that assistance cannot be provided through any existing program, the Secretary is authorized to furnish such assistance through programs established by him for purposes of this part, including programs carried out through private institutions and organizations.

(c) To the extent practicable, before adversely affected workers are furnished training, the Secretary shall consult with such workers' firm and their certified or recognized union or other duly authorized representative and develop a worker retraining plan which provides for training such workers to meet the manpower needs of such firm, in order to preserve or restore the employment relationship between the workers and the firm.

SEC. 252. PAYMENTS RELATED TO TRAINING.

(a) An adversely affected worker receiving training under section 251 shall be paid a travel allowance and a subsistence allowance, necessary to defray transportation expenses and subsistence expenses for separate maintenance, when the training is provided in facilities which are not within commuting distance of his regular place of residence. The Secretary shall by regulations prescribe the amount of such allowances for various areas of the United States.

(b) In the case of an adversely affected worker receiving training under section 251 who has been totally or impartially separated from employment, the Secretary shall, when possible, enter into an agreement with the firm from which the worker was so separated under which the worker will continue to be fully covered under the retirement and health programs of the firm. Any such agreement shall provide that the United States will pay to the firm the full amount of the costs incurred by the firm in providing such coverage.

SEC. 253. REFUSAL OF TRAINING.

(a) An adversely affected worker shall not be entitled to payment of any readjustment allowance under part II unless he has applied for assistance under this part.

(b) Any adversely affected worker who, without good cause, refuses to accept or continue, or fails to make satisfactory progress in, training which has been provided for him under this part shall not thereafter be entitled to readjustment allowances until he accepts or resumes, or makes satisfactory progress in, such training.

PART IV—RELOCATION ALLOWANCES

Any adversely affected worker who is the head of a family as defined in regulations prescribed by the Secretary may file an application for a relocation allowance, subject to the terms and conditions of this subchapter.

SEC. 262. QUALIFYING REQUIREMENTS.

(a) A relocation allowance may be granted only to assist an adversely affected worker in relocating within the United States and only if the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides and that such worker—

(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

(2) has obtained a bona fide offer of such employment.

(b) A relocation allowance shall not be granted to such worker unless—

(1) for the week in which the application for such allowance is filed, he is entitled (determined without regard to section 242 (c) and (e)) to a readjustment allowance or would be so entitled (determined without regard to whether he filed application therefor) but for the fact that he has obtained the employment referred to in subsection (a)(1), and

(2) such relocation occurs within a reasonable period after the filing of such application or (in the case of a worker who is being provided training under part III) within a reasonable period after the conclusion of such training.

SEC. 263. RELOCATION ALLOWANCE DEFINED.

For purposes of this part, the term "relocation allowance" means—

(1) the reasonable and necessary expenses, as specified in regulations prescribed by the Secretary, incurred in transporting a worker and his family and their household effects, and

(2) a lump sum equivalent to two and one-half times the average weekly manufacturing wage.

PART V—EARLY RETIREMENT PAYMENTS

SEC. 271. APPLICATIONS.

Any adversely affected worker who meets the requirements of this part may file an application for early retirement payments.

SEC. 272. ELIGIBILITY REQUIREMENTS.

To be eligible for early retirement payments under this part, an adversely affected worker—

(1) must be totally separated from employment at the time of this application,

(2) must have accrued vested rights to retirement pay under a retirement or pension plan of an employer (other than a governmental employer), or to benefits under title II of the Social Security Act, before he became an adversely affected worker, and

(3) must be entitled to begin receiving the retirement pay or benefits referred to in paragraph (2) not later than 3 years after he became an adversely affected worker.

SEC. 273. EARLY RETIREMENT PAYMENTS.

(a) The Secretary shall pay to each adversely affected worker who meets the requirements of section 272, and who files application therefor, the retirement pay or the benefits under title II of the Social Security Act, in the same amounts, and subject to the same terms and conditions, as the adversely affected worker will receive when he becomes entitled to receive such retirement pay or benefits.

(b) Payments to an adversely affected

worker under subsection (a) shall terminate upon the commencement of his entitlement to the retirement pay or benefits referred to in such subsection.

PART VI—GENERAL PROVISIONS

SEC. 281. AGREEMENTS WITH STATES.

(a) The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency. Under such an agreement, the State agency (1) as agent of the United States, will receive applications for, and will provide, assistance under parts II, III, and IV of this subtitle, and (2) will otherwise cooperate with the Secretary and with other State and Federal agencies in providing assistance under this subtitle.

(b) Each agreement under subsection (a) shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(c) Each agreement under subsection (a) shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to allowances under this subtitle.

SEC. 282. PAYMENTS TO STATES.

(a) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an agreement under section 281 (1) the sums necessary to enable such State as agent of the United States to make payments of allowances provided for by this subtitle, and (2) the sums reimbursable to a State pursuant to section 242(g). The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, from the funds for carrying out the purposes of this subtitle. Sums reimbursable to a State pursuant to section 242(g) shall be credited to the account of such State in the Unemployment Trust Fund and shall be used only for the payment of cash benefits to individuals with respect to their unemployment, exclusive of expenses of administration.

(b) All money paid a State under this section shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under section 281, to the Treasury and credited to current applicable appropriations, funds, or accounts from which payments to States under this section may be made.

(c) Any agreement under section 281 may require any officer or employee of the State certifying payments or disbursing funds under the agreement, or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this subtitle.

SEC. 283. LIABILITIES OF CERTIFYING AND DISBURSING OFFICES.

(a) No person designated by the Secretary, or designated pursuant to an agreement under section 281, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to the payment of any allowance certified by him under this subtitle.

(b) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this subtitle if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a).

SEC. 284. RECOVERY OF OVERPAYMENTS.

(a) If a State agency or the Secretary, or a court of competent jurisdiction finds that any person—

(1) has made, or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) as a result of such action has received any payment of allowances under this subtitle to which he was not entitled,

such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, or either may recover such amount by deductions from any allowance payable to such person under this subtitle. Any such finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing.

(b) Any amount repaid to a State agency under this section shall be deposited to the fund from which payment was made. Any amount repaid to the Secretary under this section shall be returned to the Treasury and credited to the current applicable appropriation, fund, or account from which payment was made.

SEC. 285. PENALTIES.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment or assistance authorized to be furnished under this subtitle or pursuant to an agreement under section 281 shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

SEC. 286. REVIEW.

Except as may be provided in regulations prescribed by the Secretary to carry out his functions under this subtitle, determinations under this subtitle as to the entitlement of individuals for economic adjustment assistance shall be final and conclusive for all purposes and not subject to review by any court or any other officer. To the maximum extent practicable and consistent with the purposes of this subtitle, such regulations shall provide that such determinations by a State agency will be subject to review in the same manner and to the same extent as determinations under the State law.

SEC. 287. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this subtitle in connection with furnishing economic adjustment assistance to workers, which sums are authorized to be appropriated to remain available until expended.

SEC. 288. DEFINITIONS.

For purposes of this subtitle—

(1) The term "adversely affected employment" means employment in a firm, if workers of such firm are eligible to apply for economic adjustment assistance under this subtitle.

(2) The term "adversely affected worker" means an individual—

(A) who, because of lack of work in an adversely affected employment, has been totally or partially separated from such employment, or

(B) who, because of threatened lack of work in an adversely affected employment, is threatened with total or partial separation from such employment.

(3) The term "average weekly manufacturing wage" means the national gross average weekly earnings of production workers in manufacturing industries for the latest calendar year (as officially published annually by the Bureau of Labor Statistics of the Department of Labor) most recently published before the period for which the assistance under this subtitle is furnished.

(4) The term "average weekly wage" means one-thirteenth of the total wages paid to an individual in the high quarter. For purposes of this computation, the high quarter shall be that quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(5) The term "average weekly hours" means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(6) The term "partial separation" means, with respect to an individual who has not been totally separated, that he has had his hours of work reduced to 85 percent or less of his average weekly hours in adversely affected employment and his wages reduced to 85 percent or less of his average weekly wage in such adversely affected employment.

(7) The term "remuneration" means wages and net earnings derived from services performed as a self-employed individual.

(8) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico; and the term "United States" when used in the geographical sense includes such Commonwealth.

(9) The term "State agency" means the agency of the State which administers the State law.

(10) The term "State law" means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(11) The term "total separation" means the layoff or severance of an individual from employment with a firm in which adversely affected employment exists.

(12) The term "unemployment insurance" means the unemployment insurance payable to an individual under any State law or Federal unemployment insurance law, including title XV of the Social Security Act and the Railroad Unemployment Insurance Act.

(13) The term "week" means a week as defined in the applicable State law.

(14) The term "week of unemployment" means with respect to an individual any week for which his remuneration for services performed during such week is less than 85 percent of his average weekly wage and in which, because of lack of work—

(A) if he has been totally separated, he worked less than the full-time week (excluding overtime) in his current occupation, or

(B) if he has been partially separated, he worked 85 percent or less of his average weekly hours.

TITLE III—RELOCATION OF FIRMS

SEC. 301. DEFINITIONS.

For purposes of this title—

(1) A firm is considered to have relocated facilities if, within two years before or after the firm ceases to use facilities at one location, similar facilities are placed in use by it at another location.

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

(3) The term "United States" means those areas within the customs territory of the United States (within the meaning of the Tariff Schedules of the United States).

SEC. 302. RELOCATION WITHIN THE UNITED STATES.

(a) It shall be the duty of every firm engaged in commerce or in activities affecting commerce which, after the date of the enactment of this Act, relocates facilities from one location in the United States (hereinafter referred to as the "old location") to another location in the United States (hereinafter referred to as the "new location") to offer employment at the new location, to

the extent thereof, to individuals employed at the old location who have been or will be rendered unemployed or underemployed by reason of the relocation of the facilities. Such offer shall include, with respect to each individual, terms and conditions of employment not less favorable than the terms and conditions of employment of the individual at the old location.

(b) Any firm which fails to comply with the requirements of subsection (a) shall be liable to the United States for one-half of the costs incurred in providing economic adjustment assistance to its workers under subtitle C of title II.

SEC. 303. RELOCATION OUTSIDE THE UNITED STATES.

(a) It shall be the duty of every firm engaged in commerce or in activities affecting commerce, before relocating facilities from a location within the United States to a location outside the United States, to apply for and utilize all economic adjustment assistance for which it is eligible under subtitle B of title II.

(b) Subsection (a) shall not apply to a firm if it establishes to the satisfaction of the Secretary that—

(1) economic adjustment assistance for which it is eligible under subtitle B of title II would not enable it to operate profitably within a reasonable period of time, or

(2) its failure to apply for and utilize economic adjustment assistance for which it is eligible under subtitle B of title II is warranted by unusual cirumstances or by the absence of adequately skilled labor at the location of its facilities in the United States.

(c) Any firm which fails to comply with the requirements of subsection (a) shall be liable to the United States for one-half of the costs incurred in providing economic adjustment assistance to its workers under subtitle C of title II.

SEC. 304. RECOVERY OF AMOUNTS DUE THE UNITED STATES.

(a) Amounts due the United States by a firm under section 302 or 303 shall be recovered by the Secretary in a civil action against the firm.

(b) The United States districts courts shall have jurisdiction over actions instituted under subsection (a).

By Mr. MAGNUSON (by request):

S. 3740. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and ask unanimous consent that the letter of transmittal, statement of purpose and need be printed in the RECORD with the text of the bill.

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

S. 3740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shipping Act, 1916 (46 U.S.C. 801 et seq.), is amended as follows: The first section is amended by adding at the end thereof the following new paragraphs—

" 'domestic offshore commerce' means commerce by water between any State, a Territory, a district, a possession, or the Commonwealth of Puerto Rico and any other Territory, district, possession, or the Commonwealth of Puerto Rico, or between the State of Alaska or the State of Hawaii, and any State, or between places within a Territory, a district, a possession, or the Commonwealth of Puerto Rico.

"The term 'intermodal carrier' means any person or persons holding out as a common carrier to transport or provide transportation of property, in foreign or domestic offshore commerce, part of which may take place within the United States, a Territory, a district, a possession or the Commonwealth of Puerto Rico, and part of which takes place on the high seas or the Great Lakes, which jointly or severally, (a) quotes a single-factor rate to the shipper or consignee, (b) assumes responsibility for the through transportation of such property from place of receipt to place of delivery, or has liability imposed by law for the safe transportation of the property, and (c) utilizes for the whole or any portion of the transportation, the facilities and services of the person or persons so holding out, or the facilities and services of one or more underlying carriers.

"The term 'single-factor rate' means one local or joint rate or charge which covers the entire, through intermodal transportation of the property from place of origin to place of delivery.

"The term 'underlying carrier' means any carrier whether or not subject to the Interstate Commerce Act or the Federal Aviation Act or the Shipping Act, 1916, that is utilized for a line-haul transportation of property, in interstate, foreign or domestic offshore commerce."

SEC. 2. The definition of "other person subject to this Act" is amended by adding after "means" the words "an intermodal carrier or", so that said definition reads as follows—

"The term 'other person subject to this Act' means an intermodal carrier, or any person not included in the term 'common carrier by water' carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water."

SEC. 3 Section 15 is amended by—

(a) adding after the words "of every agreement with another such carrier or other person subject to this Act," the following—"and every agreement to establish and maintain through intermodal rates, routes and services for the transportation of property in the foreign or domestic offshore commerce of the United States with any other carrier or carriers."

(b) adding the following after the fifth paragraph:

"The Commission shall not approve under this section any agreement to establish and maintain a through intermodal rate, route or service for the transportation of property in the foreign or domestic offshore commerce of the United States or any agreement on the division of rate therefor which has been arrived at with the participation of (1) a carrier not physically participating in the particular intermodal movement; (2) a steamship conference; or (3) a rate bureau.

SEC. 4. Section 17 is amended by inserting between the words "no" and "common carrier", in the first sentence, the words "intermodal carrier or".

SEC. 5. Redesignate section 45 as section 49, and insert immediately after section 44 the following new sections:

"SEC. 45. (1) From and after ninety (90) days following enactment hereof, every intermodal carrier in foreign or domestic offshore commerce shall file with the Commission and keep open to public inspection tariffs showing its single factor rates for transportation to or from a place within the United States, its Territories, districts, or possessions, or the Commonwealth of Puerto Rico, to or from a place in a foreign country, or between a place in any State, Territory, district, possession, or the Commonwealth of Puerto Rico, and a place in any other Territory, district, possession, or the Commonwealth of Puerto Rico, or between a place in the State of Alaska or the State of Hawaii and a place in any State or between places within a Territory, a district, a possession, or the Commonwealth of Puerto Rico. Such tariffs shall plainly show the places between which freight will be carried, and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the intermodal carrier which is granted or allowed, and any of its rules or regulations which in any way change, affect, or determine any part or the aggregate of such aforesaid rates, and shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement. Such tariffs shall also show the names of all participating carriers or other persons, the established through route, a description of the service to be performed by each participating party, and the Federal Maritime Commission number and date of approval of the agreement pursuant to which any joint single-factor rate is established. Copies of such tariffs shall be made available to any person and a reasonable charge may be made therefor.

"(2) It shall be the duty of the intermodal carrier to establish single-factor rates which are not so unreasonably high or low as to be detrimental to the commerce of the United States.

"(3). (a) No change shall be made in any single-factor rates, or charges, or classifications, rules, or regulations in intermodal domestic offshore tariffs, which have been filed with the Commission as required by this section, except by the publication, and filing of a new tariff or tariffs which shall become effective not earlier than thirty days after the date of publication and filing thereof with the Commission, and each such tariff or tariffs shall plainly show the changes proposed to be made in the tariff or tariffs then in force and the time when the single-factor rates, charges, classifications, rules or regulations as changed are to become effective: *Provided,* That the Commission may, in its discretion and for good cause, allow such changes to become effective upon less than the period of thirty days herein specified; and *Provided, further,* That tariffs or changes which provide for extension of actual service to additional points of destination at single-factor rates of that intermodal carrier already in effect for similar service at the nearest point of destination to said additional points shall become effective immediately upon notice to the Commission.

"(b) Whenever there shall be filed with the Commission any tariff stating a new single-factor rate, or charge, or a new classification, regulation or practice affecting any single-factor rate, or charge in domestic offshore trade, the Commission shall have and it is hereby given, authority either upon complaint or upon its own initiative without complaint, and if it so orders without answer or other formal pleading by the interested intermodal carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such single-factor rate, charge, classification, regulation or practice: *Provided, however,* That there shall be no suspension of a tariff, single-factor rate or service which extends to additional destination points, actual service at single-factor rates of said intermodal carrier for similar service already in effect at the nearest point of destination to said additional point.

"Pending such hearing and decision thereon the Commission, upon filing with such tariff and delivering to the intermodal carrier affected thereby a statement in writing of its

reasons for such suspension, may from time to time suspend the operation of such tariff and defer the use of such single-factor rate, charge, classification, regulation, or practice, but not for a longer period than four months beyond the time when it would otherwise go into effect; and after full hearing whether completed before or after the single-factor rate, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of the single-factor, rate, charge, classification, regulation or practice, shall go into effect at the end of such period. At any hearing under this paragraph the burden of proof to show that the single-factor rate, charge, classification, regulation, or practice is just and reasonable shall be upon the intermodal carrier. The Commission shall give preference to the hearing and decision of such questions and decide the same as speedily as possible.

"(c) Whenever the Commission finds that any single-factor rate, charge, classification, tariff, regulation, or practice demanded, charged, collected, or observed by any intermodal carrier in the domestic offshore commerce is unjust or unreasonable, it may determine, prescribe and order enforced a just and reasonable rate or charge, or a just and reasonable classification, tariff, regulation or practice.

"(4). No change shall be made in single-factor rates, charges, classifications, rules or regulations, in a tariff filed by an intermodal carrier in foreign commerce, which results in an increase in cost to the shipper, nor shall any new or initial single-factor rate of an intermodal carrier in foreign commerce be instituted, except by the publication and filing, as aforesaid, of a new tariff or tariffs which shall become effective not earlier than thirty (30) days after the date of publication and filing thereof with the Commission, and each such tariff or tariffs shall plainly show the changes proposed to be made in the tariff or tariffs then in force and the time when the single-factor rates, charges, classifications, rules or regulations as changed are to become effective: *Provided, however*, That the Commission may, in its discretion and for good cause, allow such changes and new or initial single-factor rates to become effective upon less than the period of thirty (30) days herein specified. The term 'tariff' as used in this section shall include any amendment, supplement, or reissue.

"(5). No intermodal carrier in foreign or domestic offshore commerce shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates which are specified in its tariffs on file with the Commission and duly published and in effect at the time, nor shall any intermodal carrier rebate, refund, or remit in any manner or by any device any portion of the single-factor rates so specified, nor extend or deny to any person any privilege or facility, except in accordance with such tariffs: *Provided, however*, That the Commission may in its discretion and for good cause shown permit an intermodal carrier to refund a portion of freight charges collected from a shipper or waive the collection of a portion of the charges from a shipper where it appears that there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and that such refund or waiver will not result in discrimination among shippers: *Provided further*, That the intermodal carrier has, prior to applying for authority to make refund, filed a new tariff with the Commission which sets forth the single-factor rate on which such refund or waiver would be based: *Provided further*, That the intermodal carrier agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff or such steps taken as the Commission may require, which give notice of the single-factor rate on which such refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application: *And, provided further*, That application for refund or waiver must be filed with the Commission within one hundred and eighty (180) days from the date of shipment.

"(6) The Commission shall by regulations prescribe the form and manner in which the tariffs required by this section shall be published and filed; and the Commission is authorized to reject any tariff filed with it which is not in conformity with this section and with such regulations. Upon rejection by the Commission, a tariff shall be void and its use unlawful.

"(7) An intermodal carrier, with respect to the transportation of property in the foreign or domestic off-shore commerce of the United States, shall be subject to the provisions of sections 14, First, Second, Third, and Fourth.

"(8) Whenever the Commission, after hearing, finds any single-factor rate or charge filed by an intermodal carrier in the foreign commerce of the United States to be so unreasonably high or low as to be detrimental to the commerce of the United States, it shall disapprove the rate.

"SEC. 46. (a) No person shall operate as an intermodal carrier in the foreign or domestic offshore commerce or hold himself out to carry as an intermodal carrier in such commerce, unless such person holds a license issued by the Federal Maritime Commission to engage in such business.

"(b) An intermodal carrier's license shall be issued to any applicant therefor if it is found by the Commission that the applicant is fit, willing and able to meet obligations to shippers incurred as an intermodal carrier. The Commission may require an applicant to demonstrate financial responsibility by a showing of sufficient assets or the furnishing of a bond, or other security in such form and amount as prescribed by regulations promulgated by the Commission pursuant to this Act. *Provided, however*, That subject to United States Treaty Obligations, no license shall be issued to an applicant other than a citizen of the United States, to operate as an intermodal carrier in the United States, unless pursuant to information obtained and furnished by the Secretary of State, it is determined that the country in which said applicant has his principal place of business, extends reciprocal privileges to citizens of the United States: *Provided further*, That an intermodal carrier who is operating as such on the effective date of this section, has an effective tariff on file with the Federal Maritime Commission and who within ninety days of such date notifies the Commission of his intentions to apply for a license as an intermodal carrier, may continue such operation pending a final determination of the application.

"(c). A holder of a license issued by the Commission pursuant to this section may, notwithstanding any other provision of law, operate as an intermodal carrier in accordance with the terms of said license. Licenses shall remain in effect until suspended or terminated as herein provided. A license may, upon application of the licensee, in the discretion of the Commission, be amended or revoked in whole or in part, or may, upon complaint, or upon the Commission's own initiative, after notice and hearing, be suspended or revoked in whole or in part for willful failure to comply with any provision of this Act, or with any lawful rule or regulation of the Commission promulgated thereunder, if the Commission finds that the licensee no longer is able to meet the standards for licensing as set forth in this section, or that the licensee has not operated as an intermodal carrier for a period of one year.

"(d). No application for a license shall be denied unless the applicant is given notice and an opportunity for hearing.

"(e). Any intermodal carrier receiving property for transportation in foreign or domestic offshore commerce shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it or by any underlying carrier or other person to which such property may be delivered or whose facilities or services may be utilized in such transportation: *Provided, however*, That the intermodal carrier's liability to the holder of the receipt or bill of lading shall be not less than an amount determined according to the laws pursuant to which the liability of a carrier by water is determined.

"SEC. 47. The Commission shall prescribe reasonable rules and regulations to be observed by intermodal carriers, including reasonable requirements for financial and traffic reports from intermodal carriers operating in the domestic offshore commerce, and as may be necessary to carry out the provisions of sections 45 and 46.

"SEC. 48. Whoever violates any provisions of sections 45 and 46, shall be liable to a civil penalty of not more than $1,000.00. Each day such violation continues shall be a separate offense. Such penalties shall be assessed by the Commission and may be remitted or mitigated upon such terms as it may deem proper."

SEC. 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

FEDERAL MARITIME COMMISSION,
Washington, D.C., June 6, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes. The need for and purpose of the proposed bill are set forth in the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at an early date for the reasons set forth in the statement.

The Office of Management and Budget advises that there would be no objection to the submission of the proposed bill to the Congress for its consideration; however, certain of the interested agencies, including the Federal Maritime Commission, may wish to raise questions and suggest possible alternative courses of action if called on by the committees to report or testify on this proposal.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR THE BILL TO AMEND THE SHIPPING ACT, 1916, TO PROVIDE FOR THE ESTABLISHMENT OF SINGLE-FACTOR RATES UNDER A THROUGH BILL OF LADING IN U.S. FOREIGN AND DOMESTIC OFFSHORE COMMERCE

The new transportation technologies which have been emerging during the past decade have pointed up the significant part played by the "operator" who does not actually own the facilities in which cargoes are moved. Or it may be that such person owns some portion of the facilities, but relies for part of the transportation on facilities of another. The Federal Maritime Commission, and its

predecessor agencies have long recognized the important role of this party which for lack of a better name, for purposes of administering the Shipping statutes has been referred to as an "NVOCC"—non vessel operating common carrier. The NVOCC holds himself out to provide a through service from point of origin to point of destination, notwithstanding that he may depend on others for the actual performance of the transportation or some part of the transportation. He may be an ocean freight forwarder, an ocean terminal operator or any person who holds himself out to provide through transportation assuming responsibility or having liability imposed by law for the transportation of the shipment, and who arranges in his own name with an underlying water carrier for the performance of the transportation, whether or not owning or controlling the means of such transportation.

Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers., 6 F.M.B. 245 (1961); *Bernard Ulmann Co., Inc.*, 3 F.M.B. 771 (1952).

The NVOCC operating in the waterborne foreign or domestic offshore trades has been required to file its water rates with the Federal Maritime Commission the same as any other "Common Carrier by Water," and in all respects is treated as a "Common Carrier by Water" in the administration of the shipping statutes. The Commission's General Order 13 has been extended so that all such carriers now are required to file with the Commission any *through rates*, charges, rules and regulations governing the *through transportation* of freight between ports or points in the United States and ports or points in a foreign country. Such filing must show the division of the through rate to be collected by the water carrier. (35 F.R. 6394) April 21, 1970. The Interstate Commerce Commission likewise has published a proposed rule dealing with the filing of through rates in international commerce. This rule, however, would not permit NVOCC's and the Interstate Commerce Commission Part IV freight forwarders to file intermodal through tariffs. After petitions for reconsideration were filed, the Interstate Commerce Commission indefinitely suspended this rule.

For some time now there have been indications that the advent of the container age has brought into sharp focus the need for updating our regulatory statutes which were enacted at a time when this concept of transportation was not envisioned. For example, in the 90th Congress several bills were introduced which had as obvious aims the fostering of intermodal movements—The Trade Simplification Act and The Equipment Interchange Bill. Both of these proposals have bogged down—however the need is still there—even more than ever since enactment of the Merchant Marine Act of 1970 which commits the United States to a ten year construction program of 300 new ships designed to supply the needed impetus to rebuild our floundering merchant marine and provide the means whereby our growers and manufacturers can penetrate overseas markets enhancing both our national economy and our foreign trade balances. No effort should be spared in seeing to it that the most modern technological advances can be incorporated in the new ships with adequate assurance that regulatory restrictions will not prevent their maximum utilization.

The NVOCC is deserving of a new look in the light of the promises of this revitalization. He performs a needed and valuable service to the public—he concentrates on small shipments and the consolidation of those shipments; he prepares waybills, bills of lading, manifests, collects charges, performs handling services, routes and traces shipments, settles claims, performs transfer services and solicits freight. Thus the underlying carrier is relieved of many chores which he otherwise would have to perform. In like manner the small shipper is provided with many services which are performed in the traffic department of his larger competitive organizations and which otherwise would be unavailable to the small shipper.

Carriers subject to the Interstate Commerce Commisison are an important link in intermodal shipments in both the foreign and the domestic offshore commerce. Many VNOCC's are in their purely domestic operations Part IV freight forwarders. Under the ICC's intermodal rule, ICC carriers have a distinct advantage over the Part IV freight forwarder who is precluded from entering into a joint rate since under the Interstate Commerce Act he is viewed as a shipper and not as a carrier. Thus he cannot negotiate a through rate with the other carriers subject to the Interstate Commerce Act—he must derive whatever profit he makes from the rate structures of those underlying carriers.

Another barrier to the full realization of the inherent advantages of the container/intermodal age is the position of the water carrier in soliciting and arranging for shipments and deliveries at inland U.S. points. He cannot solicit and consolidate notwithstanding that it is for transportation in the foreign commerce as distinguished from interstate commerce because he is not licensed by the ICC. Even under the indefinitely suspended ICC rule, he cannot enter into a joint rate arrangement with the Part IV Forwarder—he is restricted to the rail and motor carrier.

These are but two examples of the need for regulations to put the intermodal concept in proper perspective. Another is the need to protect the public—as the intermodal concept continues to expand there will be many opportunists attempting to climb on the band wagon eager for a quick and easy dollar. It is relatively easy to enter the transportation field as an NVOCC—no significant capital investment is required and there is no need to demonstrate financial responsibility. We think this carrier has obligations to the shipping public. He has liability for shipper claims—for payment of charges—for providing transportation. We think entrance into this field should be controlled and that a showing of ability and financial responsibility should be required. In addition there should be flexibility which would permit carriers to provide intermodal movements unhampered by artificial barriers of *archaic* regulatory statutes. The NVOCC which is included in the designation "Intermodal Carrier" in the attached proposal should be expressly recognized by statute designed to specifically deal with that carrier. All of these objectives would be accomplished by the attached draft legislation.

The attached proposal is based primarily upon the standards of the Shipping Act, 1916, which were designed for the international and domestic offshore commerce of the U.S. and therefore more adaptable than the criteria of the Interstate Commerce Act which are geared to purely domestic surface movements and policies.

Under this bill, intermodal through movement will be regulated by one law administered by a single regulatory body which has the expertise in the foreign and domestic offshore trades necessary to provide effective regulation—the Federal Maritime Commission. The bill provides for the filing of the through intermodal rate. Antitrust immunity is provided as to arrangements entered into by carriers of the different modes, subject to the jurisdiction of different regulatory agencies when approved by the Federal Maritime Commission, a feature not possible under the present regulating statutes. The present safeguards of the Shipping Act, 1916, as to unfair and unjust practices, undue or unreasonable preference or advantage as to shippers, carriers or localities are carried forward into this proposal.

As an added protection to the public (and a necessary one), this bill requires that intermodal carriers demonstrate that they possess the ability, experience, finanical resources and other qualifications necessary to carry on the business of an intermodal carrier, and has or will have adequate financial resources to meet obligations to shippers. Any person would be prohibited from operating as an intermodal carrier unless licensed by the Federal Maritime Commission.

This proposal, if enacted, will provide shippers and carriers with a single expert regulatory panel which will aid materially in the growth and economic welfare of the nation and its waterborne trade.

By Mr. MATHIAS (for himself, Mr. BROOKE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. NELSON, and Mr. PEARSON):

S. 3741. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests. Referred to the Committee on Government Operations.

Mr. MATHIAS. Mr. President, the 1972 presidential primaries are widely interpreted as protest against the old politics. Additional evidence can be found by examining some recent polls. In 1967, one Gallup Poll revealed that six out of 10 Americans believed shady conduct among Congressmen was fairly common. A Harris survey during the same period noted that over half of the Nation's population felt that at least some Congressmen were receiving money personally for voting a certain way. Another Harris poll published in February of last year revealed that during the period 1965 to 1971, the percentage of the public which gave Congress a positive rating, declined from 64 to 26 percent.

In November of 1971 another Harris poll indicated, by a margin of 65 to 25 percent, the public feels that only a few men in politics are dedicated public servants. It should be noted that in the fall of 1967 a similar view was expressed by a lesser margin—58 to 34 percent. In this same November poll, it was revealed, 63 to 28 percent that most Americans feel politicians are out to make money. This reflected a dramatic increase since 1967, when the same question was asked and only a close plurality registered the same viewpoint. This November survey also found that by a margin of 59 to 20 percent, a majority of Americans feel that "most politicians take graft."

These findings have been published in the CONGRESSIONAL RECORD from time to time, and have been confirmed by more recent polls. There is no way of denying the fact that the American people are fast losing confidence in the Government to govern, and in the elected leaders to lead. It is clear that this disillusionment is not limited to the young, but rather pervades the entire society. This steady and discernible loss of confidence in our elected officials is in my mind the most serious problem facing this Nation and this Congress.

I believe that for the most part this attitude of distrust is unfounded. The

overwhelming number of those in Government are honorable, hardworking and dedicated public servants and the public has unfortunately characterized us all, by the actions of a few. But whether or not the public's attitude is well founded, is really not the question here; it exists, and we must react. This representative system is based upon and gets its strength from the consent of the people, and without this trust, the system simply will not work.

A good deal of problem, I believe, is due to the public's attitude of not being adequately informed about its Government and its decisionmaking process. This was made clear, not only in the polls mentioned earlier in this statement, but also by a Harris poll taken during the Pentagon papers episode. Most Americans interviewed, sided with the newspapers' right to publish the Pentagon Papers on the basis that Government usually hides the true facts and the motives for their decisions.

The unfortunate result of this mistrust has been the continued isolation, detachment, and hostility of the electorate. When most of us are faced with an unpleasant occurrence or something which has angered us, we react by isolating ourselves from that adversity. With an increased fear and distrust of criminals, we find ourselves buying locks for our homes, and angrily moving to the suburbs or the country. We built fall-out shelters in the fifties to overcome the distrust of the Russians. We seek divorce and isolation from our families when the distrust is overbearing. And, with this increased distrust and disillusionment in the Government, we are witnessing a continuing drop-out and isolation of the electorate. This isolation more fundamentally has resulted in a loss of production that has weakened the entire framework of government.

The biggest and most difficult challenge of this Congress is to restore the confidence in our Government, and stop this trend of isolation. Resolving this problem should occupy every working day and every decision.

How do we restore this confidence? Of course, we can become more candid and open in our legislative activities. We can provide moral leadership for the Nation, and be conscientious in our responses to human needs. We can also do something very specific, something which I am sure will go a long way in restoring this confidence, and dispelling this attitude of mistrust.

Mr. President, with this objective in mind, I am today introducing, in behalf of myself and Senators BROOKE, CHILES, CHURCH, EAGLETON, NELSON, AND PEARSON a bill, which if enacted, would require all Members of the Senate and House of Representatives as well as employees of these two chambers who earn more than $22,000 per year to disclose to the public their income and other related financial interests.

At this time, I ask unanimous consent that the entire text of the bill be printed in the RECORD.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Disclosure of financial interests by Members of Congress and certain congressional employees

"(a) Each Member of Congress and each employee of the Congress shall file annually with the Comptroller General a report containing a full and complete statement of—

"(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

"(2) the value of each asset held by him, or by him and his spouse jointly which has a value in excess of $5,000, and the amount of each liability owed by him, or by him and his spouse jointly, which is in excess of $5,000 as of the close of the preceding calendar year; and

"(3) any business transaction, including the sale, purchase, or transfer of securities of any business entity, commodity, real property, or any other asset or any interest therein, by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $5,000 during such year.

"(b) Reports required by this section shall be filed not later than May 15 of each year In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

"(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchase and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

"(d) Whoever willfully fails to file a report required by this section, or knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

"(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

"(f) For the purposes of any report required by this section, an individual shall be considered to have been a Member of Congress or an employee of the Congress during any calendar year if he served in such position for more than six months during the calendar year.

"(g) As used in this section the term—

"(1) 'income' means income from whatever source delivered;

"(2) 'security' means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b);

"(3) 'commodity' means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2);

"(4) 'Member of Congress' means a Senator, a Representative, a Resident Commissioner, or a Delegate;

"(5) 'employee of the Congress' means a congressional employee, as defined in paragraph (1), (2), (3), or (5) of section 2107 of title 5, United States Code, who is compensated at a rate in excess of $22,000 per year; and

"(6) 'immediate family' means the child, parent, grandparent, brother, or sister of an individual, and the spouse of such persons."

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

"225. Disclosure of financial interests by Members of Congress and certain congressional employees.".

(c) The chapter analysis for title 18, United States Code, is amended by striking out the item relating to chapter 11 and inserting in lieu thereof the following:

"11. Bribery, graft, and conflicts of interest.".

Mr. MATHIAS. Mr. President, the bill, as you can see, requires all Members to report to the Comptroller General, information regarding one's income, debts, assets, and business transactions in the preceding year. Specifically, it requires public disclosure of the amount and source or each item of income, regardless of its value, and all gifts which exceed $100 in value. It requires the disclosure of each asset, and the nature of each liability, which has a value in excess of $5,000. And finally it requires the disclosure of any transaction whether it be in securities, real estate, or commodities, which has a value in excess of $5,000. These reports would be filed with the Comptroller General for review by the public not later than May 15 of each year. Violation of the law would bring a fine of $2,000 or imprisonment for not more than 5 years, or both.

Bills of this nature have been introduced in each Congress since 1958, when my distinguished colleague from New Jersey (Mr. CASE) introduced the first comprehensive disclosure bill. My colleague from New Jersey is the recognized advocate in the Senate for full disclosure, and he should be congratulated for his leadership. Twice in recent years, the Senate has come within four votes of adopting a full disclosure rule.

The bill which I am introducing is similar to Senate bills S. 343 and S. 344, introduced in this Congress by Senators CASE and SPONG, respectively. It differs from these measures in two main respects. First, unlike the Spong and Case bills, it covers only Members of the Congress and their employees. S. 343 and S. 344 cover specified employees of the executive and judicial branches as well as employees of the Armed Forces. They also cover candidates for political offices. Senator SPONG's bill goes even further and includes members of the national political committees of each major party. Second, the bill which I am today introducing has a more liberal reporting requirement. In the case of reporting one's assets, debts, and transactions, S. 343 and S. 344 require the reporting of such items regardless of their value, while my bill would provide a $5,000 minimum in these categories.

I am a cosponsor of S. 343 along with

18 of our colleagues, including both the majority and minority leaders. We must, however, now think about realistic and acceptable legislation with the objective of passing these measures in the very near future. I think the full Senate Committee on Rules and Administration should now conduct hearings on all these bills. There are some problems with S. 343 and S. 344 that were brought out by hearings held on these two bills by the Subcommittee on Privileges and Elections. For instance, there is a problem of coverage. Should we include all presidential appointees? What about State officials who administer Federal grants? It was testified during these hearings, that over 219,000 Federal employees would be required to file if either of these two bills would pass. With regard to the dollar amounts, the figures which I have chosen are, in my mind, realistic and workable compromises.

In addition, and most importantly, it is essential that we first put our own house in order, and let the standards created by this legislation be the norms and standards for the other branches of Government. This bill, if enacted, could be just the first step. But it would, in the interim, enact the needed uniformity among both Chambers of Congress, which is now lacking. Each Chamber would, of course, decide whether it wanted to retain its present reporting and disclosure procedure.

Today, what the Congress imposes upon others, it has been reluctant to demand of itself. For instance, we ask judges to create blind trusts before taking office, but when it comes to Members of the Congress, it is the public that is asked to put up the blind trust.

Financial disclosure by Members takes place for the most part behind sealed envelopes and sealed doors in an air of mystery and mystique. Disclosure is beyond the view of the public, and for the most part beyond the view of even our colleagues. Some committees, such as the Committee on Commerce and the Armed Services, require their members to disclose their financial interests, but such disclosure is usually examined only by committee counsel. It is never disclosed to the public. We are required only to publicly disclose the source and amount of each honorarium over $300 in value. The rest of our financial interests, our income and financial ties, are kept from public scrutiny.

We have created in the Senate, the Select Committee on Standards and Conduct, and in the House, the Committee on Standards of Official Conduct, to process and retain these reports. However, the machinery of these committees and the confidential disclosure of a Member's conflicts of interests to Members of the Committee, is only put in motion after the conflict is recognized. For the public's sake, it might then be too late.

Disclosure, I feel, is the best way to restore confidence in government. The use of disclosure to improve the legislative process and to give the public confidence in the integrity of government goes back to 1913, with the landmark legislation of the Underwood tariff. The highlight of the Sente debate came when Senator Robert LaFollette and others demanded that Senators publically disclose their personal property holdings which might be affected by the tariff legislation. The demand was met and each Senator appeared before the Senate Judiciary Committee to disclose their financial interests. The bill passed, and the New York Times heralded the public confidence it evoked. An editorial stated—

> This is no tariff by log-rolling, by manipulation, by intrigue, by bribery. It was bought by no campaign contributions. It was dictated by no conspiracy between corrupt businesses and corrupt government.

Disclosure does not attempt to define the rights or wrongs in any situation. It makes no judgment, imposes no sanctions or penalties. It gives the public the basis upon which to make a reasoned and well-founded judgment. It is a modest attempt. By permitting the public to make the judgment, disclosure respects the intelligence of the public and the integrity of the democratic process.

Some will feel that disclosure is an intolerable invasion of one's privacy, and make public officers second-class citizens. I would disagree. I, along with a growing number of my colleagues, have voluntarily disclosed a complete list of my financial interests to the public annually in the CONGRESSIONAL RECORD. The public's confidence in the democratic process is a bigger issue, I believe than an invasion into one's privacy. If we are to restore this needed confidence, we must permit the public to judge us on our complete record for clearly this is the public's domain.

Most of us in the Congress will find disclosure to our benefit, for it will protect us from an uninformed rumor or ill-founded suspicion. It will also help us more directly by permitting the public to judge us rather than we judging each other. We all know how unpleasant it is to sit in judgment of a fellow colleague's conflict of interest. It is indeed an ugly task. Disclosure will put the burden of policing where it belongs—in the hands of the public.

Disclosure is based upon the public's right to know, and its right to have information accessable to it. It is clearly aimed at increasing the sensitivity and involvement of the public in the governmental process. These were the same objectives in passing the recently enacted Campaign Reform Act of 1972. It is a logical and necessary second step to now require what we asked of candidates, to now ask of the elected officials. In this campaign reform legislation, we required both incumbents and challengers to disclose to the public, information regarding contributions and expenditures during their political campaign. We must now afford the public the same protection once that person is elected.

The procedure used in the enforcement of this proposed bill is conveniently identical to that used in enforcing the campaign reform legislation. The reports would go to the Comptroller General, who would perform the ministerial act of receiving and storing the reports, while the enforcement of the disclosure requirements would be delegated to the Justice Department.

Mr. President, I urge the passage of this act for the benefit of us all.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 895

At the request of Mr. ERVIN, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 895, a bill to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes.

S. 3070

At the request of Mr. THURMOND, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3357

At the request of Mr. MONDALE, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 3357, a bill to provide price support for milk at not less than 85 per centum of the parity price therefor.

S. 3634

At the request of Mr. MONDALE, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 3634, a bill to provide continued rail transportation in rural America.

S. 3641

At the request of Mr. PEARSON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 3641, a bill to establish a National Energy Resources Advisory Board.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. HART), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE RESOLUTION 326—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE submitted the following resolution:

S. RES. 326

Resolved, That Senate Resolution 247, Ninety-second Congress, agreed to March 6, 1972, as amended by Senate Resolution 300, Ninety-second Congress, agreed to May 30, 1972 is further amended as follows—

(1) In subsection (a) of the first section, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

(2) In section 2, strike out "$107,500" and insert in lieu thereof "$175,000".

(3) In section 3, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1268

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

TEMPORARY INCREASE IN PUBLIC DEBT CEILING—AMENDMENTS

AMENDMENTS NOS. 1269 AND 1270

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted two amendments intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1271

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

NOTICE OF HEARING ON PROTOCOL AMENDING THE 1961 SINGLE CONVENTION ON NARCOTIC DRUGS

Mr. SPONG. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled a hearing on the protocol amending the 1961 Single Convention on Narcotic Drugs for Tuesday, June 27, in room 4221, New Senate Office Building, beginning at 9:30 a.m.

Interested persons should communicate with the Chief Clerk of the Committee.

ADDITIONAL STATEMENTS

HEADSTART

Mr. MOSS. Mr. President, I would like to explain why I supported the Comprehensive Headstart, Child Development, and Family Services Act of 1972 (S. 3617) passed by the Senate yesterday.

The bill is essentially a bipartisan compromise designed to meet the objections made by President Nixon in vetoing the Child Development Act of 1971. The President, at that time, approved of the bill's laudable aims but castigated what he called the fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions.

While I disagreed with the President's evaluation, and in fact voted to override his veto, I feel that the compromise bill represents the best judgment on both sides of the aisle on how to meet our national commitment to families and their children.

The need for quality day care, on a voluntary basis, is beyond real dispute. One-third of the mothers with preschool children—over 4.5 million women—are employed either part or full time. This translates into 5 million preschool children who need some sort of day-care services. Right now there are less than 700,000 spaces in licensed day-care programs to serve them.

The President's veto message listed nine areas where he questioned the value of the act. He quarreled with whether the immediate need or the desirability of a national child development program of this character has been demonstrated. He charged that families would be destroyed by communal child rearing, and accused the program of being administratively unworkable.

The bipartisan report answers these objections in detail. The committee has considered the effects on the family and has actually come up with what they consider and I agree, are some family strengthening provisions. The programs, first of all, are totally voluntary. Second, the bill offers a whole range of services to children and the family. Finally, the bill has increased and clarified the priority on strengthening family life by making full day care available only to children whose parents are out of the home all day.

The bill goes on to provide extensive provisions for parental involvement in all aspects of the program—as volunteers, paraprofessionals, and professionals employed in these programs and 50 percent or more of the members of the councils that provide policy, curriculum, and other basic elements of these programs.

The program has also been administratively streamlined and the number of localities eligible as direct grantees has been cut from 7,000 to 2,000 by setting the minimum population of a community at 25,000.

All objections by the administration have therefore been met. I sincerely hope the President will sign it. We are not talking about lifeless statistics but rather about flesh and blood human beings at the formative stages of their lives. Being born into a poverty or marginal income environment is no fun, and these children could be mentally, emotionally, and socially crippled for life. We need this bill.

AN AMERICAN FOREIGN POLICY FOR THE SEVENTIES

Mr. CHURCH. Mr. President, today, the Democratic Party is holding a platform committee hearing on foreign policy in New York City. I was invited to testify, but was unable to appear in person due to flight cancellations caused by the inclement weather that has inundated the eastern seacoast. However, my statement has been submitted as a part of the hearing record.

I ask unanimous consent that the statement, which calls for a restructured American foreign policy for the 1970's, be printed in the RECORD.

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

A DEMOCRATIC FOREIGN POLICY FOR THE SEVENTIES

The first necessity—and the precondition for everything else required by our foreign policy—is an end to American participation in the war in Vietnam. When Mr. Nixon campaigned for the presidency in 1968, he said that he had a "plan" to end the war. At Hampton, New Hampshire, on March 11, 1968, Mr. Nixon said: "And I pledge to you that the new leadership will end the war and bring us peace in the Pacific; that is what America wants." Mr. Nixon repeated that pledge many times during the campaign which led up to the day, ten months later, in January, 1969, when he took the oath as President of the United States.

Three years later, in the Spring of 1972, the war was still on; American ground forces were no longer directly engaged but American air power was inflicting devastation on North and South Vietnam on a scale far exceeding the bombing during the Johnson Administration and President Nixon was no longer, as in November, 1969, heralding his "vietnamization" program as the plan which would "end the war" and "win the peace." Instead a bellicose President was proclaiming: "You have to let them have it when they jump on you."[1]

He had also jumped on them. Even before the North Vietnamese offensive in the Spring of 1972, President Nixon had dropped a greater tonnage of bombs on Indochina—over three million tons—than had President Johnson during his entire period in office. President Nixon, by early 1972, had become—in the words of the *Washington Post*—"the greatest bomber of all times."[2] Between January, 1969, when President Nixon took office, and April, 1972, 20,000 American servicemen died in Indochina and 110,000 were wounded; during the same period some 340,000 Asians died; 600,000 civilians became casualties; and 4 million people became refugees. Since the recent North Vietnamese offensive and the retaliatory American bombing, the toll has of course risen far higher. The war which Richard Nixon pledged to end has persisted and intensified; it has become, in every sense, Nixon's war, a savage and futile conflict that bears no relationship to the security or interests of the United States—a war bankrupt of purpose or justification.

One by one, the arguments for the war have been discredited: it was supposed to protect the freedom of the South Vietnamese people, but they have no freedom—and no prospect of it—under the corrupt military dictatorship of General Thieu. It was supposed to inspire confidence throughout the world in America's loyalty to her commit-

[1] Quoted by Bernard Gwertzman in "Rogers Defends Bombing; Warns of Further Moves," *New York Times*, April 18, 1972, p. 1.

[2] *The Washington Post*, April 9, 1972, p. B6.

ments; but it has only undermined world confidence in American judgment and stability. It was supposed to enable the South Vietnamese to defend themselves; but "Vietnamization" is now a shambles. The South Vietnamese Army struggles to stem the advance of a force only a fraction its size, under the umbrella of a pulverizing American air campaign. In this extremity, Mr. Nixon has come up with a new excuse: the need to preserve "respect" for the office of the Presidency—not respect for the United States or for the American people but for the office of the Presidency, which is to say, for Mr. Nixon himself. With all respect for the office, Presidential pride is not sufficient reason for the perpetration of this war.

For these reasons, let us as Democrats pledge to do exactly that which President Nixon has so conspiculously failed to do: "end the war" or, at least, our part in it. We should implement this purpose by pledging that a new Democratic Administration will, within 90 days of taking office, undertake the withdrawal of all remaining American forces from Indochina and terminate all acts of belligerency, by land, sea and air, subject only to an agreement for the release of all American prisoners of war and an accounting, so far as possible, of Americans missing in action.

Once the war in Indochina is liquidated, a new Democratic Administration would be free to turn its attention to more hopeful enterprises. In so doing, we should be guided by the need to restore a sensible balance between foreign and domestic programs, between the instruments of national security consisting of diplomacy and military power and the true foundation of national security, which is essentially domestic in nature, having to do with the strength of our economy, the cohesion of our society, the well-being of our people, and the integrity of our constitutional system.

With this necessity as our guidepost, let us pledge to conduct a thorough review of our interests and commitments abroad, starting, I would recommend, with Asia, where we have fought two wars since the end of the Second World War.

Purporting to have served exactly that purpose, the touted "Nixon Doctrine" is not in fact a revision or re-thinking of old commitments but a device for adhering to those commitments by means other than American manpower. The huge casualties we suffered in Vietnam, so excessively disproportionate to anything ever at stake there, have rendered the future use of American ground forces in Asia politically unfeasible; the "Nixon Doctrine" would replace them with foreign troops, lavishly financed by the United States and reinforced by American air power, sea power, and logistic support. "Vietnamization" has already provided us with a demonstration of the Nixon Doctrine in action; Vietnamese now do most of the dying instead of Americans, but the objective is unchanged. No less than in the days when half a million American soldiers were in the field, the objective is the propping up and perpetuation of feeble client regimes in Vietnam, Cambodia and Laos. Prohibited by the Cooper-Church amendment of 1970 from using American ground combat troops or advisors in Cambodia, the Administration employs something called "military equipment delivery teams" to check on the use of American military equipment in Cambodia and—perhaps just a little on the sly—to drop some hints now and then on how to employ it. These and other transparent devices are used to circumvent the law because, law or no law, the Administration remains determined to sustain client regimes in southeast Asia. The Nixon Doctrine has given us some ingenious new nomenclature, and it has changed the color of the corpses; but that is all it has changed. The American garrisons remain in Thailand, Taiwan and Korea; the network of dubious alliances remains unaltered and unquestioned; and the war in Indochina goes on.

A new Democratic Administration would do well to re-evaluate American interests and involvements in Asia with a view to bringing about substantive, authentic changes of policy. We would need, first of all, to consider the meaning and implications of the incipient rapproachment with China—an opening which must indeed be acknowledged as a worthy achievement on the part of the Nixon Administration. If the new relationship with China signifies anything, it is that the conflict with communism as an ideology in Asia has become meaningless. The Chinese and the Russians have shown themselves to be traditional great powers; whenever their ideological affiliations have conflicted with their national interests, the latter invariably takes precedence. The specter of "Asian communism with its headquarters in Peking," or of a "world cut in two by Asian communism," which underlay not only the war in Indochina but the entire SEATO Alliance, has shown itself to be a phantom.

This being the case, we should now contemplate the withdrawal of American forces from Taiwan and Korea as well as from Indochina. We should also consider whether SEATO itself is not moribund, even detrimental to its own objective of containing Chinese power. In this respect, there is excellent reason to believe that, just as Soviet missiles in Cuba provoked American intervention, American military power on the Asian mainland is more of a magnet for, than a deterrent to, Chinese intervention. In 1954, Chou En-lai told a group of visiting Burmese leaders that China would not interfere in Burma as long as she allowed no foreign bases on her territory; some years later—in 1967—U.N. Secretary General U Thant, who had been present at that meeting in Peking, told a group of United States Senators that there had been not "one single instance" of Chinese intervention in support of Burmese Communists despite a common border of 1400 miles.

Once American forces are removed from the Asian mainland, an indigenous, Asian balance of power could come into being, with China, Japan and the Soviet Union as its major components, India and Indonesia as bulwarks in southern Asia, and, ironically enough, a jealously independent North Vietnam in the role of an Asian Yugoslavia. For our own security in the Pacific, we would of course retain our preponderant air and sea power.

In Europe as in Asia the Nixon Administration conducts an ambivalent, contradictory policy, trying, it would seem, both to end the cold war and to prosecute it more vigorously. The Moscow agreements of May, 1972, are a significant achievement, deserving bipartisan support and Congressional ratification. The essential meaning of the SALT agreements, most particularly the limitation of each side to no more than two ABM sites, is that the two superpowers have agreed in effect to make themselves hostage to each other's nuclear power. This is tantamount to a mutual commitment to coexistence.

Having taken this initial step toward ending the cold war with the Soviet Union, the Nixon Administration then hastened to demand of Congress a multi-billion-dollar increase in the military budget for new offensive strategic weapons, including the missile-launching submarine Trident and the new B–1 supersonic bomber. The ostensible purpose of these new weapons is to provide "bargaining chips" for the next round of SALT talks. Secretary of Defense Laird went so far as to say that he could not support the Moscow agreements unless they were accompanied by this proposed acceleration in the arms race, which would, in effect, largely nullify the benefits derived from the Moscow accords.

I recommend that in its platform the Democratic Party pledge to put an end to this ambivalence between alleviating and intensifying the cold war. The proper commitment of the Democratic Party in 1972 is toward the early achievement of additional agreements in the field of arms control.

I would also recommend a plank in the Democratic platform in support of the objective sought by the Mansfield Amendment, calling for a sizeable reduction in the number of American troops in Europe. When American forces returned to the European continent in the early '50's, Western Europe was still enfeebled by the effects of World War II and the Soviet Union posed a formidable military threat. Twenty years have now passed, and the Soviet threat has greatly diminished. Equally important, the Western European countries now possess collective resources greater than those of the Soviet Union, and their economics, on the whole, are sounder and more stable than that of the United States. Should they judge their security to be threatened by the phased withdrawal of American troops, they are fully capable of replacing those troops with their own without undue exertion. An additional, important factor allowing for the reduction of American troops in Europe is the ratification of West Germany's non-aggression treaties with the Soviet Union and Poland, signifying, in large degree, the acceptance by Germany of the outcome of the Second World War.

It remains desirable for the United States to retain troops on the European continent to make credible the nuclear shield we furnish NATO. Beyond that, the withdrawal of part of our forces from Western Europe would represent an additional step, along with the SALT agreement and the German treaties, toward the goal of ending the cold war in Europe.

As for the Middle East, I am in full agreement with Senator George McGovern when he says "there is no common element between the lamentable role we have played in Indochina and the role we must continue to play in the Middle East . . . because we make a mistake in backing a corrupt dictatorship in Saigon is no reason at all to deny our economic, diplomatic and political help to the free and independent state of Israel."

Our goal in the Middle East should be to encourage a secure peace between Israel and the Arab states, a peace not imposed artificially from without, but one based upon a realistic settlement reached by the adversaries themselves. Only such a peace will ever produce genuine reconciliation and mutual respect between neighbors.

Meanwhile, we must pursue policies that discourage further bloodshed and improve the chances for eventual reconciliation. This means that we must see to it that Israel's deterrent strength is maintained, providing it with sufficient numbers of advanced aircraft and other weapons essential to its security.

In this regard, it is noteworthy that the initiative to strengthen and support Israel has stemmed from the Democratic Congress, rather than the Republican Administration. Year after year, Congress has overridden Administration opposition, to both earmark for Israel and increase the amount of military assistance; ease the repayment terms on military sales; include additional money to help Israel cope with the new influx of Soviet Jews; and furnish financial support to Israel's overburdened economy which must maintain at the ready defending forces sufficient to counteract the Russian build-up of Arab military capability.

The Democratic platform should also support the maintenance of a strong and credible U.S. military posture in the Mediterranean Sea and in the Persian Gulf, as long as the

Russian presence there makes such a deterrent necessary.

Turning to the "third world" of Asia, Africa and Latin America, the Democratic platform would do well to acknowledge the obsoleteness of ideological confrontation and, with it, of bilateral American military and economic aid programs, served up on a global platter. Foreign aid was originally conceived as one weapon in our arsenal to be employed in a world-flung strategy of containment. Military assistance, starting with the Truman Doctrine, was supposed to bolster nations along the periphery of the "Sino-Soviet bloc" and shaky regimes beyond the periphery of the "bloc," in Asia and Latin America, against the danger of foreign sponsored subversion. Economic assistance, it was thought, would serve the same purpose by promoting better living standards, thus robbing subversion of its appeal.

Experience demonstrates that, at best, American aid has had only a marginal influence throughout the "third world" in promoting either stability or development, and almost no influence whatever on whether a country "goes communist," as Cuba and Chile have shown. The countries of Asia and Africa which have remained non-communist have done so, not because the United States has succeeded in buying their allegiance or in launching them toward economic "takeoff," but because they have not wished to become Communist, regarding Communism as an alien ideology, or because their populations have been too poor and illiterate to be interested in ideology at all. The Russians have had no greater success in buying ideological converts with aid than we have had in trying to head them off.

Nonetheless, the Nixon Administration has persisted in the delusion that it can buy influence with aid. So President Nixon seemed to believe before the Indo-Pakistan war in letting our military and economic aid filter through to the Government of West Pakistan, even though that government was engaged in a genocidal suppression of its own people. The cost of that aid was the loss of our status with democratic India, which concluded a friendship treaty with the Soviet Union.

As for long-term bilateral loans made in the name of promoting economic development, I recommend that the Democratic platform call for the transfer of this function to the World Bank, the Asian Bank, the Inter-American Development Bank, and other multilateral lending agencies, and also that the platform call for substantial U.S. contributions to these agencies. I further recommend confining our bilateral aid in the future to technical assistance grants, administered, where feasible, by the Peace Corps.

As for military aid, the major preoccupation of our present program in the massive, indiscriminate disbursement of munitions, which we either give away or make available at bargain basement prices, should be drastically curtailed. Most of the world has become a dumping ground for ships, tanks, and planes, which we label as "surplus" to our needs. Easy credit is available at the interest rates well below the cost of money to the U.S. Government. We ply half a hundred foreign governments with our weaponry, most of which are dictatorial regimes who hold their own people in check with the weapons we supply. This whole program, perpetuated by its own momentum, has become a preposterous scandal.

The Democratic Party should favor military assistance, whether by grant or credit policy, only in support of free governments, as in the case of Israel, or in those particular cases where the actual security interests of the United States plainly require it.

Finally, and perhaps more important than any specific policy proposal for Europe or Asia, for foreign aid or for arm reductions, a new Democratic Administration must be committed to a foreign policy oriented to traditional American values, to the democratic values in which we have reared our young, to the values from which we have strayed so far in these years of interminable war, blowing hot and cold.

Our democratic processes, our system of separated powers, checked and balanced against each other, have been undermined by the very methods we have chosen to defend these processes against real or fancied foreign dangers. We cannot safely wait for quieter times to think about restoring the Constitutional balance in our own government. If we do, we may find that, like the American major in Vietnam who said that he had to "destroy Ben Tre in order to save it," we shall have destroyed American democracy—in order to save it.

As a step toward averting this ultimate tragedy, I strongly recommend the commitment of a new Democratic Administration, through the Party platform, to these two basic constitutional principles: no American troops to be committed to foreign hostilities in the future without Congressional authorization as provided by the war powers bill adopted by the Senate in 1972; and no substantive foreign commitments to be made in the future by executive agreement or declaration, or by any other means which circumvent the legislative power of Congress and the treaty power of the Senate. I recommend the reassertion in the Democratic platform of the general principle enunciated by George Washington in his farewell address: ". . . let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

The American people were not prepared by their national experience for the role of either ideological crusader or practitioner of the old style 19th century realpolitik. We came to believe that we could set a democratic example to the world by the way we governed our own society, and we came to believe after each of the two world wars that it was worthwhile to try to build something new under the sun. There was, after all, no tried and true system to fall back upon. The old Concert of Europe lay in ruins and the balance-of-power system had been utterly discredited. Under the circumstances, it seemed a reasonable, practical necessity to try to move forward in international relations from the rule of force toward the rule of law, from the unreliable balance-of-power to a world security community.

That idea is still valid and it cannot be said that it has failed because it has never really been tried. Once the Vietnam war is liquidated, and with the cold war abating in both Europe and Asia, it will be practical as well as desirable to breathe life into the United Nations. For this purpose the Democratic platform could endorse various useful proposals for structural and procedural reform of the United Nations—proposals such as the introduction into the General Assembly of voting "weighted" according to the size and power of the members; or the introduction of a new and more reliable system of finance, especially for the support of peacekeeping forces.

These innovations—as well as others in such fields as economic development, population control and the protection of the environment—can go far to strengthen the United Nations. But in its major field of responsibility—peace-keeping—the United Nations has one surpassing and indispensable requirement: the trust and confidence of its leading members, especially the United States, the Soviet Union and China. With this trust the United Nations can be made to function as an effective collective security system despite the veto and other procedural disabilities. Without it, even the most ingenious organizational improvements will be of marginal utility. As Lester Pearson has commented, man's ability to transform the world is limited only by "faintness of heart and narrowness of vision."

We cannot promise strength of heart and breadth of vision on the part of others. But we can, through the platform of the Democratic Party, pledge the heart and vision of America.

SALUTE TO EDUCATION

Mr. SPARKMAN. Mr. President, yesterday and last night there was observed in the Nation's Capital a "Salute to Education." It had been my plan to attend the reception last night, but due to the late Senate session and the fact that I was involved in the legislation, I was not able to go. Today, I want to add my word in saluting education in this country and in saluting those who carry it on and make it better and stronger, day by day, throughout the Nation.

When I think back of education as it existed in the area in which I grew up, and contrast it with education in that same area today, I realize how much we owe to those people who have been dedicated to the education of our boys and girls and even the adults. A tremendous development has taken place, and we have moved more and more toward quality education in all of our schools and in all of our educational systems. I personally am grateful for what has been done, and I am proud to salute those who have brought it about.

PSYCHIATRIC CARE IN NURSING HOMES

Mr. MOSS. Mr. President, one of the issues under consideration by the staff of the Senate Committee on Aging has been the acceleration in the discharge of patients from State mental institutions into nursing homes. This national trend causes me very great concern particularly since the major reason for this summary discharge seems to be simply to save money for the States.

In our investigations in Illinois last year the Department of Mental Health testified that the State's average cost to keep a patient in a State hospital was about $550 a month. This same patient, we were told, could be housed in a shelter-care nursing home for about $250 a month.

In Illinois, the Chicago Sun-Times in conjunction with the Better Government Association recently studied patients in these shelter-care homes. The reporters concluded that there was very little screening to decide who were proper candidates for discharge; that there was very little follow-up by the institution; that the patients in these shelter-care facilities had very little in the way of recreation and almost no psychiatric services.

It was the conclusion of the reporters who wrote that series that in most instances patients were better off in the State mental institution. This view has been shared by a wide share of the medical community in Illinois.

From my experience a great many of our State hospitals leave very much to be desired and a statement that patients

are better off in such facilities rather than in shelter-care homes is incredible. It is apparent, however, that these discharged patients receive little more than board and room whereas in the hospital they had at least the availability of recreational and, more importantly, psychiatric services.

As we continue to burden our nursing homes with more and more patients from State mental institutions it is imperative that we provide greater psychiatric services. Our failure to do so will place an intolerable burden on our nursing homes who continue to struggle to gain public confidence.

I ask unanimous consent to have printed in the RECORD an article entitled: "Patients Need More Psychiatric Care," published in the May issue of Modern Nursing Home.

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

PATIENTS NEED MORE PSYCHIATRIC CARE, SURVEY RESULTS INDICATE

WASHINGTON, D.C.—Most patients admitted to nursing homes with a physical illness have severe emotional problems or mental illness in addition to their physical impairment, according to a study conducted in 40 nursing homes in the greater metropolitan area of Washington, D.C., by Sharon B. Sloboda, mental health nursing specialist of the District of Columbia's Department of Human Resources and Walter Sloboda, instructor of mathematics and statistics, Federal City College. Results from the survey indicate that: (1) 57.5 percent of the nursing homes admit patients from mental hospitals; (2) 55 percent admit patients with psychiatric diagnosis not from mental hospitals, and (3) 67.5 percent presently have patients with psychiatric diagnosis.

In addition, the transfer of elderly patients to nursing homes from their own homes, general hospitals, and mental hospitals can be a traumatic event. According to the survey report, approximately one in 10 admissions usually does not make a satisfactory adjustment to the nursing home, often for one or more of the following reasons: (1) no preparation of the patient for admission; (2) a lack of proper attitudes by the nursing home staff and little understanding of the feelings of the patient, and (3) inappropriate actions of the staff following admission of the patient.

Both the psychiatric and physical care of the elderly patient could be enhanced, the authors suggest, if the staff were to receive additional training in such areas as recognizing the need to respond appropriately to symptoms of emotional disturbance, treating patients in an understanding and therapeutic manner, and understanding and intervening appropriately at times of acute stress when patients exhibit emotional reponses, such as upon admission after visits by the family, or upon the death of someone close.

However, there is a chronic shortage of registered and licensed practical nurses and a lack of training or supervised experience among nursing personnel in the management of psychiatric patients and problems. The purpose of the Washington survey was to assess the psychiatric services of the nursing home, the emphasis on psychiatric care of the aged in the in-service education program of the home, and the degree of psychiatrically oriented training and education of the professional nursing staff.

The survey found that 42.5 per cent of the homes reported use of psychiatric consultation, with 12.5 per cent having been visited by a psychiatrist within the seven days preceding the survey. Although the use of group therapy to aid in the adjustment of the patient to the nursing home is relatively new, the authors reported, the survey indicated that 32.5 per cent of the homes have initiated some type of group therapy program.

Intake groups consist of new nursing home residents, their families, and, in some cases, longstanding residents of the home meeting for the purpose of orientation and discussion of the problems of adjustment to the nursing home situation. Intake group sessions serve three basic functions: (1) They promote an awareness on the part of the family of the reasons for the patient's behavior and an understanding of what it means for the relative to be in the nursing home; (2) they promote an awareness by the families of their own feelings and reactions about having put the relative in the nursing home and the manner in which these feelings affect the relationship between themselves and their relatives and the home, and (3) they promote a clear understanding and appreciation of the entire field of aging and the attendant problems, both personal and community. In the sample, however, only 25 per cent of the nursing homes indicated that they offered some type of intake group.

The more conventional method of the use of psychotropic drugs on mentally disturbed patients was reported by 2.5 per cent of the homes. Special care units were used by 50 per cent of the homes and 30 per cent separated patients with mental illness. All but four of the homes reported having ongoing activities programs for their residents.

Thirty of the homes studied (75 per cent) offered in-service education programs and 27 of these homes found that in-service education helped in the care of the psychiatric patient. In contrast, however, only 11 of the homes (27.5 per cent) said they emphasized the psychological aspects of aging in their in-service education program.

The authors quoted the Massachusetts Nursing Home Survey, conducted by the Boston College School of Nursing and published in 1964, which recommended that nursing care be under the direct supervision of a qualified registered nurse prepared to assume a leadership role in the administration and supervision of patient care. It further recommended the use of nurse consultants to assist in development of sound organization and administration of nursing services and the provision by nursing homes of continuous training programs for personnel.

A study done by the United States Department of Health, Education and Welfare in 1964, also quoted in the survey, revealed that homes with 24 hours nursing service provided higher levels of nursing care than homes providing fewer hours of nursing service. The intensity of the level of care was related to the type of supervisory nurse, *i.e.* registered or licensed practical nurse. The study also found that the level of care was related to type of ownership. In homes operated by a proprietor, the proportion of residents under intensive nursing care was more than twice that in nonprofit homes.

In the present survey, 85 per cent of the homes reported a licensed nurse employed on each shift, and 13 per cent of the registered nurses had college degrees. The Washington study also found that proprietary homes provided a significantly greater number of nurses than did nonprofit homes, as well as more psychiatric services and programs.

The care of the total person includes both mental and physical health, the authors concluded. There is, therefore, a greater need for more emphasis on the mental health of the geriatric patient in the nursing home setting. The nursing home administrators, according to this survey, are beginning to recognize these needs. The survey suggests that a greater effort is necessary to: (1) improve in-service education in psychiatric-geriatric nursing; (2) utilize the services of a mental health nurse consultant; (3) establish a therapeutic community, and (4) integrate patients regardless of medical histories.

REPRESENTATIVE SHERMAN LLOYD ON TRANSPORTATION EMERGENCY DISPUTES

Mr. PACKWOOD. Mr. President, the news last month that there would not be a resumption of the economically ruinous dock strikes, and that the Sheetmetal Workers Union and the Nation's railroads were able to resolve their contract differences without resorting to a strike at all, understandably evoked a national sign of relief.

I know that the Members of this body shared with the thousands of innocent third parties who still bear the scars of earlier transportation conflagrations this deep sense of relief for these most welcome developments.

But despite these developments, Mr. President, we must not allow them to lull us into a false sense of security. The fact is that we still do not have an effective way to prevent the devastating effects of strikes and lockouts in the transportation industry when collective bargaining breaks down. And the further fact is that a number of major contracts in the transportation industry will be expiring again next year. These include all railroad contracts and the west coast longshoremen's contract—again.

Clearly, Mr. President, Congress cannot continue to play "Russian roulette" with the welfare of the American people. We must act now to insure that they will not shortly again be living under the gun of a major transportation strike. The Senate Labor Subcommittee has begun markup of an emergency disputes bill, but as of now there is no indication when such a bill might be reported.

On the House side, this critical situation has been actively studied by the distinguished chairman of the House Republican Task Force on Labor-Management Relations, Representative SHERMAN P. LLOYD, of Utah. Representative LLOYD put his finger on the nub of the matter when he declared on the floor of the House recently that Congress should be taking advantage of this present respite from recurring transportation strikes and emergency atmosphere they engender to enact a permanent mechanism to prevent future crises.

Mr. President, I applaud the distinguished gentleman from Utah for his perceptive remarks, which I believe are worth repeating for thoughtful consideration by the Members of this Chamber as well. Accordingly, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows.

[From the CONGRESSIONAL RECORD, May 24, 1972, page 18655]

COOLING-OFF PERIOD FOR CONGRESS

Mr. LLOYD. Mr. Speaker, our existing labor laws provide cooling-off periods for the parties to negotiate a settlement free from the

heated and emotional atmosphere of a strike. We are all too sadly familiar with the tragic and economically devastating consequences which result when they fail to effectively use these "cooling-off" periods.

Mr. Speaker, from recent accounts in the press, it appears that the threats of a renewed dock strike and a nationwide railroad strike have apparently dissipated. This is news for which I know everyone is most grateful. Beyond that, however, Congress has in a very real sense now been given its own cooling-off period—in other words, a chance to debate and vote a permanent mechanism to prevent damaging transportation strikes free from a crisis atmosphere.

Mr. Speaker, in testimony earlier this year, our Task Force on Labor Management Relations warned that continued congressional inaction in this area would be an open invitation to repeated tragedy.

In this regard, we cannot ignore the fact that a number of major labor contracts in the transportation industry will be expiring next year.

Mr. Speaker, Congress must act before the present cooling-off period expires.

SALUTE TO EDUCATION

Mr. RIBICOFF. Mr. President, I wish to join Senators in a salute to education.

Education plays a critical role in the lives of all Americans. More than 60 million Americans are now full-time students; 3.3 million more are professional staff. These figures do not include the millions of children who watch "Sesame Street," or the millions who receive formal education each year from industry, the Peace Corps, the military, Federal manpower programs, and adult and continuing education. When we include all of these people, 125 million Americans are part of this country's education system.

Expenditures for formal education exceeded $65 billion last fiscal year and were handled by 50 States, five territories, the Federal Government, 18,000 operating school districts, and more than 2,500 institutions of higher education.

Our society and the technology which supports it continue to increase in complexity and require individuals possessed of more sophisticated educational background and preparation. In addition, one of the dominant features of contemporary life is change. It is all about us, its pace increasing, its impact on our lives more insistent.

High technology, population growth, greater human density, unprecedented advances in communications and data processing, the systematic pursuit of knowledge, and the managerial revolution have stamped the present and the future with the characteristic of continual change.

Things are moving so fast we are beginning to suffer from what author Alvin Toffler calls future shock. He contends that the rapid pace of change is not merely creating a changed society, but developing an entirely new society.

The study of the future as a way of gaining a firmer grasp on the present has begun to attract the attention of an increasing number of scholars and analysts. The presence of change places great stress on education. In earlier times, for example, we could afford to think of education as preparation for life. Our society, our technology, our way of life evolved at a comparatively slow pace so that each of us could prepare for a career upon which we could then enter and remain.

Now we experience three, four, or five career changes in the course of our lives. Old techniques and skills become obsolescent; new ones need to be acquired. Education is still preparation, to be sure, but it now must be preparation for change. And education has become equally important as a continuing or recurrent activity, following us along in our professional and personal lives to the point of retirement and beyond.

I am sure that with proper leadership and appropriate governmental assistance our educational system will meet the challenges of the future.

INASMUCH AS YOU HAVE DONE IT UNTO ONE OF THE LEAST OF THESE

Mr. ERVIN. Mr. President, the Durham, N.C., Morning Herald for Wednesday, June 7, 1972, contains an article entitled "Trouble-Plagued Family Finds Friend in Durham," which recounts how Lewis Locust, of Durham, befriended a family of strangers who virtually became stranded in Durham when their car broke down while they were en route from New York City to Miami, Fla.

This newspaper item makes it manifest that Lewis Locust is entitled to the blessing implicit in the words of the Gospel according to Matthew, chapter 25, verse, 40, where the King says:

Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

I ask unanimous consent that this human interest story be printed in the RECORD.

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

TROUBLE-PLAGUED FAMILY FINDS FRIEND IN DURHAM

(By Jim Lasley)

There will forever be a place in the hearts of an Auburn, New York, family for Lewis Locust of Durham.

For two days he assumed the responsibility of the family's welfare, and he did it not because they were friends or family but simply because of his concern.

Locust was recognized at a Durham City Council meeting Monday night and is scheduled to receive additional recognition next Tuesday night by the Durham Human Relations Commission.

He rescued Mrs. L. J. Campanelli and her five children when their car broke down on Interstate 85. Never having seen them before he took the six into his home, gave them money to continue the trip by train, repaired their car and later received Campanelli into his home.

Locust did all that, and more, because he thought it was the right thing to do.

"I didn't think it was going out of my way or it was an imposition. You just don't put a lady and five children out on the side of the road," he said.

Locust, a Vietnam veteran and student at North Carolina Central University, figures that anyone with any concern for humanity would have done the same.

"They were just nice people," he said. "And you treat nice people right. . . . I don't think I've done anything so great."

Campanelli, however, was overwhelmed by Locust's actions, so much so that he wrote Mayor James R. Hawkins.

"Mr. Mayor," the letter said, "If your city has a man of the year award, or if you award a citation for exceptional deeds or acts of kindness I would be most pleased if you were to submit the name of Lewis Locust. . . .

"Unselfish actions such as those can be expected from family or best friends, but from a complete stranger I would call this extraordinary."

For Campanelli and his wife it was a lesson in action, something they maybe never would have truly gotten across to their children.

"With today's constant reference in newspapers and on TV concerning the problems between blacks and whites this experience was the living proof for my children, of what we have tried to instill in them, that regardless of color it is the individual that counts."

Locust is black; the Campanelli's are white.

The story began on April 30, as Locust and Campanelli told it:

Locust was at a service station filling up with gas. Mrs. Campanelli and her children were on the way to Miami to meet Campanelli.

There was trouble with the car. She pulled in at a service station and asked the young man for help. Repairs were made by Locust and he was directing the Campanelli's to the interstate highway when the brakes failed. The car went out of control but didn't wreck.

Locust took charge, transferring belongings and people to his car. Then it was to his home where his mother, a teacher, arranged sleeping accommodations and prepared food.

The next day Locust obtained train passage for the mother and her children. Campanelli func's were running unexpectedly low.

Train time was that night, so Lewis took the family to the zoo, lunch, and a movie, paying for everything himself.

At the end of the day Locust was still in charge. He saw the family on the train, leaving them with a container of fried chicken to eat on the way.

As the train was leaving, he shook hands with Mrs. Campanelli, pressing $48 in her hand for emergencies.

In the next few days Locust had the car repaired. It was ready and paid for when Campanelli arrived later to thank Locust and pick up his car.

Locust had paid a $20 wrecker charge, taken the car home, bought parts and repaired the defects himself. He did that not with the idea of being repaid but to help his new-found friends.

Campanelli finally persuaded Locust to accept partial repayment, but it was only after he had stayed the night and promised to call if the car broke down on the way to New York.

THE SALT AGREEMENTS

Mr. SAXBE. Mr. President, President Nixon returned from Moscow with two important agreements on strategic arms limitations. These agreements are a good first step toward eventual lessening of the arms race.

The SALT agreements have been inappropriately criticized. Some people claim we are defenseless or might be left defenseless. The fact is we can destroy each other many times over. Some Senators are saying we did not get as much as we gave. Still, we must begin somewhere, and again the fact is that we can both destroy each other.

It is true that the agreements were not final. We must continue to develop some new weapons systems to be prepared for the next round of talks. But we must be-

gin somewhere. We must make serious attempts to talk to the Soviets and the Chinese.

In all the debate, the Senator from Illinois (Mr. PERCY) has been outstanding in his ability to pick out the important issues. He has recognized the need to take reasonable risks for peace. His June 18, 1972, interview on ABC's "Issues and Answers," along with the Senator from Washington (Mr. JACKSON), is an excellent example of Senator PERCY's defense of President Nixon's commendable and cautious first step toward ending the arms race.

I ask unanimous consent to have the text of the program printed in the RECORD.

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

"ISSUES AND ANSWERS," JUNE 18, 1972

Guests: Senator Charles H. Percy (R. Ill.) and Senator Henry M. Jackson (D. Wash.)

Interviewed by: Ted Koppel, ABC news diplomatic correspondent; and Bob Clark, ABC News Capitol Hill correspondent.

Mr. CLARK. Gentlemen, welcome to "Issues and Answers."

We want to get your reaction first if we may to some mysterious signs that something is going on in various capitals of the world in a new effort to end the Vietnam War.

Soviet President Podgorny was interviewed in India this morning on his way back to Russia from Hanoi and he says among other things that the Soviets will do everything possible to bring about deescalation of the war in Vietnam, and he also told newsmen that he expects the Vietnam peace talks in Paris will be resumed soon.

Do either of you think that we are at long last succeeding in enlisting the support of the Communist powers in bringing the Vietnam war to an end?

Senator JACKSON. I really think there is some movement here. It is my judgment that we are very close to reaching an understanding. Certainly Podgorny wouldn't be in Hanoi, and the top Hanoi representative in Peking and Dr. Kissinger about to arrive in Peking, and two summit meetings having been held—it seems to me this scenario is quite clear. We are very close to some kind of understanding.

Mr. CLARK. Well, Senator, are you expressing a personal opinion? You are often privy to what is going on in the administration at the highest levels. Do you have reason to believe that we are close to reaching an understanding?

Senator JACKSON. It is a personal judgment on my part but there are other factors that I think give some credence to that personal judgment.

Mr. CLARK. And Senator Percy, would you share that optimism?

Senator PERCY. There is no hard evidence at all that we are close to an understanding. What there is is evidence that we may be resuming the Paris peace talks. There is solid evidence now that Henry Kissinger does intend to discuss Vietnam in Peking, and from Mr. Podgorny's statement alone there is evidence now for the first time that the Soviet Union is attempting to work toward some sort of a cease-fire across the board, and assist in this regard, all of which, I think, is part of the initiative undertaken by the President to have a new solid foundation on which we can build our relationships with the Soviet Union. There is hope, but nothing hard in evidence today that would say that we are on the brink of an understanding.

Mr. KOPPEL. Well Senator Jackson, let me approach this from a slightly different angle. You have expressed some fear that perhaps the President settled for a weaker kind of SALT agreement simply because this is a political year. Can we take that similar approach on the Vietnam settlement, wouldn't it behoove the President before early November to reach some kind of settlement, even if it is less than we should be settling for?

Senator JACKSON. I don't think there is any doubt about that. The President, of course, modified in his speech his position regarding a settlement on Vietnam. You will recall that he agreed to have all of our troops out in four months, provided that our prisoners are returned. There is an immediate stand-still cease-fire. And that got lost in the rhetoric of the moment. And the facts are that this was quite a significant concession made by our government. Therefore I wouldn't be surprised that we are able to reach some understanding on a stand-still cease-fire. There isn't any doubt that the North Vietnamese are really being hurt now, and they are in a better position on the ground than they were a few months ago because of the invasion across the DMZ.

Mr. KOPPEL. Well Senator Percy, other than the proposals that the President made on May 8 can you see the United States making any more concessions? We have been very tough up until this point and yet now we seem to have made about as many concessions as we can. If it turns out in a few weeks that we have given away something more would you be satisfied with a settlement like that?

Senator PERCY. I want to see us get out of Vietnam and settle this war and end our involvement in it, totally and completely. I think the President's proposals are imaginative, creative, and they do not leave our destiny in the hands of South Vietnam. They are agreements that we can reach directly with Hanoi. I fully support his initiatives in this regard.

Senator JACKSON. I think there is a clear point we want to get out, but we want to get our prisoners of war out, and this is the big hang-up. Let's not kid ourselves. This is the hang-up about getting our prisoners of war out. Every time we get down to, about to reach some kind of general understanding, it is always on the prisoners of war, plus other demands.

Senator PERCY. But this is one of the three parts of the President's proposal. The only difference is whether they are actually out, or what is an agreement to get them out, and I would be willing to settle for an agreement, because I can't imagine Hanoi not observing that agreement if they signed and sealed it.

Mr. CLARK. To get back for a moment to what is going on currently, we have had a brief moratorium on the bombing of Hanoi, the Hanoi area, while President Podgorny was there. Would either of you feel that this might be the time, again, to call a temporary halt in the bombing of North Vietnam until we see what is going on?

Senator PERCY. If it would help bring about a negotiated settlement in Paris which would end this war totally and completely—not just our involvement but for everyone—I would certainly support it, but we would have to have some evidence that it would bring that about.

Mr. CLARK. Senator Jackson, you have been optimistic that something is happening. Would you stop the bombing?

Senator JACKSON. I am not saying they are about to settle this long, drawn out conflict but before we stop the military pressure which obviously is having some impact, I would certainly say that it would be mandatory that we have a definite understanding that there is going to be some kind of resolution within a period of time. Otherwise we get into this old filibuster business that has been going on over four years now, the Paris talks, and I want to get all our men out, I want to get all our prisoners out, and I want to get our involvement to an end. But I think we would have to have some kind of very clear and unambiguous arrangement by which the final phases of the talks could be held and terminated.

Mr. CLARK. So until you see more concrete signs of what is going on you would not call a halt to the current bombing of North Vietnam?

Senator JACKSON. No, I would not.

Senator PERCY. The most hopeful thing would be to have a stand-still cease-fire right now. All bombing, all ground action, all sea action stopped. If we stand on that ground, then I would tend to say the chances of working out something are better. But as long as the hostilities are carried on at the present level that they are, working the rest of it out is much more difficult.

Mr. KOPPEL. Now Senator Percy, the President suggested just that a couple years ago. We haven't heard a great deal about this stand-still, or cease-fire in the past two years. To the best of your knowledge does that offer still stand?

Senator PERCY. I think it certainly would. I would support such an offer.

Senator JACKSON. I happened to have been the author of course of the bipartisan letter that went to the President in September of 1970 suggesting a stand-still cease-fire. I supported it.

Senator PERCY. And I remember co-sponsoring that. It was a fine initiative.

Senator JACKSON. That's right. And the President utilized a part of that in connection with these talks that were held in secret through Dr. Kissinger, when he revealed that we had done that. But now, you see we are in a little different context, are we not, we are in the context of there having gone over the DMZ, holding certain areas of South Vietnam, and I believe the President's requirement, of course, involves the tying of all three things together.

Mr. KOPPEL. But I mean the President has not withdrawn that offer, has he; it is still on the table?

Senator JACKSON. That may be technically true, but I believe what we are really talking about now is a standstill cease-fire as a part of a package involving all of our troops being out in four months and a return of our prisoners. That is it. It is 1, 2, 3, and I support that move. I think it makes sense.

Mr. CLARK. Senator Jackson, you have been leading almost a one-man fight in the Senate protesting the nuclear arms agreements that were signed in Moscow. There appears to be at this moment overwhelming support in Congress in favor of those agreements.

Do you have any new evidence or any reason to believe that somehow you can turn the tide and convince Congress that these nuclear arms pacts are dangerous to the United States.

Senator JACKSON. Well, I think this coming week as the hearings get under way we will try to find out what is in the agreement.

You know, there are a lot of misconceptions. The American people have the idea that this is going to end the arms race. It is a license on both sides to spend tens of billions of dollars.

Mr. KOPPEL. Senator Jackson, you were just about to outline what you consider to be some of the major weaknesses of the SALT agreements.

Senator JACKSON. Yes. We all want to see an end to the arms race. We all join in that effort. We all want to see less tensions in the world. The problem, I think, is that the public has certain misconceptions. They think that this is going to mean an end to the arms race. The facts are, on both sides, under the agreements, tens of billions of dollars will be invested on the part of the respective countries on strategic arms. The Russians will spend more; they will get more. We don't have parity. Most Americans thought we would end up with parity. We don't know how many missiles we are talking about that

are decontrolled. We have a lot of misconceptions about what is in this agreement.

Mr. KOPPEL. Well now, Dr. Kissinger was talking about, for example, the figure of 1618 offensive missiles.

Senator JACKSON. Yes, sir, and I asked him the question, why is it that we have in the agreement a specific limitation on the number of Polaris-type submarines with missiles, but we don't have it on land-based missiles, and he has told me he doesn't know for sure why that is the case. What we are relying on is our estimate of what the Russians have land-based. I think it is a good question. Why are we specific on one and not on the other?

Mr. CLARK. Well, Senator, Dr. Kissinger did say at that briefing you both attended at the White House this past week that our detection procedures are good enough that they can't be off significantly; that 1618 figure might be off slightly, but not significantly.

Senator JACKSON. Let me give a simple explanation to that question. All we have to do is watch one place where the submarines are turned out. That task is totally different than watching the whole Eurasian land mass, where the land-based missiles are deployed. This is why the Russians agreed on the number of submarines, but didn't agree on the number of land-based missiles to be deployed.

Now, this can be an element of great controversy because the cut-off date is coming soon, July 1st, and it is the number of missiles deployed or under construction.

I think we have to know, don't we, how many we are talking about?

Mr. CLARK. Do you really feel the Russians might have substantially more than 1600 missiles?

Senator JACKSON. What do you mean by "substantial?" These are significant. This is part of the problem. We have got to nail it down. I think the constitutional responsibility of the Congress is to nail down these ambiguities. Who ever heard of an agreement being worth anything that failed to be explicit? What we want to do is to avoid future tensions so there are misunderstandings. We want to see a stabilization of relations, not a destabilization.

Mr. KOPPEL. Senator Percy, Senator Jackson believes there is a very broad issue, and an important one: The question of American intelligence-gathering abilities. Can we really keep accurate track of how many land-based missiles the Soviets have?

Senator PERCY. I think that Senator Jackson himself, who incidentally I believe is performing a great service, in exactly what the President would want the Congress to do, a searching inquiry into these agreements and every conceivable question that can be asked about them, and we will begin that process in the Foreign Relations Committee tomorrow with Secretary Rogers and Secretary Laird.

But Senator Jackson has himself revealed movements the Soviet Union have made, digging more holes, enlarging those holes. He revealed intelligence reports which he felt was for the good of the country and I agree with him.

Our aerial reconnaissance is so accurate and so good I do not doubt that we can verify these agreements and maintain them. Our technology in that area is absolutely superior, and I will admit there are certain phases of the agreement that should be brought out.

I go back to this premise: No agreement we have ever entered into with any other nation has ever been more thoroughly and exhaustively researched and prepared for. No one is more confident to put a final seal of approval on those agreements from the Executive Branch than President Nixon. He has thoroughly done his homework over a lifetime and particularly intensively for three and a half years so I believe these agreements will be supported by the Congress but we will be performing our separate and absolute obligation that we have to ask the searching questions that Senator Jackson has been asking and will be asking.

Mr. KOPPELL. Senator Percy, you had a distinguished record in business. Would you enter into a contract where the consideration and basic subject matter is not spelled out on a bilateral basis?

Senator JACKSON. Now, this is what we are talking about and this, of course, is one of the key questions that we want to ask this coming week. It is spelled out on submarines. Why didn't we get the Russians to agree on the same basis on land-based missiles, and I am not——

Senator PERCY. You have asked the question and I will try to answer it. I have negotiated international agreements in business over a period of a quarter of a century. I have never seen as thoroughly prepared a set of agreements as these. I have never entered into one that didn't have some area of disagreement as to interpretation.

Senator JACKSON. But, Senator, this is the heart of the whole agreement; it isn't a minor detail.

Senator PERCY. Mr. Brezhnev and the President initialed, even, a memorandum which interpreted the agreement, to try to nail down every single thing that they could, and I really feel that these have been as thoroughly prepared as any agreements that could possibly be entered into.

Senator JACKSON. How do you explain why you have spelled out the number—there is 62 Polaris-tye submarines, and agreed to, but they are not spelled out on the biggest part of the agreement and that is on land-based missiles. Now how would you explain—how would you write a letter and explain it?

Mr. CLARK. Well, Senator, if we could relate this to your specific concerns what is it you are worried about, that somehow the Russians are going to cheat on this agreement?

Senator JACKSON. No, I think that the key thing that we must do first of all is to nail down these ambiguities. It is that simple. If you don't, you are immediately going to be in a debate here——

Mr. CLARK. Except the agreement has already been signed with the Russians. How do you nail it down now?

Senator JACKSON. Well, I think you nail it down by calling—there are a lot of things—this is what we will get into. You can have reservations, you can have understandings. After all, bear in mind, Mr. Clark, they sent up not just these agreements, but they sent up understandings that are a mile long, and there are our interpretations not joined in by the Russians. It is obvious there has to be further clarification.

Senator PERCY. Well, there is going to be, too. We know this is just the beginning phase—we trust a period of refined agreements that will cover everything, mutual reduction of forces, that will cover bombers. They could well say "Why don't you cover bombers? You have got far more bombers than we have, why don't we cover the intermediate missiles?"

Senator JACKSON. Why don't we cover specifically what we are talking about first. How can you possibly have an on-going viable agreement that will stand up and not cause conflict? I want to get an agreement that will work, and this is just but one example. What is a heavy missile? It is not defined.

Senator PERCY. Fine. What do we consider is an SS-9?

Senator JACKSON. Well, that is not defined. Can you take that kind of missile and put it in another missile of that size. We think they are allowed 313.

Senator PERCY. In the memorandum of interpretation they have said if you increase the size of the missile by more than 15 percent, this is substantial upgrading of that missile. I think that interpretation was very clear—

Senator JACKSON. We say it is 313. The Russians don't agree as to the number, and that again is an example of the kind of clarification I think that we need to have. What we want is—

Senator PERCY. You are asking the question will we strengthen SALT II negotiating hand in nailing down some of these things?

Mr. CLARK. Gentlemen, if we can go back very briefly to the Moscow Agreements, they would permit each of the two countries, Russia and the United States, to complete two ABM sites. The United States is completing one in North Dakota. The Administration also wants to ring the capital, to ring Washington with a defensive missile system. Are each of you ready to vote the money to complete or to start—we haven't started yet—a defensive missile system around Washington? Senator Percy.

Senator PERCY. I much preferred a zero ABM all along. I much prefer a single site to a double site. I would want more evidence as to what the ABM around Washington will really accomplish.

Mr. CLARK. At the moment you would not expect to support the Administration on this, Senator Jackson?

Senator PERCY. It is a quarter of a billion dollar decision.

Senator JACKSON. Well, this is one of the great mistakes the Administration made. They are on notice that they can't get the fight through on Washington. We voted it down two years ago in the Armed Services Committee. I led that effort, and I also led the effort to save the ABM, but this is a silly arrangement that was made, in my judgment, and at best they will get the one site in North Dakota.

Mr. CLARK. So you would agree then that is unlikely the President is going to get a defense missile system——

Senator PERCY: It would be quite a struggle——

Mr. KOPPEL. Well, gentleman doesn't that kind of eliminate one of the crucial aspects of the SALT agreement? Do we still have an agreement——

Senator JACKSON. Well, we are not required to—we are permitted to, but we are not required to.

Mr. KOPPEL. Will it considerably weaken us, though, Senator.

Senator JACKSON. Absolutely. The real tragedy—the Administration had held out what all of us had fought for, and that is a two-site minimum, to defend Minuteman. Now, that makes sense because we did not add on to our offensive forces, and I supported that effort. But to turn around and pour hundreds of millions of dollars into defending Washington, which is not defendable in a missile context that we are talking about, to me makes no sense, and they were aware of it and they were on notice and that is why I think the ABM agreement was an unwise one, because we came out on the short end of the stick. Moscow's not dismantling anything. We are dismantling the site in Montana. They get to go forward with the site they already have, this huge complex around Moscow, which also covers some of their——

Senator PERCY. But, as you say, if it makes no sense at all, why do we care if they want to make a mistake, rather than our making a mistake?

Senator JACKSON. Senator Percy, their site in Moscow also covers some of their offensive systems, which an ABM site here will not do.

Senator PERCY. A system around Moscow isn't worth a thing. You cannot defend that on a practical basis.

Mr. KOPPEL. Gentlemen, while we are on the subject of money, though, I would like to ask what seems to me to be a very basic question: The administration seems to have

rationalized this kind of agreement to the public at large on the basis of cutting military spending. Instead we find that we are going to have a larger military budget next year than we have this year. Why?

Senator PERCY. Our budget request is $83.4 billion. We are going ahead apparently, according to the administration, with two sites instead of twelve. They are prepared to cut out three-quarters of a billion dollars right away because of the SALT agreements, and that should multiply many fold in future years.

Mr. KOPPEL. But we do have a bigger military budget upcoming for next year than we had this year.

Senator PERCY. That is mainly because of pay increases which now constitute 54 percent of our whole budget.

Mr. KOPPEL. What I am concerned about, Senator, is that we seem to be getting into kind of a spiral where Dr. Kissinger, for example, the other day says we have to go ahead with certain programs, otherwise we are weakened in our negotiations in SALT–II.

I can just see this going on for years where the administration will be saying: We are not going to be able to trust the Russians, or if the Russians break an agreement, we still have to go along preparing the same kinds of systems, new systems, that we have all along.

Senator PERCY. Assume that this agreement will suddenly and dramatically cut our defense budget in half and that would be a delusion. We are not implying that at all. But it is the beginning of arresting an unlimited nuclear arms race and that is what it is. It is a beginning. You have to begin this journey at some point, and it has now begun.

Senator JACKSON. Ted, let's be frank about this. The administration's presentation of this proposal makes it mandatory for Congress to increase funds for strategic arms. It is going to increase our budget. It is not going to cut it in half, it is not going to decrease it, it is going to increase it. Not this coming year, but the year after and the year after. Now that is what is involved here. Now let's get these facts out on the table. We are going to start doing it in the Armed Services committee on Tuesday, and they are going to build the so-called new type of ULMS submarine which will cost $1 billion a boat. Now that is what the administration is proposing.

Senator PERCY. I don't agree with that at all and I will have no part in that kind of an escalated step-up because of the agreement.

Senator JACKSON. That is your President's proposal.

Senator PERCY. Absolutely not. That is a misinterpretation of what his intention is.

Senator JACKSON. Well that is his proposal. The budget is already up there.

Mr. CLARK. I would like to ask you at least one political question. You are still a candidate for the Democratic Presidential nomination, though you dropped out of the primaries. Senator McGovern is expected to pick up some 200 votes on Tuesday in the New York primary which will put him within almost 200 votes of the number he needs to go over the top. Is McGovern stoppable at this stage?

Senator JACKSON. I believe that he is running into real resistance. It is possible, but not probable.

Mr. KOPPEL. On that note, thank you very much, Senator Jackson, Senator Percy, for being with us on Issues and Answers.

GETTING THE MOST OUT OF OUR SCHOOLS

Mr. CHURCH. Mr. President, two recent articles by Sylvia Porter tell us how communities across the Nation often ignore one of the their most valuable resources, their schools, through "wasteful disuse." And Miss Porter goes on to suggest that the community education concept is one of the best ideas she has found to stop this extravagance and make the schools full-time partners in the community.

As the Porter articles make clear, the benefits of a community school program can be made available through only a modest increase in the school budget. The school can become a total community center for people of all ages, operating extended hours throughout the year.

To get the most out of our schools, I have introduced S. 2689, The Community School Center Development Act, which would promote the development and expansion of community schools in all 50 States. Senator WILLIAMS joined me in introducing this bill last fall, and 20 other Senators have since become cosponsors.

I invite more Senators to join in support of S. 2689. Sylvia Porter's articles point to many of the compelling reasons why such support is in the best interests of citizens of all ages throughout the Nation.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Evening Star, June 13, 1972]

WASTEFUL DISUSE OF SCHOOLS

(By Sylvia Porter)

In one rural area near New York, property taxes have just about gone out of sight—primarily, of course, to finance the handsome, beautifully landscaped elementary and high schools.

In a matter of days, these schools will be closing for the term and in large part will be unused and wasted until the kids go back in the fall.

This is a real squandering of resources. This is, in the words of Sen. Frank Church, D-Idaho, "a kind of disuse of schools and extravagance that modern America cannot abide." This is, in today's environment plain stupid.

Last year property taxes climbed more than 9 percent, on top of a 35 percent upsurge between 1967 and 1970.

Many older Americans are now paying 20 to 40 percent of their incomes to the local tax collector. So distasteful and oppressive have local property taxes become that only 47 percent of local school bond issues were approved during the last fiscal year, a new record low and a resounding come-uppance for school officials—for the biggest chunk of all property taxes goes for schools. Also, the National Education Association points out, local school districts bear more than half of school costs today; the state kicks in 41 percent, the federal government about 7 percent.

Yet, while the cost of supporting the elementary and high school system has nearly tripled during the past decade to almost $50 billion, the typical school is locked up about 50 percent of the time.

The majority of the schools are used only five days a week, 39 weeks a year. The schools are restricted to the formal education of Americans between the age of five and 17 or 18. Even pre-school "Head Start" children have been banned from the elementary school in some cases.

Meanwhile, there is a mounting need for further education of the older American—ranging from vocational retraining to retirement preparation and planning, consumer education, nutrition, music, arts, crafts.

What's the answer?

One is to find new ways to use idle public schools. And this answer also would help to slash local tax bills by avoiding the need to build additional expensive facilities and by keeping more real estate from falling off local town tax rolls.

In fact, some 300 U.S. communities have done precisely this—with a wondrous array of activities and services and with refreshingly positive results. For instance:

In Gloucester City, N.J., a broad tutorial program has been set up, using the elderly along with elementary school students to "help kids with their homework" and personal counseling.

In Salem, Oregon, about 100 different classes and activities are going on, with some 2,000 attending each week—ranging from knitting lessons to mountain climbing and small business administration. One lady involved in the program noted tartly that this was the first time she had set foot in the local school in 32 years. The extra cost of expanding the Salem school has been about 6 percent of the regular budget. "With that 6 percent, the time the school is open can be increased by two-thirds," say officials in charge.

Your local school could be, in the words of Barry E. Herman of New Haven's Winchester Community School, a place where:

Children and adults can study and learn and where learning can take place 18 hours a day or more;

Educational or vocational skills of people of all ages can be upgraded for the benefit of the individual and the community;

People of all ages can take part in such activities as sports, physical fitness programs, informal recreation, arts and crafts, musical programs, civic meetings, adult education, home economics, tutoring;

People can find health services, counseling services, legal aid, employment services, homemaking help;

All residents of the community can study and cooperate in the solution of significant neighborhood problems.

HOW YOU CAN USE A COMMUNITY SCHOOL

(By Sylvia Porter)

In Brockton, Mass. (population about 90,000) one person in 50 enrolled in adult education classes—including English as a second language for the Spanish-speaking newcomers. Using the Brockton public school system evenings, weekends and summers are two different groups ranging from a drama group to the symphony orchestra.

Total cost: $150,000 out of a yearly school budget of $17 million.

In the high school of Elizabeth, N.J.—only 15 miles from Manhattan—citizens of all ages are attending classes in basic English, remedial reading, arithmetic, swimming, plumbing.

Among the program's hidden advantages: vandalism in and around the school has become negligible. Now the new high school, says its architect, "is being developed as a community school, with all the facilities for full-time, year-round use for young and old."

SILENCE COSTLY

In Boca Raton, Fla., where more than one-third of the people are 65 or over, another "our school" atmosphere has developed. Among the goings on in Boca Raton's public schools: a new Audubon Society chapter and regular meetings of a voluntary patrol unit of the Coast Guard. Says Community Education Director Courtney Cherl:

"Silence may well be the costliest item in our school budgets today. The waste of public facilities lying for a great portion of the

afternoon and evening far outweighs the cost of opening the doors for community use."

And in Boise, Idaho, at least 67 different programs go on each week during evening hours in 10 public schools. Among them: Boise's citizens of Basque origin are taking a course in conventional Basque and would-be hunters have started an archery course.

Cost to date: about $60,000. In addition, the city is now considering turning to existing schools instead of building a planned new $200,000 senior citizens center—which would save significantly on construction and future maintenance costs as well as prevent the removal of real estate from the tax rolls.

SENATOR CHURCH PROPOSAL

In response to this solid and much more similar evidence, Sen. Frank Church, D-Idaho, is proposing the Community School Center Development Act, sponsored jointly with Sen. Harrison Williams, D-N.J. It would:

Make modest Federal grants to bolster community education training programs and develop new ones;

Give modest financial assistance for the establishment of new community schools and the bolstering of existing ones and would also help train and pay community directors;

Promote and assist, via the U.S. Commissioner of Education, the idea of the community school.

BIG SAVINGS SEEN

Hearings are scheduled before the Senate Education Subcommittee later this year. No price tag has been set on the idea, but says Church, "Why not start modestly?" And he adds, "It's a proven idea which has worked well in more than 300 communities. And it probably would save a lot more money in the long run than the very small amount needed to set up the program."

Actually, the concept of the community school goes back at least a generation—to the pioneering work done by the Charles S. Mott Foundation in Flint, Mich. And actually, you need not wait for any new laws to help your own community develop and use a community school.

You can, for instance, let community organizations of all kinds hold meetings in your local schools. The elderly, particularly, lack buildings in which to meet.

You can set up special feeding programs for those who need them—breakfasts for underprivileged children, dinners or perhaps lunches in special shifts for the elderly.

You can use school buses as extra transportation to take groups of older people sightseeing or on outings or to the theater.

You can launch rehabilitation programs—physical, vocational, occupational—for those in the community who need them.

You can conduct drug awareness programs for both students and adults, experimental programs in delinquency prevention.

You can use the schools as meeting places to inform residents—again, the elderly in particular—of special services available and valuable to them.

The possibilities for using a community school to your own and your community's advantage are limitless.

THE GENOCIDE CONVENTION AND THE HOUSE OF REPRESENTATIVES

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have suggested that ratification of the treaty would amount to adoption of legislation on the subject of genocide without the approval of the House of Representatvies. While concern for obedience to constitutional processes is commendable, I believe that fears regarding the genocide treaty are misplaced.

Article V of the Genocide Convention states that—

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Nothing could be more clear from this provision than that the prohibition on genocide does not take effect until implementing legislation is adopted; and such legislation would, of course, require the approval of both Houses of Congress, just as all other legislation does. The treaty itself is not a Federal law pushed through the back door; it rather provides that a Federal law will be brought in the front door before it takes effect. The treaty says specifically that implementing legislation is to be adopted "in accordance with" the Constitution.

If any possibility of doubt remains on this subject, it is utterly dispelled by an Understanding which the Foreign Relations Committee has proposed for adoption along with the treaty. The Understanding says:

That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

That implementing legislation has already been proposed by Senator SCOTT and Senator JAVITS (S. 3182). The House of Representatives will, if we ratify the treaty, get full opportunity to consider the legislation even before the Senate's ratification is formally submitted to the international community.

I urge the Senate to move swiftly to the consideration and ratification of the Genocide Convention.

DISTINGUISHED RECIPIENTS OF HONORARY DEGREES—YALE UNIVERSITY COMMENCEMENT 1972

Mr. JAVITS. Mr. President, on June 12, 1972, at the Yale University Commencement a number of honorary degrees were awarded to distinguished individuals in many fields. I invite the attention of Congress to those recipients whom I have known over the years and greatly admired, and who are also well known to millions of Americans. These are: The Reverend Leon Howard Sullivan, pastor of the Zion Baptist Church in Philadelphia, receiving a doctor of divinity; Ada Louise Huxtable, architecture critic of the New York Times, doctor of humane letters; Katharine Graham publisher of the Washington Post, doctor of humane letters; Saul Bellow, doctor of letters; William G. Bowen, president designate of Princeton University, doctor of laws; Henry Ford II, doctor of laws; Francis Plimpton, distinguished lawyer and diplomat, doctor of laws; Gerard Smith, Chief U.S. negotiator at the SALT talks, doctor of laws; and Paul Abraham Freund, Carl M. Loeb University professor, Harvard University, doctor of laws.

A number of other distinguished individuals also were awarded honorary degrees: Carl Pfaffmann, professor at Rockefeller University, doctor of science; Stephen William Kuffler, Robert Winthrop professor of neurophysiology at Harvard Medical School, doctor of science; and Piet Hein, scientist and philosopher, doctor of humane letters.

I congratulate all the recipients of this high honor and ask unanimous consent that the citations relating to them be printed in the RECORD.

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

YALE UNIVERSITY COMMENCEMENT, JUNE 22, 1972, THE REVEREND LEON HOWARD SULLIVAN

Starting with Zion Baptist Church, you initiated creative programs in Philadelphia in Housing, Health Care, Youth Development, Education, and Employment. You have expanded these programs throughout the Nation with Opportunities Industrialization Centers and economic development programs. Thousands who would have remained on welfare and in poverty and despair are now attaining success with worthwhile jobs and more constructive and hopeful lives. Through your strong Christian concern and example you have built a bridge for better understanding among persons of all races and all economic levels. Yale takes pleasure in conferring upon you the degree of Doctor of Divinity.

ADA LOUISE HUXTABLE

Architecture historian and critic of the living city, you have been a leading force for humanism and a promoter of aesthetic excellence in the effort to reshape urban America. Gadfly to public officials, developers, and metropolitan designers, you have brought professional perception to bear on the cause of restoring and rebuilding our cities. Your criticism and sensitive analytical journalism have cultivated a more discriminating public awareness of the architectural environment Honoring the grace and forthrightness which have characterized your distinctive public contribution, Yale confers upon you the degree of Doctor of Humane Letters.

KATHARINE GRAHAM

You have elevated both news and opinion without confusing the two. The governors of the Republic are subject daily to your tutelage. Your publications inspire and attract many of the most talented writers of the youngster generation because you live and share your sense that journalism is "rather marvelously bracing and marvelously uncomfortable." Because of your dedication to freedom, zest, and quality, it gives Yale great pleasure to confer upon you the degree of Doctor of Humane Letters.

SAUL BELLOW

In a time when so much of narrative art has yielded itself to reportage, you have sustained a vital tradition of the American Novel. By continuous invention of moral and psychological character, in situations at once contemporary and representative of enduring human patterns, you have reminded us how necessary it is that we humanize ourselves anew through what is genuinely the novel. In your major men—Augie March, Henderson, Moses Herzog, Mr. Sammler—we find again examples of what Emerson prophesied as "the single man," capable of planting himself indomitably on his instincts, and abiding there until the huge world comes round to him. In creating these sensual men, you have become a sensual man yourself. Yale takes pleasure in conferring upon you the degree of Doctor of Letters.

WILLIAM G. BOWEN

A somewhat beleaguered, fatigued, and cliche-ridden university world welcomes your youth, vigor, and candor. Your highly pro-

fessional mastery of the dismal science has shed light and hope on the corners of the bare cupboards of academe. Provostial experience endows you with special qualities which will allow you to capitalize on the momentum achieved by your distinguished predecessor. Yale looks forward to a generation of productive, collaborative rivalry in a spirit of joint venture. You will contribute through Princeton to all of us who struggle to vindicate the heritage and fulfill the promise of the ancient private university. Yale is happy to confer upon you the degree of Doctor of Laws.

HENRY FORD II

In an age when many industrialists look for the riskless course and too many business spokesmen are puppets of their public relations staff, you have remained a thoroughly authentic outspoken man. Born to a name which was already a national legend, you have nevertheless made your executive accomplishments your own. You were way ahead of your competitors and the government itself in taking an energetic responsibility for minority employment, training, and promotions. Now you are setting a standard for industrial and financial contribution to the inner city by your massive investment in the rehabilitation of Detroit. Yale with great delight acknowledges its academic maternity as it awards to her son the degree of Doctor of Laws.

FRANCIS TAYLOR PEARSONS PLIMPTON

Eminent lawyer, distinguished diplomat, and counselor to humanity, you have provided self-effacing trusteeship to Amherst, Barnard, Harvard, Union Theological Seminary, the New York Philharmonic, and the Bowery Savings Bank. With cheerful eclecticism, you have found it possible to embrace both planned parenthood and polygamy. You were America's able advocate in the United Nations. In your seventieth year, you roused the conscience of your profession and your countrymen in two great campaigns: to preserve, protect, and defend the Supreme Court of the United States; and to bring an end to the tragic Vietnam war. With wit and wisdom, you vindicate law's liberating purposes, and Yale gladly confers upon you the degree of Doctors of Laws.

GERARD COAD SMITH

We like to think the liberality of your Yale College exposure contributed to the dedicated heart and that your Yale Law training equipped you with the hard head required to achieve agreement on major weapons between mutually hostile super powers.

Your sustained efforts may still bring sanity and trust to a world in which pathological fear and suspicion have reigned since the memory of man runneth not.

We can respect your caution against premature euphoria, but Yale is not at all inhibited in her praise for and pride in your highly professional accomplishments as she confers upon you the degree of Doctor of Laws.

CARL PFAFFMAN

Our senses and our behavior are less mysterious because of your pioneer work. Your own advances have opened up new vistas for psychology. Your outstanding students are numbered among the leaders of your field. More recently you have contributed greatly to both the capacity and opportunity of distinguished colleagues by helping to shape and to direct one of the country's foremost institutions for advanced study and research. In appreciation of these contributions to human self-perception, Yale is proud to confer upon you the degree of Doctor of Science.

STEPHEN WILLIAM KUFFLER

Distinguished neurobiologist, you have been guided by the conviction that understanding the intricate mysteries of the human brain requires knowledge of the functional properties of individual nerve cells. Appreciating that the neurons of even such modest animals as the crayfish and the mudpuppy have important secrets, you have been skillful in the laboratory in eavesdropping on their activities. You have contributed greatly to an understanding of the cellular processes that enable our nervous system to perform its many and complex tasks. Yale University, proud to recognize your scholarship and your humanity, confers on you the degree of Doctor of Science.

PIET HEIN

You are a humble artist
Molding your earthly clod,
Adding your labor to nature's,
Simply assisting God.
Not that your effort is needed
Yet somehow, you understand,
Your maker has willed it that you too should have
Unmolded clay in your hand.
Yale confers upon you the degree of Doctor of Humane Letters.

PAUL ABRAHAM FREUND

Appeals from the Supreme Court of the United States can be taken only to legal history and legal criticism. You are the Presiding Justice of this ultimate bench. Generations of students and colleagues have found delight, as well as wisdom, in your teaching, your writing, your company. Younger aspirants, especially, have found generous encouragement in your compassionate ability to find some spark worth kindling even in the coldest embers. More than any other living American, you have sustained the constitutional conscience of your country. Yale is proud to confer upon you the degree of Doctor of Laws.

THE JOURNALIST'S ROLE AND RESPONSIBILITY IN A FREE SOCIETY

Mr. ERVIN. Mr. President, during the past year, the Senate Subcommittee on Constitutional Rights has been studying the state of freedom of press in America. As part of this study, a 13-day series of hearings was held at which journalists, broadcasters, publishers, and constitutional law experts presented their respective views on the subject.

Among several themes which were developed in the course of the subcommittee's hearings was the great responsibility which professional newsmen have to the public. While the subcommittee's hearings underlined the wisdom of the Founding Fathers in securing freedom for the press from Government regulation and intimidation, they also pointed out the importance of this freedom being exercised with responsibility.

In an article published in the Washington Post, of June 20, 1972, Mr. Ben Bagdikian has set forth the competing views respecting the journalist's responsibility and role. He wisely observes:

Precisely because it is a time of passion and change, there is a need for the professional journalist dedicated to skeptical and disciplined observation, able to suspend his own opinions while interpreting the actions of others. This does not mean that the journalist has no strong personal feelings on issues he deals with—he would be a strange citizen if he didn't and probably a bad journalist. But it does mean that he takes seriously his role as the public's—the whole public's—representative on the scene.

Mr. President, because of the continuing public interest in the subject of freedom of the press and in the role of the journalist in American life, I ask unanimous consent that the excellent article by Mr. Ben H. Bagdikian, entitled "Should Personal Bias Influence a Newspaper's Content?" be printed in the RECORD.

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

SHOULD PERSONAL BIAS INFLUENCE A NEWSPAPER'S CONTENT?

(By Ben H. Bagdikian)

How much should the personal desires of newspaper employees influence what gets into print? Should reporters take personal stands on public issues that are subjects of professional news coverage that claims to be fair? Many people, most noticeably Vice President Agnew, believe that the content of American news media already is unfairly biased by personal political values.

A middle school claims that the traditions and disciplines of American journalism insulate papers from such bias as much as is humanly possible. At the other end, "advocacy journalists" tend to see the ideal of "fairness and balance" as an excuse used by some of their colleagues to avoid their moral duty to speak against injustice and civic danger.

And the debate and the disparity of views are not limited to the newsroom—to writers and editors. Another aspect of the same problem was on display one night last month in a melodrama that took place 30 feet below the surface of 43d Street in Manhattan in the pressroom of the New York Times. It began at 9:30 p.m. on May 30, when a pressman bearing a large piece of paper approached his union chief, Robert Siemers, and said, "Look at this."

It was a paid political advertisement to be printed in the next morning's Times whose first edition was scheduled for the start of presses in 15 minutes. Siemers looked at the preliminary proof of the ad and went at once to the pressroom foreman, Charles Cohen, and said:

"We refuse to handle those two plates."

Cohen, as Siemers recalls it, was shocked and said, "You can't do that!"

What they stood looking at was a two-page ad with a big headline:

A RESOLUTION TO IMPEACH RICHARD M. NIXON AS PRESIDENT OF THE UNITED STATES.

The ad consisted largely of the text of a House resolution sponsored by eight House members alleging that the President had exceeded his legal authority by taking new military action in Vietnam. The ad was sponsored by "The National Committee for Impeachment" headed by a former U.S. senator from Alaska, Ernest Gruening, and a civil rights leader, Randolph Phillips. The ad cost them $18,870 and, among other things asked for contributions.

It is easy to imagine the foreman's alarm. A big paper's production involves thousands of interlocking operations and when one crucial link is suddenly frozen the whole system goes into shock.

Foreman Cohen and Siemers couldn't do it, and legally Siemers couldn't. But as union head of the disciplined 600-man press crew, Siemers had the brute force and if he persisted, the Times at the moment would have only two choices: cancel the printing of its 900,000-plus papers for that day, or pull the ad in favor of something more to the union's liking.

Times executives were quickly involved in the negotiations. Siemers says now that he relented only on the promise that his union's opinion on the ad would be printed. On June 1 the Times ran a story reporting the delay in the press run and in the sixth and

seventh paragraphs gave the pressmen's opinion as issued by Siemers.

Siemers said recently that he considered the ad in bad taste. In addition, he said, "You know, all of us are middle-class people and we're sick and tired of people protesting and beatniks lying down in the street and stopping traffic and all that. We wanted to show the enemy that there were ordinary people in this country behind the war.

Asked if in his 25 years as a Times pressman he knew of any similar action taken against the epidemic of "Impeach Earl Warren" ads while Warren was Chief Justice of the United States Supreme Court, Siemers could recall none.

He said the threat to block the impeachment ad had results "beyond my wildest dreams."

President Nixon sent a personal emissary, Donald F. Rodgers, to greet the incoming 7:30 p.m. shift of the pressmen on June 1 with official presidential thanks and in a small ceremony presented Siemers with a pen inscribed, "Richard M. Nixon, White House."

Former Attorney General John N. Mitchell, now the President's campaign manager, sent a telegram commending "the sentiments of patriotism and responsibility expressed by The New York Times pressmen in objection to the advertisement . . ." Going in an opposite direction 200 miles away in Boston. About 50 reporters and editors of the Boston Globe wanted to buy an ad in their own paper calling for the President's impeachment.

Thomas Winsip, editor of the paper, told them he believed in maximum access to the ad columns for them but urged them not to do it for professional reasons, since it would raise doubts about the paper's ability to cover the President fairly.

Winsip convinced the group that their case could be made in an article signed by one person on the page opposite the editorials with a counter article against impeachment signed by Charles Whipple, editor of the Globe's editorial page.

There are many incidents in which the issue of the Vietnam war has caused a crisis in journalism as it has in other American institutions. In 1970 during the Cambodian invasion, James Doyle, a prominent reporter for The Washington Evening Star, was permitted to have a personal letter-to-the-editor disassociating himself from a pro-invasion editorial in The Star and the editorial's harsh condemnation of critics of the invasion. The letter, according to an editorial note, was endorsed by 29 other members of The Star staff.

At about the same time, some editorial employees of The New York Daily News tried to buy an ad in their own paper to disassociate themselves from their paper's support of the invasion. They were turned down and took their ad to The Times, which printed it.

Occasionally, fierce local issues also break through traditional restraints. In Chicago when the Sun-Times and Daily News, both owned by Field Enterprises, endorsed Richard Daley for re-election as mayor, 270 newsroom employees petitioned for equal space to rebut the editorial and ended up buying paid ads in their own papers. The editor, James Hoge Jr., laid down two conditions to the ad. One was that the ad had to be signed personally by each one subscribing to it. The other was that anyone signing it would create serious concern by management about his future assignment to cover politics.

In Philadelphia, where Frank Rizzo aroused similar emotions, five members of the staffs of the Philadelphia papers signed Rizzo's nomination petition, including the Philadelphia Daily News' City Hall reporter, and Daniel McKenna, the Evening Bulletin's City Hall Bureau chief (who was hired by Rizzo after the election). A Daily News photographer who covered the campaign wore a "Rizzo for Mayor" lapel button throughout.

(Benjamin Bradlee, executive editor of The Washington Post, said that the basic manual for The Post newsroom recognizes "the incompatibility of many outside activities and jobs with the proper performance of newspaper work." Staff members of The Post are required to discuss with their editors outside activities and jobs. "I would consider the signing by staff reporters of an advertisement calling for the impeachment of the President to be incompatible with the proper performance of newspaper work.")

There are two simplified views of the problem. One is that some issues, like war and race, are so threatening to society that "professional detachment" is personal irresponsibility, a kind of Eichmannism that permits a person to carry out technical duties without personal responsibility for consequences. This can take the form of advocacy journalism in which the person openly propagandizes for a cause, or writes partisan speeches, or marches in protests.

The other view is that honest, disciplined journalism is sufficiently important to justify sacrifice by the journalist of some degree of personal adversary activity. Furthermore, there are acceptable forms of advocacy within commercial papers. Editorials by definition are judgmental. Special articles done in depth are implicitly judgmental to the extent that they say the subject requires special attention. Knowledgeable reporting calls for background and some degree of Interpretation. Columns are subjective and sometimes ideological. But reporting of a public event, in this view, must be fair and balanced, the facts presented ungoverned by personal opinions of the reporter.

The evolution of public policy is not a serene, socratic process. There is charge and counter-charge, propaganda and anti-propaganda and in this the advocate journalist can play an honorable role, indispensable to the arousel of society to do what needs to be done. John Milton and Tom Paine were advocate journalists and so are hundreds of contemporary writers. It is a time of deep passions and social change and it is inevitable that people will speak and write passionately.

Precisely because it is a time of passion and change, there is a need for the professional journalist dedicated to skeptical and disciplined obeservation, able to suspend his own opinions while interpreting the actions of others. This does not mean that the journalist has no strong personal feelings on issues he deals with—he would be a strange citizen if he didn't and probably a bad journalist. But it does mean that he takes seriously his role as the public's—the whole public's—representative on the scene.

Unless some fundamental facts about important subjects can be agreed upon by most of us, we are all in danger of flying off into mass paranoia. If essential reality is not recognized by a significant part of the population, society is blind. "Essential reality" is not always simple to arrive at. A reporter merely reporting accurately what some politician says is not necessarily "essential reality," as most people learned during the days of Joseph McCarthy. What public men say may be only the beginning of the good journalist's job, but at least it should be agreed what was said.

It is possible for journalists to sign a petition for the impeachment of the President and still cover the President fairly. It is possible for the pressmen to censor political ads they don't like and still have most of the paper open to dissenting ideas. But it's asking the public too much to believe it, or to know when they are seeing a disciplined report or an uncensored paper.

When the government used its legal sword to take The Washington Post and The New York Times to court to censor the Pentagon Papers, at least the public knew something was being suppressed. When the pressmen, or unprofessional reporters, simply omit ideas, very few people know something is missing. In this case, President Nixon seems to have discovered that the ballpoint pen given to Mr. Siemers can be mightier than his legal sword.

If the pressmen or the newsroom staffs can censor a paper outside the bounds of professional news responsibility, in daily papers which, in 97 per cent of cities with papers, are monopoly papers, they are diminishing the only major institution dedicated to providing a hardcore of believable daily intelligence during a time of wild confusion. The government can't be trusted to do it because it has its own axe to grind. Nor can committed advocates, no matter how honorable their cause, because they have no obligation to present opposing views. If vigorous national debate is good—as it certainly is—then a believable record of the debate is indispensable to it.

F–14A HAS A MINOR PROBLEM: SHOOT THE CANNON AND IT STALLS

Mr. PROXMIRE. Mr. President, when Mr. Robert Moot, the Assistant Secretary of Defense—Comptroller—testified before the Joint Economic Committee on May 31, I questioned him about rumors I had heard regarding engine-stall problems on the Navy's F–14 jet fighter when its cannon is fired in flight.

Mr. Moot denied any knowledge of the problems, but said that he would refer my questions to the Navy. In the 2 weeks since, I have not received a reply.

I was gratified to learn, therefore, that Newsday, a Long Island newspaper published in Grumman Aerospace Corp.'s. own backyard, has been somewhat more successful in getting the answers I have sought.

A story in the June 11 edition of Newsday confirms the existence of the problem and contains an acknowledgment by Admiral Snead, Navy program manager for the F–14, of its potentially serious nature in combat.

The story also suggests that a fix has been found, but that the costs of the fix and who will pay them are still not known.

Also of interest are the last two paragraphs of the story:

[Grumman Vice President Michael] Pelehach . . . expressed concern that the cannon-gas problem has been "blown out of all proportion." Asked if it rates as a major problem, he replied, "Major problem? We've got plenty of problems much more serious than this.

"What are they?" he was asked. He leaned back on a patio lounge, smiled, and shook his head from side to side.

There are more major problems on the F–14, not the least of which is an impend $1.25 billion over-run for a 313 aircraft program, even from current inflated price levels. Unless Congress acts in the next few months, American taxpayers will be saddled with these problems.

I intend to speak out on these problems in the days ahead and to seek action in a floor amendment if it is not taken within the Armed Services Committee itself.

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

Newsday article on the F–14's cannon-gas problem.

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

F–14A HAS A MINOR PROBLEM: SHOOT THE CANNON AND IT STALLS

(By Chapin A. Day)

BETHPAGE.—The F–14 program has had many more serious, more costly, more publicized difficulties. But a problem it is.

Simply stated: At certain altitudes and speeds, when an F–14A fighter pilot pulls the trigger to fire his plane's 20mm. cannon, one of the plane's two jet engines momentarily stalls.

It's one of those embarrassing hitches that congressmen can use to put Pentagon officials on the spot in a hearing room. A problem which, simply stated, seems ludicrous.

A problem that raises visions of an F–14A engaging a MIG in a dogfight, getting the enemy plane in its sights, opening fire—and putting itself out of action.

A solution to the problem is already in the works. Nevertheless, Pentagon officials were spending most of their time last week preparing answers to questions about the cannon problem for Sen. William Proxmire (D-Wis.), an unrelenting critic of the F–14 program. And nevertheless, Grumman Vice President and F–14 Program Director Michael Pelehach, though unconcerned about it, still took time off from working in the yard of his Centerport home yesterday morning to sit on the patio and answer a reporter's questions about the problem.

Yes, there is a problem, he said. And the simple statement is not false. But it is incomplete. Being incomplete, he said, it is not accurate.

"COULD HAVE BEEN SERIOUS"

The problem, as distilled from conversation with Pelehach and the Navy's F–14 project officer, Rear Adm. Leonard Snead, is this: When the F–14A fires its 6,000 round-per-minute Mark 61 20 mm. cannon while flying at some relatively low speeds at some relatively high altitudes, gases emitted from the cannon's muzzle are swept back into the left engine, where they upset the delicate mixture of fuel and air in the combustion chamber. The result, in two vocabularies: "an engine temperature rise" and "a brief stall" (Pelehach), or "a momentary dropoff of performance" (Snead). "It had implications that could have been serious [in combat]," Snead said, "but this is the reason for early ground and flight testing."

Besides, there is a "fix" in the works. In Pentagon jargon, a "fix" is a solution to a problem. Pelehach sketched the fix on the back of a reporter's file folder—two panels on the left side of the plane's fuselage near the cannon's muzzle are to be replaced with parts designed to divert the gases under the plane between the two engine housings.

The proposed fix, which weighs 15 pounds, already has been tested satisfactorily on a test stand at Grumman's Calverton facility, Pelehach said, and should be installed on a test plane in time for the second Navy F–14A evaluation scheduled to begin July 5. Recent engine modifications, made as the result of the last Navy evaluation, also may help eliminate the cannon-gas problem, he said.

The Navy has not approved the fix yet, Snead said, "but it looks good to us." Negotiations between the company and the Navy will determine which should pay for the change; he added. Although he declined to give a precise figure, Pelehach said that the costs are not large.

Pelehach, who has had to face tougher problems with the F–14 program—including an early test flight crash and a continuing contract dispute with the Navy—expressed concern that the cannon-gas problem has been "blown all out of proportion." Asked if it rates as a major problem, he replied, "Major problem? We've got plenty of problems much more serious than this."

"What are they?" he was asked. He leaned back on a patio lounge, smiled, and shook his head from side to side.

RESPONSIBLE POLITICAL ADVERTISING

Mr. PERCY. Mr. President, a Chicago Tribune article dated June 9, 1972, reported that John E. O'Toole, president of Foote, Cone & Belding, is on a whistle-stop tour of the country talking about the need for more responsible political advertising. The Members of this body and the Members of the House who are running for reelection, as well as their challengers, should give heed to Mr. O'Toole's guidelines.

A political campaign can be either the best adult education program for anyone to engage in, or it can be a mere charade that appeals to emotion rather than reason and does nothing to improve public understanding of the major issues facing our Nation. To spend a million dollars to elect someone to a $42,000 job seems to make no sense whatsoever, if that is the only goal. It is eminently worthwhile, however, to use that same million not only to elect a candidate, but at the same time to make the citizenry more aware of problems, opportunities, and issues. The millions we spend on campaigns can be an utter bore or the best investment we make to better inform the people about the problems of the Nation.

Mr. President, I ask unanimous consent that a speech I gave on this subject at a testimonial dinner in Chicago be printed in the RECORD at this point, followed by the Tribune article describing Mr. O'Toole's efforts to have more responsible political advertising.

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

REMARKS BY SENATOR CHARLES H. PERCY AT A TESTIMONIAL DINNER IN HIS HONOR, CHICAGO, ILL., MAY 23, 1972

You honor me by attending this dinner tonight. Only through events such as this can I run the type of campaign I want to conduct—and which I think the vast majority of Illinoisans want me to conduct.

I'd like to take the few minutes allotted to me tonight to talk about how I intend to campaign for re-election—what I will do, and what I will not do—and to describe my goals for the months ahead.

Those of you who know me well have heard me say that I believe political campaigns can be—and should be—the most important adult education program conducted in this country. Or, they can be a scandalous waste of money and an insult to the intelligence of every citizen.

A campaign must be more than the mere pursuit of votes. It should give clarity to great and complex issues and bring understanding to people. It should educate and inform the public, and allow voters to make choices from knowledge and conviction, rather than on the basis of ignorance and image.

In the months ahead, my campaign will attempt to reach out to the whole electorate, to seek the involvement of the people of Illinois in a way that leaves them with something of value.

We will make use of massive numbers of volunteers who will go out, door-to-door, to talk about the issues.

Our messages—in all media—will address themselves to the problems that we face jointly and how we can best work together to solve them.

All of my communication with the people of Illinois—whether it be face-to-face or through the media—will reflect my commitment to offering solutions, not merely listing problems. I believe it is irresponsible to tell the voters what is wrong with this society and not tell them how these wrongs can be righted.

It is not enough, for example, to point out that the elderly of this nation—the 20 million Americans over 65—are our most neglected minority group.

It is necessary to provide answers to this tragic situation, as I believe I have done with my legislative package of 12 bills and five amendments to benefit the elderly in a wide variety of areas.

It is not enough to lament the fact that dangerous drugs are the largest single cause of crime in our country or to note that they have invaded our high schools and our armed forces.

To deserve the support of the people, a candidate must propose creative solutions. I believe that the recently enacted Drug Abuse Office and Treatment Act, which I introduced in the Senate meets the test.

It is not enough to assert that inflation and unemployment are too high. Talking about economic problems does not solve them.

I strongly believe that increasing our national productivity is the key to restoring our economic health. Simply stated, this means that labor and management must pull together to increase the size of the economic pie, rather than waging mortal combat over who gets the larger piece of a smaller pie. To stimulate this effort, I worked for implementation of modernized accelerated depreciation regulations and restoration of the investment tax credit, and I secured passage of the so-called "Percy Amendment", which exempted from Phase II controls all pay increases that are matched by productivity increases.

It is not enough, in my view, to state that the war in Indochina was a tragic mistake.

What is needed is a vehicle to insure that there are no more Vietnams, that no more wars are prosecuted without the support of the people, and their elected representatives, the Congress. Toward that end, I have been working in the Congress for the passage of legislation that would redefine and clarify the respective powers of the President and the Congress in questions of peace and war.

As important, perhaps, as what I will do in this campaign is what I will not do.

I do not believe that slogans are a substitute for substance, or that symbolic pictures are solutions to complex national problems.

Accordingly, I have requested that my campaign committee spend not one cent of your contributions on billboard advertising, which, by its very nature, cannot provide the voters with a substantive message. And I will not employ simplistic phrases or meaningless photographs or TV film, which confuse the voter and appeal to emotion, not to reason. Art's loss will, I hope, be the public's gain.

I will not engage in personal attacks on my opponent or any other candidate for public office. Not only do I have enough faith in the people of Illinois to believe that he who slings mud loses ground, but—of far greater importance—I strongly believe that the voters are entitled to something better than name-calling and character assassination.

In essence, that is my goal for the next six months—"something better." I want to wage a campaign that educates the people and elevates political discourse, in which voters are people with problems, not numbers on a computer print-out.

Over the past six years I have compiled

a record of performance, which is the single standard by which I hope to be judged. By your presence here tonight, you have indicated that you believe in the courses I have chosen. Be assured that I am deeply grateful for your loyalty. I will need your support more than ever in the difficult period that will follow. I know that you will not fail me, just as I trust I shall never fail you.

Thank you.

MARKETING—O'TOOLE CAMPAIGNING FOR BETTER POLITICAL ADS

(By Lynn Taylor)

John E. O'Toole is not a political candidate. Nevertheless, O'Toole, president of Foote, Cone & Belding, is on his own whistle-stop tour of the country talking up a storm about his favorite issue: the need for more responsible political advertising.

The tour is not a formal one, but every chance he gets he does seem to talk about the subject—as he did yesterday before the Public Affairs Council Round Table in Washington, D.C.

He has made some headway during the last several months, chief evidence being that the American Association of Advertising Agencies Wednesday issued a Statement on Political Advertising of which O'Toole was one of the creators.

The statement urged political candidates, advertising agencies working on their behalf, and the media to assume greater responsibility for the content of political messages.

SUGGESTS MORE TIME

It suggested that segments of at least five minutes be offered for sale for political announcements—in addition to selling conventional time segments.

The statement was couched in formal polite terms, but O'Toole's speech on the same topic was not. He sharply criticized—with considerable documentation—the agencies, campaign managers, and the media.

The 4 A's Statement did not go as far as O'Toole obviously would have preferred. In the speech he reiterated his feelings that short "spot" political advertising should be eliminated completely in favor of a minimum five-minute segment.

There has been an understandable reluctance on the part of the broadcast industry to do this, he said, since a five-minute segment would be sold at program rates which are considerably less than the sum of five commercial minutes.

"I really didn't expect immediate assent from the broadcasting industry," O'Toole continued. "They have seldom been accused of plunging head-long into reform.

"No, it will happen eventually despite the protestations of broadcasters. Because candidates—and enough people—want it to happen."

DIFFERENT TYPE

He said it is not possible to equate product to political advertising because the object of the political message is to put the competition out of business. This means there is more temptation to justify the means than the ground rules of advertising could possibly control.

"Furthermore, none of the safe-guards imposed upon contemporary television advertising applies to political spots. Even the libel laws are suspended," he said.

"The National Association of Broadcasters and network continuity acceptance departments have seldom challenged the statements, claims, and promises made for a political candidate who might some day be in a position to influence a license renewal."

The theme of most major political spots has been disparagement of other candidates, and the advertising industry has reaped the blame for it.

SUGGESTS GUIDELINES

He suggested several guidelines for stations and politicians.

The message should be designed to help the voter know and understand the candidate, his character, and his ability to communicate.

The message should establish what the issues are and which the candidate feels are important.

The message should clearly state where the candidate stands on the issue.

O'Toole concluded: "It's going to happen. Now the question is: With the major campaigning for the crucial elections of 1972 only three months off, will it happen in time?"

Only if O'Toole hires an advance man, buys some 30-second spots, and issues a few more disparaging statements—unfortunately.

THE NON-ENGLISH SPEAKING AND THE LEGAL SERVICES CORPORATION

Mr. TUNNEY. Mr. President, I am pleased to join with several of my distinguished colleagues in sponsorship and support of S. 3010, whose purpose it is to continue the funding of the many beneficial programs in relief of poverty and unemployment authorized under the Economic Opportunity Act of 1964.

I am particularly proud of, and commit my full support, to those provisions of the bill which establish the National Legal Services Corporation and require it to be guided by a 19-member Board of Directors, one of whom must be representative of and chosen from the population within the Nation of persons who speak a language other than English as their predominant language.

After discussing with several Chicano and Puerto Rican attorneys the absence of any representation of the Spanish speaking on the Board of Directors, I recommended to the Senate Committee on Labor and Public Welfare that S. 3010 include a provision which could correct this lack of representation.

The object of my suggestion is the approximately 10 to 12 million Spanish-speaking and surnamed Americans, over 3 million of whom reside in California alone. They comprise the second largest minority group in the United States, representing 5 percent of our total population. Speaking little or no English, it is altogether proper that they should be represented on the Board of Directors by someone drawn from their own constituency—a person who can articulate and who is appreciative, perceptive, and understanding of the many legal problems peculiar to them by reason of the language barrier and the consequent poverty. The committee is to be congratulated for including this requirement in the bill.

By these remarks, it is not my intent to find—nor do I find—fault with the legal services program as it has existed and operated these past 7 years. To the contrary, the record of the hearings on the predecessor bill (S. 2007, 92d Cong.), vetoed by the President on December 9, 1971, is replete with examples of the provision of effective, comprehensive, and economical legal services to the client community by the presently funded legal services program. But I believe that the time has come to focus our efforts in also meeting the legal needs of the Spanish-speaking citizens of our Nation. And a Spanish-speaking member on the Board of Directors who is familiar with the legal problems and needs of his people will be of immeasurable assistance and value in articulating these problems and needs to the Board. Such a member can help the Board focus its attention and efforts to resolving and dispelling the attitudes of Americans who view our law enforcement and judicial system with suspicion and distrust.

These attitudes are not without foundation in fact. Stereotyped throughout much of his history as ignorant, a drunkard, and a thief, the Mexican American and other Spanish-speaking Americans have been the object of abuse and unequal treatment by law enforcement authorities. A number of incidents in these areas have been reported to the U.S. Commission on Civil Rights. Among these are complaints of police brutality; unequal treatment of juveniles—that is, Anglo-American juvenile offenders are released without charge to the custody of their parents while Mexican American and other Spanish-speaking and surnamed youths are charged with offenses and jailed; verbal abuse, discourtesy, and the use of "trigger words" by police officers; and frequent "stop and frisk" practices, and arrests for "investigation" in Mexican-American neighborhoods.

Numerous incidents of discriminatorily high bail for Mexican-American suspects also have been reported. Excessive bail or the denial of an opportunity to post bail has been used by law enforcement officials to retain custody of accused Mexican Americans or to harass them rather than assure their appearance at trial.

Against this background of abuse, can we seriously question expressions of mistrust of the courts by Mexican Americans? There is a basis for their feeling that the law is being used to create and perpetuate injustice rather than as an instrument to solving their problems.

This bleak picture of the relationship between Spanish-speaking and surnamed Americans and the legal process points up the committee's wisdom in concluding that the ubiquitous attitudes of suspicion and distrust can be allayed in a large part only by granting them a strong and knowledgeable voice and representation in the policymaking councils of the board of directors of the newly established and independent National Legal Services Corporation. It is significant to note that the OEO bill vetoed last year by President Nixon contained no such requirement. Unfortunately, however, it should be noted that the compromise bill which the Senate is now considering prescribes no procedures, criteria, or standards to be applied in selecting such a representative on the board of directors. In this respect, the bill is vague and ambiguous. I would prefer—and this is my only reservation concerning the bill—that the bill be clarified to provide standards that there be some clarification that will result in the appointment of a person who is more than nominally familiar with the legal needs and problems of Spanish-speaking and surnamed citizens.

PRESIDENTIAL ADVISORY COMMISSIONS

Mr. KENNEDY. Mr. President, it used to be said that the reports of Presidential advisory commissions were simply ignored by those in a position to do anything about them. The present administration has at least changed that. Now these reports are used as convenient whipping boys by a White House anxious to blame our troubles on anything but its own inadequacy. Sometimes a report has even been attacked before it was presented, leading one to wonder whether the President will soon tell a commission as he appoints it which are the answers its study is supposed to produce.

With a fine nonpartisan spirit, the Republican administration has attacked the work of the Nation's best minds no matter whether they were appointed to commissions by itself or its Democratic predecessor. An article published in the Progressive magazine for May details the fate of several such studies—the Pornography Commission, the Campus Unrest Commission, the Population Commission, and the Marihuana Commission, the last of which was the one to suffer the unique fate of having one of its central recommendations rejected by the President in advance.

Mr. President, we need to pay more serious attention to the work of these advisory bodies. I intend to propose soon legislation which would require a fairly detailed response procedure from the executive branch after a report is presented. To remind the Senate what happens all too often with the painstaking work of these advisory groups, I ask uanimous 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 Progressive magazine, May 1972]

THE COMMISSION GAME

Almost five years ago on July 29, 1967, President Lyndon B. Johnson appointed a National Advisory Commission on Civil Disorders. There was rioting in Detroit when he issued the Executive Order and, as the President noted, "wholesale looting and violence" had occurred "in small towns and great metropolitan areas."

The President was firm in his instructions to the Commission chairman, Governor Otto Kerner of Illinois, and the other commissioners. "We are looking to you not to approve our own notions but to guide us and to guide the country through a thicket of tension, conflicting evidence, and extreme opinion," Mr. Johnson said. "As best you can, find the truth, the whole truth, and express it in your report . . . The work that you do ought to help guide us not just this summer, but for many summers to come and for many years to come."

Well, we all know what happened—and what didn't. The Kerner Commission, after seven months' work, issued a massive, thoughtful report which warned of the deep and deepening divisions in America and called on the Government to mount "new initiatives and experiments that can change the system of failure and frustration that now dominates the ghetto and weakens our society." The report was published by the Commission, ignored by the Administration, and promptly forgotten by almost every one else.

In what turned out to be prophetic testimony, one of the first witnesses before the Kerner Commission, sociologist Kenneth B. Clark, said: "I must in candor say to you members of this Commission—it is a kind of Alice in Wonderland, with the same moving picture reshown over and over again, the same analysis, the same recommendations, and the same inaction."

The Kerner Commission's sad and frustrating experience was hardly unique. It was, rather, the all too common experience of most of the Presidential panels appointed in recent years to examine issues of critical public concern. Senator Edward M. Kennedy, whose Subcommittee on Administrative Practice and Procedure conducted hearings last year on the ramifications of the commission game, was moved to comment that commissions "are merely so many Jimminy Crickets chirping in the ears of deaf Presidents, deaf officials, deaf Congressmen, and perhaps a deaf public."

Milton S. Eisenhower, who headed the Presidential Commission on the Causes and Prevention of Violence, told the Kennedy Subcommittee that his group's fifteen-volume report had met with "almost total silence" after it was presented to President Nixon. Former Attorney General Nicholas Katzenbach testified that the same fate had befallen the report of his Presidential Commission on Law Enforcement and the Administration of Justice.

The Commission on Obscenity and Pornography, which presented its report in 1970, was denounced for its pains by the President and other official spokesmen. Former Governor William Scranton's Commission on Campus Disorders incurred the wrath of Vice President Agnew.

In recent weeks, two more Presidential commissions have issued thorough reports calling for major changes in critical areas of social policy. Both have been met with official indifference, if not hostility. After two years' work, the President's Commission on Population Growth and the American Future concluded that "no substantial benefits would result from continued growth of the nation's population." It recommended, among other measures, removal of legal restrictions on abortion, which it viewed as "obstacles to individual freedom." Mr. Nixon, having declared a year ago that abortion is "unacceptable," has displayed no interest in his Commission's finding.

The formal report of the National Commission on Marijuana and Drug Abuse encountered the same problem of Presidential preconceptions. Its 184-page study asserted that "the time for politicizing the marijuana issue is at an end," and therefore called for the abolition of criminal penalties for the personal possession and use of pot. But Mr. Nixon told this Commission even before it began its work a year ago that he saw "no social or moral justification whatever for legalizing marijuana."

In Senator Kennedy's view, Presidential commissions "could be the nation's conscience, spurring us on to do what we know ought to be done, showing us the way, strengthening our determination to build a just and peaceful and productive society." They could be, but they have not been, and it seems unlikely that they will be.

Perhaps the lesson is that if a problem is urgent enough to warrant the appointment of a Presidential commission, it is too urgent to be left to a Presidential commission. Perhaps the next time the President gravely announces he is naming a blue-ribbon panel to study a pressing issue, we all should say, "Okay, but what are you going to *do*?"

WHY A CONSUMER PROTECTION AGENCY IS NEEDED—A CONTINUING STORY

Mr. PERCY. Mr. President, last week the Subcommittee on Executive Reorganization of the Government Operations Committee unanimously approved a revised version of the Consumer Protection Agency bill (S. 1177), jointly cosponsored by Senators RIBICOFF, JAVITS, and myself.

At that time, I made reference on the floor to a number of instances of laxity and neglect in various agencies of government which document the need for a new and independent agency to represent the interests of consumers in proceedings and activities that may substantially affect their interests.

Through the enterprising work of a journalist for the Newhouse News Service, Kay Mills, I have now been apprised of one more in a continuing series of examples that unfortunately keep cropping up, showing why such an advocacy agency for consumers is necessary. Kay Mills, after sitting through lengthy hearings before the Interstate Commerce Commission on a requested increase for railroad freight, has filed a story wherein the point is made that—

The Interstate Commerce Commission will act soon on proposed railroad freight increases—following hearings marked by shippers requesting reductions and average consumers asking nothing at all because they weren't there.

She goes on to relate:

The railroads outlined their case; trade associations affected asked, in effect, "why should we pay more when competitors pay less"; and the consumer said nothing at all.

Instances such as this, which go on repeatedly among some of our regulatory and other agencies of Government, point up the true need for an institutional advocate on behalf of the consumer. The Federal Government has this responsibility.

I am hopeful that the full Committee on Government Operations will very shortly be taking up this legislation and considering it on its merits, instead of upon the very exaggerated and unwarranted charges—that, in effect, amount to false packaging—that have come from some segments of the business community. I am pleased to report that in recent days we have seen a responsible attitude on the part of other segments of the business community, in particular, such large retailers as Montgomery Ward, Sears, and J. C. Penney. Those companies, and others, that have come in to review and discuss the bill and now understand its provisions, have indicated that they are far less concerned that any business will be unduly burdened or interfered with or that any orderly process of government will be disrupted.

Mr. President, I ask unanimous consent that the entire piece written by Kay Mills be printed in the RECORD, and that it be followed by two other articles on the same subject. The two articles, both reflecting expert understanding of the legislation, deal with the action taken by the Subcommittee on Executive Reorganization last week. One is by Jim Large of the

Wall Street Journal and is entitled "Bill To Set Up Agency as Consumers' Voice in Federal Units Clears a Senate Hurdle." The other is by UPI reporter Jane Denison.

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

PAYING THE FREIGHT

(By Kay Mills)

WASHINGTON.—The Interstate Commerce Commission will act soon on proposed railroad freight increases—following hearings marked by shippers requesting reductions and average consumers asking nothing at all because they weren't there.

The railroads want the increases, ranging as high as 10 percent on some goods, because of mounting labor costs. The ICC can either approve the rate increase request as is, trim it or deny it entirely. A spokesman described the last alternative as "unlikely" and agreed that the hikes undoubtedly would be passed on to the consumer.

In two days of dry, legalistic testimony just ended in a chandeliered, wood-paneled ICC hearing room:

—The railroads outlined their case,

—Trade associations affected asked, in effect, "Why should we pay more when competitors pay less"

—And consumer said nothing at all.

It's not that the major consumer groups weren't welcome, but "none asked to appear," the ICC spokesman said.

"Sure, they may have put a notice in the Federal Register but we just don't have the personnel to catch every announcement and testify at every hearing," a Consumer Federation of America representative said.

"The regulatory agencies idea of public notice is vastly different than ours," she said.

Sen. Charles Percy (R-Ill.) said such cases where "substantial consumer interest" apparently is at stake and unrepresented at a Government agency "underscore the critical need for creation of the Consumer Protection Agency."

Percy has co-sponsored a bill to establish this Federal agency, which could intervene in other Government proceedings on behalf of what are now largely-disorganized consumer interests.

The Consumer Federation spokesman concurred with Percy, saying the new agency would provide "far greater representation than we have now with the ICC and other regulatory bodies. It would know when hearings or rate cases were pending and it could represent the consumer interest in a consistent manner."

Groups represented before the ICC at these hearings included various power companies, Nestle Co., Diamond Walnut Growers, the Beet Sugar Industry, California Grape and Tree Fruit League, U.S. Steel, Chicago Fly Ash Co., the Asphalt Roofing Manufacturers Association and the Washington Potato Association as well as the railroads.

Howard Gould, who represented the Institute of Scrap Iron and Steel, echoed much of the testimony when he said, "We have no quarrel with the rate increase. We recognize the carriers need for revenue." But his group—and the others—felt the selective increases discriminated against them.

Edgar A. Kaier, speaking for the railroads, said the lines needed the increases immediately to offset expenses which increased by $1.6 billion in the last year.

Railroads already have won a 2.5 per cent temporary surcharge imposed in February and expected to yield $246 million annually. The additional rate increases, which average 4.5 percent but range as high as 10 per cent, would bring another $155 million a year.

The railroads still would have to go to the Price Commission with rate increase requests. But an ICC spokesman said that commission could defer to the ICC ruling as "the expert opinion."

The railroads contend the proposed increases will meet price commission standards because the money won't increase profit margins, just meet increased costs.

The ICC decision could come within a month.

[From the Wall Street Journal, June 14, 1972]

BILL TO SET UP AGENCY AS CONSUMERS' VOICE IN FEDERAL UNITS CLEARS A SENATE HURDLE

WASHINGTON.—Long-stalled legislation creating a government spokesman for consumers in the deliberations of other federal agencies is moving again in the Senate.

A Senate Government Reorganization subcommittee approved a bill establishing a new Consumer Protection Agency, sending the measure to the full Government Operations Committee for more consideration later this month. After that, the bill probably will make a stop at yet another committee before reaching the full Senate. Then it must be reconciled with a bill passed in a different form last year by the House.

Despite this long legislative road, Sens. Abraham Ribicoff (D., Conn.) and Charles Percy (R., Ill.), the bill's chief sponsors, predicted it will be enacted in this session of Congress and take effect next year.

The proposed agency is regarded with considerable suspicion by such business groups as the Illinois Chamber of Commerce, which has been critical of Sen. Percy for sponsoring it. Mr. Percy yesterday insisted the bill "doesn't tip the scales for the consumer or against business." He said it's needed because "the regulatory agencies we have set up to protect the consumer simply haven't been doing the job."

The new agency would have power to intervene in cases pending before federal regulators such as the Interstate Commerce Commission. It could fight a request for higher freight rates, for example, or a proposed change in the Agriculture Department's rules on the fat content of hot dogs. The agency also could appeal a regulatory decision to federal courts.

The House-passed bill gives the agency this power to intervene in many kinds of regulatory proceedings, but not in cases where a company faces administrative fines or penalties. An example would be proposed fines levied by the National Highway Safety Agency on auto manufacturers for violations of safety standards.

The Senate subcommittee bill would allow the Consumer Protection Agency to enter such cases. It also would authorize the agency to insert itself into "informal" consumer-related activities throughout the government, such as a Food and Drug Administration investigation of food contamination.

The subcommittee's decision to give the agency this additional authority drew praise from Ralph Nader, who last year was furious about the House restrictions. "It is a good bill," said Mr. Nader yesterday.

As the bill currently is written, the agency would be forbidden to get involved in cases pending before state or local regulatory agencies, unless those bodies specifically requested it. This touchy point will be considered again by the full Government Operations Committee.

Besides speaking for consumers in the federal bureaucracy, the agency would be a clearinghouse for consumer complaints. This role currently is played by Virginia Knauer, President Nixon's consumer-affairs adviser. After getting a complaint, the agency would send it to the company named for a reply. The complaint and answer ultimately would be made public.

The subcommittee bill would establish a three-member Council of Consumer Advisers to the President, patterned after the existing Council of Economic Advisers. The council would draft an annual report on federal consumer-protection activities.

A UPI NEWS DISPATCH

(By Jane Denison)

WASHINGTON.—With the firm backing of two senior Republicans, a Senate subcommittee today gave 7–0 approval to a Consumer Protection Bill far stronger than the Nixon Administration wants.

The bill, which now goes to the Parent Government Operations Committee for Review, would set up an independent consumer protection agency (CPA) to advocate consumer interests before other Government Agencies and the courts.

Its near-unanimous approval—two subcommittee members were absent and did not vote—came despite a massive lobbying campaign against it by segments of the business community.

Committee sources have said up to 150 major companies are allied in a campaign to kill it, and Newsweek magazine this week reported that they are spending more than $100,000 in the effort.

Sponsored chiefly by Subcommittee Chairman Abraham Ribicoff, D-Conn., the bill has had the active support of the subcommittee's two ranking Republicans, Jacob K. Javits of New York and Charles H. Percy of Illinois.

Percy hailed the bill as a "precise and balanced" measure that would provide consumers an effective advocate without tipping the scales against business.

"The housewife who buys tainted chicken or flammable babywear, or whose children are inoculated with ineffective flu vaccine is victimized the same whether her husband is a corporation president or a truck driver," said Percy, a former corporation president himself.

Besides arguing the consumer's cause, the proposed CPA also would be empowered to handle consumer complaints, conduct surveys and research, intervene in Government proceedings affecting consumers, and publish and disseminate consumer information.

WET FIELDS FLOODING DISASTER IN WESTERN MINNESOTA

Mr. MONDALE. Mr. President, farmers in 23 counties of my home State of Minnesota continue to suffer setbacks in planting of crops this season due to unusually wet fields. The fall of 1971 was very rainy. Harvesting was delayed into the winter in many cases. This was followed by an extremely rainy spring. Many areas have gotten heavy rains each week for the past 3 months.

This situation was approaching disaster proportions in mid-May. Several farmers had not been able to plant more than small portions of their cropland. In a normal year they would have been near completion of planting by that time. In addition to the planting delays caused by these terrible weather conditions, much of the crop which had been planted was drowning out. These would require replanting if possible later on.

To fully understand the importance of early planting and the consequences of delayed planting in Minnesota, one must realize that the growing season for these farmers is very short because of early frosts in September. Crops such as corn require 90 days or more to fully mature for harvest. Higher yielding varieties re-

quire a longer growing season. If a farmer plants corn after June 1 he runs tremendous risks unless he has been able to buy seed for a shorter season variety. This seed is difficult to find when last minute changes have to be made in production plans.

Because of the desperate situation described by those farmers on June 1, I joined Congressman BOB BERGLAND, of the Seventh District in Minnesota, several Senators and Congressmen in an appeal to Secretary of Agriculture Earl Butz for immediate aid to the farmers in the depressed area. The next week, Wendell R. Anderson, Governor of the State of Minnesota, asked President Nixon to declare the area a national disaster emergency. I wired the President urging prompt consideration of Governor Anderson's request and asking that he speed all available aid to the disaster area.

To date, neither the President nor his Secretary of Agriculture have responded favorably.

Mr. President, recently I made an air tour of the flooded area with Governor Anderson and Representative BERGLAND. I should like to report to the Senate the details of the flood situation.

Less than 50 percent of the corn and soybeans have been planted. Where these row crops have been planted, they are heavily infested with weeds because wet soils since planting have prevented cultivation and application of weed control chemicals.

Some corn has been broadcast seeded by airplane because wet ground would not support ground equipment. This is growing well except in spots where standing water has drowned it out.

Oats and other small grains are far behind the normal stage which would be achieved by this time of year. Virtually every grain field I saw had some spots that either had been skipped over because of wetness during planting, other spots where grain had not come up because the seed rotted in the cold wet soil or places where grain had come up and drowned out later because of standing water.

Many alfalfa fields with water standing in them have suffered root rot and thus devastation of the entire crop. Other alfalfa fields, past the optimum cutting stage are lodging. Extremely wet ground will not support harvest machinery.

My home State of Minnesota has long enjoyed compliments for being a scenic land of 10,000 lakes. However, at the present time, an aerial view of the farmlands of western Minnesota closely resemble the lake regions. Fields look like lakes. Other farmland looks like one big swamp. During our tour I commented that it looked as though one more light rain would flood the entire region because the saturated soils could not absorb more moisture. Ironically, it started raining while we were talking to a farmer whose land is already flooded.

A typical example of the farmers with whom we talked is a young man who farms in Swift County, Minn. He has some beautiful corn growing but as he points out:

That's only 150 acres that was planted on time out of 1,700 acres I farm. I got some other corn planted late but some 1,100 acres are still too wet to work.

I bought seed and fertilizer with borrowed money. I have to pay the interest but I can't go on credit for ever.

This young farmer, like many others is a topnotch operator and a good business manager. But the events beyond his control over the last 3 years are forcing him toward leaving his profession. In his words:

I was raising sugar beets three years ago. I paid a lot of money for expensive specialized equipment. Then the sugar plant closed. That dried up our market.

Last year I decided to raise corn. It was a fine year for corn and we had a bumper crop. But because that excellent crop caused an oversupply of corn, corn prices dropped to the lowest point in several years and we could barely clear our costs.

Now we face the possibility of having no crop at all. Farming is my life. Everything I have earned has been reinvested in land and machinery. I have expanded from a quarter section to almost three sections of land. But now I don't know how long I can keep going.

Mr. President, I am speaking of a sadly desperate situation. Thousands and thousands of farm families face a season with no crops. This comes immediately after a year of the lowest wheat and feed grain prices since the depths of the great depression. Last year's low wheat and corn prices meant losses to several farmers in the wet area. Having no crop this year will force them off the farms.

We are often asked to grant hundreds of millions of dollars to bail out bankrupt corporations. It is shameful that our Government cannot spend less than $20 million to help thousands of farm families.

Those people deserve help from their Government. They did not cause the low wheat and feed grain prices that have been visited upon them. The low prices were due to a weak and ineffective farm program. Control of the weather is even beyond the Federal Government. But we have programs available within our present laws to help victims through such a disastrous situation as they now face.

In my judgment the President and the Secretary of Agriculture have responsibility to bring all the resources of the Federal Government to bear—through the Office of Emergency Preparedness and the Department of Agriculture—to help relieve this disaster. Something must be done now.

I have had literally hundreds of phone calls from small businessmen, bankers, and community leaders expressing their concern over this matter. They know that their businesses and towns will suffer if farmers have another bad year. The entire economy of the State will be depressed.

I hope that the President will respond favorably to our requests for aid to people in the distressed area of Minnesota.

Mr. President, I ask for unanimous consent to have printed in the RECORD a selection I have made of the communications I have received from people in the disaster area; also, my communications to the President and the Secretary of Agriculture concerning this matter and some recent news articles about the wet fields situation.

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

U.S. DEPARTMENT OF AGRICULTURE,
Clarkfield, Minn., June 6, 1972.

Hon. WALTER F. MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: Enclosed is a photo copy of recommendations sent to the State Disaster Committee

Sincerely,

JOHN E. JOSEPHSON,
County Executive Director.

U.S. DEPARTMENT OF AGRICULTURE,
June 5, 1972.

To: State USDA Disaster Committee, Federal Building & U.S. Courthouse, 316 Robert St., St. Paul, Minn. 55101.

From: John E. Josephson, Secretary, Yellow Medicine County Disaster Committee.

Subject: Disaster Situation due to Excessive Spring Rains.

The Yellow Medicine County Disaster Committee met on June 1 and discussed what could be done to assist farmers due to the continuous rain fall this spring. It was estimated that practically no small grain had been planted. About 35% of the corn and about 10 to 15% of the beans had been planted in the county. The fields are still too wet to be worked. Many look dry but are just crusted and are wet under the crust.

A list of 22 farmers who had done very little planting was made. There are hundreds more.

The Yellow Medicine County Disaster Committee would like to submit the following requests:

(1) Yellow Medicine County be declared a disaster area.

(2) That USDA open the set-aside programs to disaster counties and producers be permitted to set aside 100% of their bases.

(3) That REAP completion dates for spring practices be extended.

(4) That assistance be given with demurrage on fertilizer cars on siding because fields were too wet and all storage filled. Some cars of fertilizer have been on siding for some time.

GRANITE FALLS, MINN.,
June 19, 1972.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I write to you in frustration and mixed emotions. We know that our local USDA program officials are being helpful and keeping you informed but it is difficult for anyone to realize fully how desperately we need assistance. We have been plagued for years with low farm prices and increasing debts at higher interest rates. And now the bottom seems to have fallen out. Any number of us face financial disaster and bankruptcy if needed programs are not adequate and could benefit only a select few. Most of us need a supplemental income now and long term financing at a reasonable rate of interest.

Some of us have little or no crop planted. Continuing rains have made planting impossible and forecasts of additional rain are most disheartening. Much less than the average corn crop is planted in this area, and much of this has rotted or cannot come through the crust and has had to be reworked and seeded to an earlier variety of corn or soybeans when fields become workable. The only hope for much of the corn now is for silage and roughage.

We had hoped that the Feed Grain Set Aside Program should be reopened, allowing us to set all the corn base if need be. But it sounds as though that has been definitely denied.

The financial repercussion of this crisis will be almost unbelievable when applied to our

tax structure and its effect on our schools, local government cooperatives and rural main streets. We sincerely believe that to avoid irreparable harm to our area, the Presidential Emergency Area legislation will need to be activated. We know that you are aware that up to $2500 of loans made under these provisions are marked off. This would ease our problems until many of us could be refinanced properly. Most of our financing is short term at unfavorable interest rates and needs to be changed. We are asking for the same privileges extended to other segments of our economy. This could be legislated by direct or guaranteed loans by our Farmers Home Administration.

We believe it is exceedingly important to our nation to preserve our Family Farm operation. Believe us when we say that any number of us in this area will be liquidated next fall if immediate assistance is not available.

We know we can depend on you in this time of need and will be looking forward to hearing from you.

Sincerely yours,

HAGEN SEDERSTROM.

GRACEVILLE, MINN.,
June 8, 1972.

Hon. WALTER MONDALE,
U.S. Senator,
Washington, D.C.

In re: Big Stone County Republican Party

DEAR SENATOR MONDALE: I am writing this letter as County Chairman of the Big Stone County Republican Party for and in behalf of the members of our party.

We, here in Big Stone County, and in the counties in the general area are faced with almost a calamitous situation, because of the heavy and continuous rains. I am sure you know that a great majority of the farmers in this area have very little crop planted. Many of them have no crop at all and it is almost the middle of June.

We ask that steps be taken immediately so that the Secretary of Agriculture will reopen the sign-up program for the feed grain and allow producers to participate further, if they so desire, in the feed grain program.

We also ask that this area be declared a Presidential Disaster Area. I cannot say anything more, because I am sure you are already familiar with our very great problem.

I assure you that the farmers of this area everywhere will be grateful for any help you can give to them.

Yours very truly,

ARNOLD SOUBA, Jr.,
Big Stone County Republican Chairman.

JUNE 2, 1972.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: No doubt you have heard of our disastrous farm situation in West Central Minnesota. The farmers have not been able to get into their fields to work and plant them due to excessive rainfall on top of a saturated soil from last fall's excessive rain. To compound this, there is still some corn and soybeans from the 1971 crop in the field.

We estimate today that perhaps 25% of our crops are planted and this is on our droughty soils. We also estimate that about 50% of our farmers have no crop in at all and will likely need 1–2 weeks of drying weather to get into most fields.

The effect of this condition on the farmers is disastrous. Most are heavily in debt and have been operating on 100% borrowed capital. A poor crop year will mean that they will lose everything. The effect of this will hit our communities like a bomb and have far reaching consequences.

We would like aid of some form; perhaps an opening up of set-aside acreage would be most helpful. After that, low interest loans or direct grants would be in order and perhaps allowing grazing on set aside acres.

A call to any of the farmers in the area can verify my statements.

Sincerely,

JAMES L. EDMAN,
County Extension Agent.

MADISON, MINN.,
June 7, 1972.

STATE USDA DISASTER COMMITTEE,
Federal Building and U.S. Courthouse,
316 Roberts Street,
St. Paul, Minn.

Lac qui Parle County, Minnesota hereby requests disaster status, because rainfall during the months of September and October, 1971 were excessive and above average rainfall during May, 1972 resulted in delayed planting of crops about one month on 90 percent of the 1,362 farms in Lac qui Parle County. The distribution of the precipitation has kept farmers out of their fields most of the time from early April through June 7, 1972.

Normally, 95 percent of the corn, soybeans, and small grain would have been planted by June 1. Less than 25 percent of the cropland has been planted by that date and 15 to 20 percent of that has been lost from flooding.

Many farms have less than five percent of their crop planted. All farmers have made investments in seed, fertilizer, herbicides, and insecticides, and most of them find themselves with no way to recoup these investments. Other annual costs that must be met are insurance, taxes, interest, and rent.

Lac qui Parle County Disaster Committee further requests that a presidential emergency be declared.

A meeting of officials June 1, 1972 at Madison, Minnesota make the following request:

1. That farmers be allowed to set aside twice as many acres under the Federal Feed Grain Program as they now have diverted.

2. That farmers be allowed to pasture or harvest hay from set-aside acres.

3. That emergency long-term (10 years) credit be made available through the Farmers Home Administration.

FLOYD B. HAUGEN,
Chairman, County Disaster Committee.

ODESSA, MINN.,
June 16, 1972.

Senator HUBERT HUMPHREY,
Washington, D.C.

DEAR SIR: The spring of 1972 has been the wettest on record in our area. No one living with whom I have come in contact, can recall a worse season. For this reason most crops in the area have been planted late on are not planted so far. There are many fields still too wet for machines to work.

The economy of our area is dependent on the farm income. If the farmer doesn't make out, all others suffer. It is virtually impossible to harvest a good crop under the existing conditions in this area. For this reason we request that the following steps be taken:

1. Low interest loans could cut expenses for the farm operators. In this day with all prices of goods and services being at such a high level, interest expense is a major item.

2. If the CAP program could be funded and implemented for this year, many farmers would benefit. This seems to be a desirable program in line with the farm program.

3. If the set aside acreage were increased for this season it would be possible for many farmers to recover some income from the land. It would also help to get more land into the program.

We are engaged in honey production personally. In the course of our daily work we come in contact with more than 100 farmers. The loss of crop income this year will mean disaster for many. We urge serious consideration of this matter.

Sincerely,

HERMAN ELLINGSON, *Mayor.*

UNIVERSITY OF MINNESOTA,
Madison, Minn., June 2, 1972.

Hon. WALTER MONDALE,
U.S. Senator from Minnesota, Senate Office Building, Washington, D.C.

A more serious crop loss situation exists at this date in Lac qui Parle County, Minnesota than any time in history; due to frequent rains during the month of May, 1972.

Normally, 95% of the corn, soybeans, and small grain would have been planted by June 1. Less than twenty-five percent of the cropland has been planted to date and 15 to 20 percent of that has been lost from flooding.

Many farms have less than five percent of their crop planted. All farmers have made investments in seed, fertilizer, herbicides, and insecticides, and most of them find themselves with no way to recoup these investments. Other annual costs that must be met are insurance, taxes, interest, and rent.

A meeting of officials (see attached) June 1, 1972 at Madison, Minnesota makes the following request:

1. That farmers be allowed to set aside twice as many acres under the Federal Feed Grain Program as they now have diverted.

2. That farmers be allowed to pasture or harvest hay from set-aside acres.

3. That emergency long-term (10 years) credit be made available through the Farmers Home Administration.

4. That assistance be given to the Agricultural Service Industry.

Many suppliers have been paying large demurrage charges for storing needed supplies that would normally been used well before this date.

For Lac qui Parle County,

JAMES FLAA,
Chairman, Board of County Commissioners.
GEORGE M. GEHANT, Jr.,
Extension Agent.

NOTE.—The officials whose signatures appear in the attached roll, made estimates of cropland planted and flooded, and pasture land flooded, in their neighborhood.

NEW ULM, MINN.,
June 15, 1972.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please lend your support to the hard stricken western wet counties of the New Ulm and other dioceses of Minnesota by one: asking for already available Agricultural Department funds to aid the farmers. Two: working for activation and enlargement of the C.A.P. program for one year. Three: seeking increase in set aside acreage. Four: having the affected counties declared a presidential disaster area. These would include Big Stone, Swift, Yellow Medicine, Chippewa, Lac qui Parle, Lyon, Lincoln and Traverse, The latter in St. Cloud diocese. Thank you.

Sincerely,

ALPHONSE J. SCHLADWEILER,
Bishop of New Ulm Chancery.

MORRIS, MINN., *June 6, 1972.*

Senator MONDALE,
Washington, D.C.:

Whereas weather conditions in the Counties of Swift, Stevens, Pope, Grant, Traverse, Big Stone, Lyon, Lincoln, Chippewa, Kandiyohi, Lac qui Parle, Wilkin, and Yellow Medicine in west central Minnesota have prevented a susbtantial number of farmers from harvesting their 1971 crop and continued adverse weather conditions have prevented planting for a majority of farmers and whereas the present debt load of farmers is such that more credit in the form of low interest plans will not solve the farmers' income situation; now therefore be it resolved that we the undersigned farmers and businessmen in the respective Counties of Stevens, Swift, Big Stone, Grant, Pope and Kan-

diyohi do urge and recommend that the Secretary of Agriculture reopen signup for the feed grain and wheat program to allow producers to participate to the extent of 100 percent of their feed grain base and wheat allotment.

Milton W. Raasch, Stevens County GOP County Chrmn.
Dr. Charles F. Krassas, DFL County Chrmn.
David Hoffman, Farmers Union.
Don Stroman, Farmers Union.
Joseph Jacobson, Scott Twnshp.
Otto Drewes, Ascs.
Peter Erdahl.
E. L. Dosdall, Co. Commissioner.
Marlin Beyer, City Council.
Geta Libbon, Farmer's Wife.
Perry Cook, Farmer.
Mrs. Perry Cook, Farmer's Wife.
Dr. C. F. Grassas, DFL Chrmn.
Dick Bluth Morris, Chamber of Commerce.
Dennis Warnes, West Central School and Experiment Station.
Samuel Evans, West Central School and Experiment Station.
Wesley Gray, West Central School and Experiment Station.
Don Beers, PCA.
Bill Rickmeyer, C to C Store.
Robert Zirke, Farmer.
Charlene Grabell, Chokio Review.
Anthony Marks, Co. Comm., Grant County.
Leonard Blume, Implement Dealer, Grant County.
Russ Hepola, First Natl. Bank, Grant County.
Charles Wohlrabe, Farmer.
Art Amborn, Farmer.
Melvin Brunkow.
Paul Simpson, Farmer.
Elizabeth Grant, Farmer, All Grant County.
Rep. Bill Shores, State Rep., Swift County.
Douglas Swenson, Unger Furn. Store, Kandiyohi County.
Sen. Clifford Benson, State Senator, Big Stone County.
Rep. Delbert Anderson, State Rep., Pope County.
Harvey Richardson, Wallace Staples Co.
Commissioner Arnold Huebner, Farmer.
Paul Huebner, Farmer.
Robert Tomalla.
Sylvia Schmidt, DOL Chairwoman.
Joan McNally, Morris Sun Tribune.
Murl Erickson, Morris Coop Assn.
Warren Huebner, Morris Coop Assn.
Robert Stevenson, Co. Commissioner.
Martha Kroening, Farmer.
Lee B. Temte, KMRS Radio.
Don Gieselman, Farmer.
Ed Madison, Mayor.
Clarence Frank.
Willie Martin, Red Owl.
Lewis Roberts, Fairway Foods.
Marvin Bruer, Farmer.
Jim White, Farmer.
Math White, Farmer.
Dean Paulson, Ascs.
Robert Unger, Unger Furn Co.
Merlyn Shelstad, PCA.
Marlton De Neui, Farmer.
Warren R. Luebke, Fed Land Bank.
Dick Stonestrom, PCA.
Kermit Stahn, Farmer.
Dl. Lieohtonmnnord Hedberg, KMRS Radio.
Randall B. Grimm, Farmers Home Adm.
Ernest A. Strubbe, Town Board.
Carl A. Anderson, Stevens SWCD.
David E. Anderson.
Merle A. Felstul, Morris State Bank.
Howe Anderson, ASC.
Leonard Nelson, Town Board.
Elmer F. Anderson, County Auditor
Vincent Ritter, Farmer Union.
Ronald Lemmerman, Farmer.
Joe Smith, Farmer.
Norman Jorgenson.
Henry Erdall, Stevens Co Ascs.
A. W. Roberts, F. and M. State Bank.
Harry Miller, J. C. Penney Co.

WASHINGTON, D.C.,
June 12, 1972.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

MR. PRESIDENT: I respectfully request that you give favorable attention to Gov. Wendell R. Anderson's request that several counties of West Central Minnesota be declared a national disaster area. No less than 16 counties have suffered severe agricultural damage due to abnormal rains throughout this spring. According to Jon Wefald, Commissioner of Agriculture for the State of Minnesota, there has been severe crop damage on approximately 1,000 farms and more than 1 million acres have been devastated. Most of the fields in the area are under water and there is strong possibility that this year's crop will be a total loss. I respectfully urge you declare the area a national disaster to insure that disaster relief for the residents may be expedited. Your attention is sincerely appreciated.

WALTER F. MONDALE,
U.S. Senator.

Hon. EARL BUTZ,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR SIR: Farmers in large areas of Minnesota continue to suffer setbacks in planting of crop due to wet weather. Several counties still indicate as little as 15% to 20% planted and much of that has been drowned out.

In announcing the set aside program earlier this year, you said that 38 million acres diverted from feed grains was a reasonable objective. Actual diversion was 600,000 acres less than this goal.

I respectfully ask that you reopen the set aside program to allow additional acreage diversion by farmers in this disaster area. By doing so you would increase the total acres set aside and the feed grain program. This would also be a very humanitarian act for presently hard-pressed farmers who normally produce over one-third of the grain in the State of Minnesota. I cannot overemphasize the extreme urgency for action on this matter. Prompt attention would be sincerely appreciated.

WALTER F. MONDALE,
U.S. Senator.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Farmers in large areas of Minnesota, North Dakota and South Dakota have encountered serious delays in spring planting due to wet field conditions caused by heavy and frequent rain storms.

Reports from some counties indicate that as little as 20 percent of the crop has been planted and much of this has been destroyed by the water. During a normal spring session, planting would be 80 percent complete by this date. Unfortunately, too, this same general area suffered from too much rain last fall resulting in some corn never being harvested.

In announcing the set aside program goals early this year, you cited 38 million acres diverted from feed grains as a reasonable objective. Actual diversion was 600,000 acres short of this goal.

In order to provide some help to those hard pressed farmers and the merchants who serve these communities, we respectfully ask you to re-open the feed grain and wheat program sign up. Not only would it allow an increase in total acres set aside under the feed grain program, it would allow those producers who had signed up under these programs a chance to modify their agreements by setting aside all the acreage the law will allow.

Many cornfields are still unharvested but beaten to the ground due to heavy winter snows and the fall and spring rains. Consequently, we further ask that you grant farmers permission to turn livestock into these fields until July 1 and give these fields eligibility for set aside program benefits.

Sincerely,

BOB BERGLAND, M.C.; JAMES ABOUREZK, M.C.; MARK ANDREWS, M.C.; FRANK E. DENHOLM, M.C.; ARTHUR A. LINK, M.C.; ANCHER NELSEN, M.C.; and JOHN M. ZWACH, M.C.

QUENTIN N. BURDICK, U.S.S.; HUBERT H. HUMPHREY, U.S.S.; GEORGE MCGOVERN, U.S.S.; WALTER F. MONDALE, U.S.S.; and MILTON R. YOUNG, U.S.S.

BUTZ URGED TO REOPEN SET ASIDE ON WHEAT FEED GRAINS

Twelve mid-western legislators Friday urged Agriculture Secretary Earl Butz to re-open the sign up period under wheat and feed grain programs in large areas of Minnesota and North and South Dakota where serious delays in planting have been caused by unusually wet field conditions. In a letter to the Secretary, initiated by U.S. Rep. Bob Bergland (D-Mich.), Butz was also asked to grant farmers permission to graze livestock in unharvested corn fields until July 1 and make these fields eligible for set aside program benefits.

To justify such action by the Secretary, Bergland, spokesman for the legislators, noted that the Department of Agriculture had established the goal of diverting 38 million acres to set aside programs this year. During the regular sign up period, actual diversion was 600,000 acres short of that objective. By re-opening the program in an area where 20 instead of the normal 80 percent of crops have been planted and by allowing farmers to modify their set aside agreements to the fullest extent permitted by law, Bergland said that Butz would be providing essential aid to both farmers and local merchants who are suffering serious losses from the weather conditions of last fall and this spring.

Joining Bergland in the bi-partisan action were U.S. Senators Burdick (D-ND), Humphrey (D-Minn), McGovern (D-SD), Mondale (D-Minn), and Young (R-ND); and U.S. Reps. Abourezk (D-SD), Andrews (R-ND), Denholm (D-SD), Lind (D-ND), Nelson (R-Minn) and Zwach (R-Minn).

Bergland advised farmers who have been unable to complete their planting to protect their wheat and feed grain histories by contacting their county ASCS Committee.

[From the Madison, Minn., Press, May 31, 1972]

MOISTURE SITUATION IS "CRITICAL"

The Spring of '72 will have to go down as one of the wettest in history as rain has plagued the area for 30 days during April and June. Up until May 22nd, 6½" of moisture had dripped on the area and along with that 4" of snow on April 3rd and April 21st.

George Gehant, County Agent has almost given up hope of farmers getting in any more corn this year. He calls the situation "Critical". "If we do not get corn in by June 10th," Gehant said, "we aren't going to have a corn crop except for forage purposes. Even using what I would call emergency variety corn or the early maturing (85-90 days) it'll be touch and go unless we have an extremely favorable Fall."

Mr. Gehant continued, "if farmers don't have their corn in by June the 10th, I would guess that they will have to go to beans this year. Beans will give them about a $75 dollar crop unless something really unforeseen happens."

Normally, the farmers of this area would be planting 105 to 110 day maturity corn

and would have it in the ground by about May 15th with the majority of the planting done around May 1 to the 10th. "Right now." George said, "we are about a month behind in our planting and there is no end to the rain in sight. Farm income is growing less each day the rain continues and we are now in what I would call an emergency situation. The crop for this area are a near disaster and we must take all emergency measures to get some kind of crops in."

When asked what kind of "emergency" crops the County Agent would recommend, he said, "as I mentioned before, beans are about the only cash crop left for the farmers to put in otherwise they will have to go to some kind of forage crop such as Millet, Sorghum, Sudan Grass or use non-matured corn or beans for forage also."

County-wide, only about 20% to 25% of the crops are in and they are mainly small-grain crops with very little corn in at all. Those with crops already in face another problem and that is weeds. The weeds are thriving in this weather and are getting worse all the time. Of course, farmers who have no crops in at all are lucky in that respect. When they cultivate, most all of the weeds will be destroyed and will not germinate again so these crops planted now will practically be weed-free.

Will soybean prices be depressed with so many farmers going to beans? "Not so", says the County Agent. "This moisture has only affected a small portion of the overall bean belt. Prices should hold up to a good level," Gehant said.

In 1944, we had a similar year to this, in so far as moisture is concerned, but we had a very favorable Fall. Frosts didn't come until November and we had warm weather up into October. Crops were good that year. Nature has a way of making up for itself some say. Let's hope that it turns out that way again this year or we'll see a lot of farm auctions again this year.

[From the Minneapolis Tribune]

WET FIELDS CHANGE SOME FARMERS' PLANS FOR PLANTING

(By Russell Asleson)

"This is a good way to grow old fast," mused a tired Vern Lageson, a 58-year-old farmer near Danvers, Minn., who has been working 17 to 18 hours a day in an attempt to get his crops planted on wet fields.

"I stopped at his house at 11:30 the other night and he was just coming in from planting his oats," added James Edman, Swift County agent at Benson. "He'd been at it since 5 a.m."

Lageson is in the heart of a 16-county area in west-central Minnesota that has been beset by wet fields all spring—an area that Jon Wefald, state agricultural commissioner, estimated at nearly 1 million acres. The area usually produces crops running into the millions of dollars.

"I can find 50,000 to 75,000 acres in Swift county alone that haven't been touched," said Edman. "One farmer has been in his fields only twice—and got stuck both times."

Some progress was made in the last week or so as land began to dry out. But it is getting late for planting corn.

As a result, hundreds of farmers in the area are shifting their wet acres to less profitable soybeans, which have a shorter growing season. Forage crops like sorghum and sorghum-sudan hybrids are being planted in some wet areas in central and northeastern South Dakota.

In adjoining Chippewa County, which shares the same problems, County Agent Roger J. Larson of Montevideo, talked about the impact of what he described as "the worst planting season I can remember.

"We've planted most of our crops a month late and the yield potential will be cut seriously," he said. "Corn and smallgrain acreage will be down about 40 percent."

While farmers are planting more soybeans than they'd intended, Larson said, "they still have thousands of acres yet to plant. Early varieties of beans will be planted until July, but the risk is greater and yield potential less."

But all isn't bad in the Upper Midwest crop picture. In fact, the bigger part of the area reports excellent crops.

"We've got corn that's knee-high already," said David Hanson, Dodge County agent at Dodge Center. The same situation was reported by John Peterson, Sibley County agent at Gaylord, Minn.

HELP SOUGHT FOR WET AREA

(By Al Woodruff)

Gov. Wendell Anderson today asked that a 15-county region of western Minnesota be declared a disaster area because of the soggy and rain-flooded fields that have prevented most farmers from planting their crops.

Many farmers have given up trying to plant crops this year at all, the governor said.

The governor earlier had sent Jon Wefald, state commissioner of agriculture, to inspect the area. Based on Wefald's report, Anderson sent two letters to Washington today.

One asked U.S. Secretary of Agriculture Earl Butz to reopen the former federal "set-aside" program, which provides federal money to farmers whose land is taken out of production. This would provide cash to farmers unable to plant crops for livestock feed, the governor said.

The second request went to President Nixon, asking him to declare the 15-county region a disaster area, thus making those affected eligible for loans.

The reopening of the set-aside program would benefit the farmers more than loans because this would provide them with money to buy feed grains they cannot raise, the governor's office said.

The counties, which reach from Wilkin in the north to Lyon in the south, also include all or parts of Grant, Traverse, Stevens, Pope, Big Stone, Swift, Chippewa, Lac qui Parle, Kandiyohi, Yellow Medicine, Renville, Lincoln, and Douglas.

[From the Minneapolis Star, June 7, 1972]

FIELDS TOO WET, STATE FARMERS TO CALL FOR AID

Gov. Wendell Anderson was to be asked today to declare western portions of the state a "disaster area" because of wet fields that have hampered spring planting.

Farmers are facing what some call the wettest field conditions in years.

Anderson was to return today from a governors' conference in Houston, Texas.

Jon Wefald, commissioner of agriculture, back from a tour of the areas involved, was expected to make a report on which Anderson would base his decision.

A formal request already has ben sent to the governor's office from Morris, Minn., by the commissioners of Stevens County. They voted to ask for a declaration of "disaster area" after meeting with soil conservation officials Monday.

Officials said the spring planting of small grains has been hampered.

Ralph J. Godin, deputy commissioner of agriculture, said, "Preliminary reports indicate we may be out of the growing season in certain crops because of excessive moisture."

Besides Stevens County, the sections involved include Yellow Medicine, Lac qui Parle, Big Stone, Swift, Kandiyohi, Chippewa, Traverse, Grant, Wilkin, and Renville Counties.

Ernie Johnson of the Soil Conservation Office at Montevideo in Chippewa County said:

"Too much rain. You couldn't put it any simpler—a wet fall, a wet spring. One man here said it hasn't been this bad since 1919. Before, they've always been able to get into the fields, even in the 'dirty thirties' when the crops didn't grow because they didn't get rain. It's critical."

Marvin Olson, extension agent at Kandiyohi County in Willmar, said, "Every day there are new fields we can get into, but the season is so late there's been a great loss in a lot of yield potential. There are folks who don't have 30 acres of corn planted when normally they have 150.

"They're hurting pretty bad."

Olson said that while driving to a meeting Monday night, "I saw several tractors stuck in the mud. On the way back. I saw one tractor had gotten out—and then got stuck in another hole."

He said a wet fall prevented completion of the corn and soybean harvest and that this spring, "We've never had any drying days. Just drizzle and rain."

David N. Taylor, director of the federal-state Crop and Livestock Reporting Service, said yesterday that 83 percent of Minnesota's spring wheat and oat seeding has been completed, 75 percent of barley and 50 percent of flax.

The five-year average is 91 percent of spring wheat, 96 percent of oats, 92 percent of barley and 85 percent flax.

About 75 percent of the spring wheat crop is emerged, 76 percent of oats, 64 percent of barley and 36 percent of flax. The normal is 82 percent of spring wheat, 89 percent of oats, 83 percent barley, 66 percent flax.

About 80 percent of the corn is planted statewide, with 73 percent emerged, compared with normals of 96 percent planted and 79 percent emerged.

About 14 percent of the corn is cultivated, compared with a normal of 12 percent. Soybean planting is completed in southern areas with about 67 percent of the crop in the ground statewide and 54 percent emerged.

This compares with 86 percent planted and 63 percent emerged on the five-year average. About 63 percent of potatoes and 69 percent of sugar beets are planted, compared with a normal of 66 percent and 83 percent, respectively.

According to Taylor, several areas "are still too wet to work." He said rains that fell during the Memorial Day weekend slowed field work in "most areas" of Minnesota, but that by the end of the past week work "was again possible on well-drained soils."

In some sections, the service reported, some replanting of corn and soybeans was required because of frost and hail damage.

Should Anderson declare the problem sections a disaster area, the federal government would then have to decide whether farmers are to be granted emergency credit.

JOINT STATEMENT BY CHAIRMAN WILBUR D. MILLS, HOUSE WAYS AND MEANS COMMITTEE, AND SENATOR EDWARD M. KENNEDY BEFORE DEMOCRATIC PLATFORM COMMITTEE—ST. LOUIS, MO., JUNE 17, 1972

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD, for general review, a statement which Chairman WILBUR MILLS and I jointly delivered to the Democratic Platform Committee at their hearing in St. Louis on June 17. The subject of the statement is our Nation's need for improved health services, and principles to which Chairman MILLS and I agree for reform of our Nation's health care system.

Mr. President, health care is in many respects a bipartisan issue and concern. It is an issue on which many proposals have been made in Congress, but an issue on which no clear consensus or course of congressional action has yet emerged. I am pleased that after many weeks of discussions, Chairman MILLS and I have identified broad principles of agreement which I believe can be the basis for building a congressional consensus and laying out a course of congressional action. We have asked that these principles be incorporated in the Democratic platform, but I would ask also that they be incorporated in the RECORD for review and criticism by all Members of this body, of both political parties.

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

JOINT STATEMENT OF CONGRESSMAN WILBUR D. MILLS, CHAIRMAN, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, AND SENATOR EDWARD M. KENNEDY, CHAIRMAN, SUBCOMMITTEE ON HEALTH, U.S. SENATE

Mr. Chairman, there is one area of his life that virtually every American, regardless of his economic status or where he lives, feels hopeless, dependent and powerless to change. The fear and concern of Americans over how to get quality health care and how to pay for it permeates their daily living. Other information you will receive or have available will spell out in detail the statistics which so clearly indicate what the problems are—problems of access to care, runaway costs, lack of preventive health care and so on.

We thought it might be helpful in our presentation to describe what some of these generalized statements mean in the everyday lives of American people.

Let's take first the common complaint that our health services are in short supply, even nonexistent, in some areas of the country. What does it mean to the people who live in these areas? For a family living in any one of the 130 or so counties without any practicing physician it means long drives and long waits to find a physician. It means going without needed medical care until the condition is so serious that attention can no longer be delayed. It is the continual fear of a young mother that one of her children will suffer or die because medical care is unavailable.

In fact, even in areas where the statistics seem good we find the same problem. The American family living in a ghetto has much in common with the rural family, even though living in the shadow of some government-subsidized medical center. This family must wait in the long lines at hospital emergency rooms and suffer the overcrowded condition of a poorly financed city hospital.

And the family living in the suburbs is hardly without its problems in finding health care. Many a young family has moved into an area where every physician has stopped taking new patients. The search for quality medical care can then be difficult indeed. Even if this family finds a physician who will serve them, the problems are not over. They find themselves shunted back and forth in a maze of referring practitioners—specialists, subspecialists, laboratories, clinics and so on. Yet, in an emergency they will likely have to settle for whoever happens to be on duty in an emergency room of a nearby hospital.

Now let's look at how the individual American is affected by another common complaint about our present health care system, its runaway inflation.

First, the cost of his health insurance, if he is lucky enough to have some, has been taking a larger and larger bite of the family budget. Second, his out-of-pocket expenses for the services not covered by his health insurance have been rising rapidly. Third, a larger and larger share of his tax dollar goes for government-paid health programs like Medicare and Medicaid.

The effect of all of these factors has been to price people out of health care, as well as to create a general feeling of helplessness in dealing with the situation. A family can buy cheaper cuts when meat prices go up, but where do you find a cheaper doctor to care for a child's earache?

A third area of complaint centers around problems in private health insurance. While all private health insurance companies, including Blue Cross and Blue Shield, pay out less for health care than Medicare and Medicaid together, private insurance is still the major source of protection for millions of Americans. We will not detail here the problems of lack of coverage; of arbitrary limits and exclusions which people find when they attempt to claim benefits; and of individually written protection which pays out only 58c of each dollar collected.

These problems too, are not just statistical in nature. Every Member of the Congress gets letters from people who find that the policy they thought was protection for them turned out instead to be protection for the company issuing the policy.

The hearings held by the Senate Subcommittee on Health uncovered a not unusual case of this. A young family faced $12,000 in hospital bills because their insurance policy would not cover the first two weeks of an infant's life.

We all know of cases where the medical costs for an individual and his family drive people into bankruptcy and worse. Just last week a father phoned Chairman Mills' office in desperation because his daughter committed suicide for the sole reason that the family could not afford the expensive life saving medical equipment which she required. Her brother has now developed the same disease and the father is desperately trying to avoid another personal tragedy. Each of you know of such cases from your own experiences. Yet, we have allowed our insuring mechanisms to avoid covering these cases.

Mr. Chairman, we could go on for a good while cataloging the problems in health care and how these problems affect people. The major point we wished to make is that the problems which pervade our present methods of financing and delivering health care are clearly not limited to one class of people or to one area of the country. We are all involved in them and only through joint action will we solve them.

We, therefore, urge the Democratic Party to adopt the principle that:

America has a responsibility to offer every American family the best in health care whenever they need it, regardless of income, where they live, or any other factor.

We must devise a system which will assure that:

1. Every American receives comprehensive health services from the day he is born to the day he dies, including dental services and mental health services, with an emphasis on preventive care to keep him healthy.

2. Every American is free to consider his family's need for health care knowing that he can meet the costs. We cannot measure the value of health or health care solely with a dollar sign.

3. Every American is protected against the heavy financial burden of major illness and hospitalization.

4. Every American has a doctor, hospital or some form of medical help near and ready to serve him and his family.

5. Every American is offered better organized forms of health care, with special assistance for the young, the elderly and the chronically ill.

6. Every American receives the best health care this country's advanced science and skilled medicine can possibly offer.

The Federal Government should assume this responsibility by establishing a system of compulsory national health insurance which covers all Americans with a standard comprehensive set of basic benefits supplemented by protection against catastrophic costs.

Every American must know that he can afford the cost of health services. Every doctor, hospital, or other provider must know that he will be paid for his services.

A compulsory health insurance system should cover a comprehensive set of basic benefits as well as protection against catastrophic costs. It should cover health care whether given in a hospital or in the doctor's office. These benefits should be extended to every American regardless of his income, his prior history of illness, his occupation, where he lives, or any other factor. The health insurance we propose should include no deductibles and coinsurance except in those few areas where these mechanisms encourage efficiency and appropriate utilization.

The national health insurance system should incorporate incentives and controls, (1) to assure that all health services are of high quality, well organized and efficiently delivered, and (2) to slow down inflation of health care costs.

Simply by paying for office treatment, the system we propose will eliminate the existing incentives to hospitalize patients unnecessarily. Some surveys show hospitalization is cut in half when office treatment is fully covered. Billions of dollars can be saved by this process.

We propose that this system of health insurance be designed to make it profitable for physicians, hospitals and other providers to offer better care. The system must incorporate new ways of paying providers, such as prepaid capitation and prospective budgeting, as well as fee-for-service. The system must include strong cost and quality controls, such as peer review, conditions of participation, and standardized medical records. Finally, the national health insurance system must standardize claim forms, processing procedures and otherwise simplify the process that physicians, hospitals, and other providers must go through to obtain payment.

In short, rather than simply passing dollars through to the providers, the health insurance mechanism must be used as a means of encouraging efficiency and improvements in the health care system. In the last analysis this may prove the biggest benefit of national health insurance, it will give us at last a handle on rising costs of health care.

The Federal Government should assume the responsibility also of making sure that the health care covered by the system is in fact available to those who need it.

The national health insurance system must, therefore, provide needed health service resources and develop higher quality, better organized and more efficient health services. We must specify, this Nation's current and future needs for health services on a rational basis. Then we must invest the funds needed to develop additional health care resources in every community that needs them, or will need them as a result of national health insurance. We must invest in additional doctors, dentists, and nurses in ways that encourage them to enter the kinds of specialties, and practice in the parts of the country where we need them the most.

We must build the health facilities and buy the equipment that communities need.

And we must invest in new and better ways to get good health care to our people—such as health maintenance organizations and area health education service centers.

Above all, we must support the creative

efforts of health care providers and others who are even now working to offer health care that is more efficient, of a higher quality, or more acceptable to the patient. Where these efforts work, we must assure that every provider and every community is offered these improvements.

We do not propose that the Federal Government own or manage the American health care system. We do propose that the Federal Government establish standards, offer every possible incentive, and increase financial support to doctors, hospitals, and other community leaders who are working to improve our system of health care.

It is urgent that we create these expanded health care resources. A health resource development fund should be created to assure that funds to build resources are consistent with funds spent to buy health care. The need is already great—and it will become greater as national health insurance eliminates economic and other barriers to needed care.

The Federal Government's responsibility also extends to meeting identified problems with special tailor-made efforts, such as:

Make new efforts to control communicable disease.

Eliminate lead poisoning in America's children.

Meet the special needs of crippled and mentally retarded children.

Establish a nonprofit regional blood-banking system.

Mr. Chairman, both those who offer health care and those who receive it—both doctor and patient—know that it is time for change, time for reform. The challenge is to create a system whose incentives encourage health care that is best for both the provider and the patient. The challenge is to bring about this change in such a way that we meet every American's need for health care while protecting every American's right of freedom of choice. Such a system can be built—and can make the following guarantees with regard to free choice:

The Federal Government must not remove the freedom of every physician and every patient to choose where and how they will give or receive health care.

The Federal Government must not take over ownership of the various elements of the health care system.

Neither the Federal Government, nor any of its agents, should make any medical judgments in a patient's care; this function is reserved solely to the responsible physician and his peers.

The Federal Government should not make community policy, but should offer financial and technical support, and information and guidelines based on national planning to support local policy formulation.

We believe our society has a responsibility to its members to guarantee its freedoms—and we do not propose for the Federal Government to violate these freedoms.

CONCLUSION

Mr. Chairman, the Democratic Party must make a commitment to the American people to solve the health care crisis in America. This crisis is not one big noticeable problem like the Vietnam war. What we have is the sum of millions of quiet crises in the lives of every American family.

The Democratic Party platform must prescribe a program of strong Federal action and leadership to remove these crises from American families.

Our party must find common ground on these problems to assure that the Democratic candidates taking office in January can meet this commitment.

It is our deep hope that the Democratic Party can find such common ground. This explains our joint appearance here. We have committed ourselves to this effort and we will continue until our efforts are successful.

PRINCIPLES AND ACTION ITEMS FOR INCLUSION IN THE DEMOCRATIC PLATFORM PLANK ON HEALTH

PRINCIPLE I

Our society has a responsibility to its members to assure that every American, poor, middle-income and rich alike, receives quality health care when he needs it, regardless of his economic status, where he lives, or any other factor.

Action item A. The Federal Government should establish a system of compulsory national health insurance which covers all Americans with a standard, comprehensive set of basic health insurance benefits supplemented by protection against catastrophic costs.

1. These basic benefits should cover: physician services; inpatient and outpatient hospital services; extended care facility services; home health services; diagnostic laboratory, and diagnostic and therapeutic radiologic services; physician medicine and rehabilitative services (including physical therapy); preventive health and early disease detection services that are judged realistic and productive; vision care and podiatric services; emergency health services including emergency vehicle services; mental health services provided by psychiatrists and other mental health workers (including drug abuse and alcoholism); dental services (emphasizing preventive dental health services to children); prescription drugs; durable medical equipment, medical devices, prosthetic appliances, and home dialysis.

2. These basic benefits should be offered without limit with the following exceptions:

Dental health services should be limited initially to children; extended care should be limited to 120 days of health care per benefit period; vision care and podiatric services should be covered only if offered in an organized setting; outpatient mental health services should be unlimited in a community mental health center or other organized setting, but limited to 20 consultations during a benefit period in any other setting. Inpatient mental health care should be limited to 45 days of active treatment in an institution with a relationship with a community mental health center.

3. These basic benefits should be offered without deductibles, coinsurance or copayments, except for those patient initiated elective services for which such cost-sharing devices encourage appropriate utilization of the system. For example, small deductibles might be required for such services as prescription drugs or house calls. They should not be used for preventive services, and in no case should they be used in ways that discourage Americans of any income level from seeking needed care.

4. All Americans, poor, middle income and rich alike, should have protection against catastrophic costs as a supplement to the basic insurance coverage.

5. These coverages should be available to and compulsory for all Americans without regard to their age, employment status, vocation, place of residence, previous health history, or any other factor, and at out-of-pocket costs they can afford to pay.

Action item B. National health insurance should incorporate incentives and controls, (1) to assure that all health care services are of high quality, well organized and efficiently delivered, and (2) to slow down inflation of health care costs.

1. The system must be constructed and administered in a way that assures equally high quality care to all Americans and avoids creation of a second-class health care system for any segment of the population.

2. The system must offer financial incentives and otherwise encourage physicians, hospitals and other providers to offer comprehensive care on an organized basis, especially prepaid group practice arrangements and medical care foundations.

3. The basic set of comprehensive benefits will remove existing incentives for inefficient utilization of health care services (such as unnecessary hospitalization) by providing coverage for less expensive health care services as well as the more expensive ones. To further this goal, the system must augment existing fee-for-service reimbursement methods with other methods, such as prepayment on a capitation basis and prospective budgeting, which offer incentives to provide health care in the most efficient and quality-conscious way.

4. The system must institute strong cost controls through its reimbursement methods. Various classes of providers of health services participating in the program should be reimbursed in the same way for all the services it provides, with the result that providers would know that the system would pay the same amount for a given service regardless of the status of the patient. The program would use uniform capitation rates and relative value scales for covered services, adjusted for regional variations, and modified annually to allow for increases in the cost of living and other factors.

5. The system should assure rational planning of health services by refusing payment for costs of major construction and expansions that are inconsistent with comprehensive community health planning.

6. The system must incorporate additional provisions aimed at assuring quality care, such as:

Requirements and support for locally organized peer review and continuing education activities in all geographical areas of all types of health care utilizing national, state and local standards developed in consultation with national specialty societies and practicing physicians;

National conditions of participation including staffing patterns, affiliation and referral agreements, utilization review and medical record-keeping, and other quality and cost factors;

Special review procedures for certain medical procedures—such as prior approval for certain elective surgery;

Standardized medical record forms, statistical information, and diagnostic codes.

7. The system must establish standard claims payment forms and other administrative simplifications aimed at lowering current high overhead costs and paperwork to physicians and providers.

Action item C. Since a national health insurance system will result in increasing the demand for health services, it must be accompanied by increased Federal efforts to meet the need for health service resources and to develop higher quality, better organized, and more efficient health services.

1. Based on national, state and local planning, Federal resources must be used to stimulate and support creation of needed health service capacities in areas of need and through education and outreach to bring Americans who need care into the health care system.

2. Federal support to health professional educational institutions must be increased and placed on a stable, planned, predictable basis in ways that:

Produce needed health professionals; influence students to enter needed specialties; stimulate new curricula to educate providers in new patterns of health care delivery; influence students to offer health care in areas of the country that are presently underserved.

The Federal Government must at the same time decrease the admission for permanent residence of foreign nationals graduated from foreign schools so desperately needed in their own Nations. (The United States should continue a substantial role for post-graduate education for doctors from all over the world.)

3. The Federal Government should offer financial support for start-up costs and initial operating losses of proven new methods for health care delivery in every community—especially prepaid group practices (HMOs), medical care foundations, and improved methods for handling medical emergencies and severe accident cases.

4. To raise the quality and availability of care in rural and inner-city areas, and to make medical practice in such areas more professionally attractive, the Federal Government should support Area Health Education Service Centers and other cooperative arrangements among providers, clinical facilities and educational institutions in such areas.

5. The Federal Government should support research and development in improved patterns or techniques for health care delivery, and disseminate these improvements for applied use through continuing education and demonstration programs.

6. The Federal Government should offer financial support to community health planning agencies—financing and organizing (if necessary) educational programs to create experts to serve community health planning efforts.

Action item D. The Federal Government should take steps to meet identifiable health service needs which may not be readily met by the reformed health care system. We should:

1. Establish a new and broadened public health function aimed at controlling the causes of disease and poor health. These functions should coordinate multiple Federal, State and local activities in such areas as:

Communicable disease control.

Control and reduction of environmental levels of lead and other poisons.

Control and reduction of the consumption of tar and nicotine.

2. Eliminate lead-poisoning in children.

3. Assure a sound regional, nonprofit blood-banking operation in every area in the Nation.

4. Expand programs for maternal and child health, mental retardation, and crippled children.

5. Meet the backlog of dental disease among children (with the emphasis on preventive care).

6. Augment medical research on the leading causes of death and disability.

Action item E. All Federal health activities should be reorganized to allow more coherent, better integrated, and planned Federal support of the health care system, and to make it feasible for communities and providers to use Federal programs effectively at the local level without red tape.

1. A Department of Health, should be created for all Federal health activities including programs which finance health services and those designed to improve the delivery of health services.

2. The Federal health budget should be consolidated under the new Department with a health resource development fund set aside as a proportion of all funds invested nationally in financing health services. This proportion would be based on nationwide, State and community planning and projected increases in need.

3. Medicare should be integrated into the new national health insurance system to assure that older Americans will enjoy the same comprehensive benefits available to younger Americans and will benefit from the other improvements in health care which will occur under the system.

4. To assure that health services are responsive to the needs of the people, knowledgeable consumers should be represented at national, state and local levels. Consumers should be given avenues for appeal and redress of grievances, and community-based consumer organizations should be eligible to organize new forms of health services with Federal support.

PRINCIPLE II

Our society has a responsibility to its members to assure maximum freedom to Americans who provide health care as well as Americans who receive health care.

Guarantee A. The Federal Government should not own and operate the various elements of the health care system.

Guarantee B. The Federal Government should not remove the freedom of every physician and every patient to choose where and how they will give or receive health care.

Guarantee C. Neither the Federal Government, nor any of its agents, shall make any medical judgments in a patient's care; this function is reserved solely to the physician and his peers.

Guarantee D. The Federal Government shall not make community health policy but shall offer financial and technical support and information and guidelines based on national planning to support local policy formulation.

NOTE.—Additional elements of the proposed system are being worked out and will be released at a later date.

THE 75TH ANNIVERSARY OF AMERICAN OPTOMETRIC ASSOCIATION

Mr. SCOTT. Mr. President, a milestone in the progress of mankind is being noted this week in the city of St. Louis, Mo. The occasion is the beginning of a year-long 75th anniversary observance commemorating the establishment of the American Optometric Association, whose headquarters are located in St. Louis.

We are all aware of the importance of good vision. This God-given human sense is vital to every aspect of life. Over 80 percent of all learning is obtained through vision. Personal safety and public safety are directly related to the visual function, because more than 90 percent of decisions made by drivers of motor vehicles are based on what drivers see.

The preservation and improvement of human vision is the goal of the profession of optometry, which is the third largest independently prescribing health profession in the Nation.

Individual optometrists, their national professional organization, and the 12 schools and colleges of optometry have all made tremendous contributions to the advancement of visual science since the AOA had its start 3 years before the turn of the century. Special lenses for visual rehabilitation of low vision, design of highly specialized instrumentation for examination of the human eye and its related structures, and development of improved methods of correcting problems of the visual system are but a few of the areas in which optometry has played a vital and brilliant role.

Perhaps the most laudable characteristic of optometrists of the 1970's is their deep concern for the visual welfare of the community and the Nation. Optometrists today are closely identified with, and actively involved in the planning and execution of public health-oriented programs designed to bring the benefits of good vision to more Americans. They are to be found in neighborhood health centers, in the Indian Health Service, the Armed Forces, in the outpatient facilities of the Veterans' Administration, in the emerging health maintenance organizations and other group clinical situations, to mention but a few. Their participation in vocational rehabilitation programs, provision of services under medicaid and medicare, and a host of other federally supported health programs is exemplary.

On the occasion of the start of the 75th anniversary of the American Optometric Association, I know I speak for my constituents, for all Senators, and all Americans when I offer my heartfelt appreciation for the important contributions made by the profession of optometry since the AOA was founded in 1897. We know they will continue to increase their knowledge and their service to Americans in the years ahead.

THE DEMOCRATIC PLATFORM AND NORTHERN IRELAND

Mr. RIBICOFF. Mr. President, along with many concerned Americans, I welcome the growing indications that peace is returning to Northern Ireland. However, grave problems still remain and the future course of events in Ulster is by no means clear. If there is to be a lasting peace with justice for all concerned, Great Britain must take giant strides to eliminate the discrimination practiced against the Catholic minority in Northern Ireland.

Because of the continuing deep concern of so many Americans over this issue, it is important that the platform of the Democratic Party contain a clear statement of policy on this issue. Senate Resolution 180, which I submitted on October 20, 1971, with the cosponsorship of Senators KENNEDY, HARTKE, and PASTORE, should still serve as a basis for a final settlement of the conflict. I have today submitted, along with Senator KENNEDY and Representative HUGH CAREY, a statement to the Democratic Platform Committee which we hope will serve as a basis for the Democratic Party's plank on Northern Ireland.

I ask unanimous consent that the text of our submission be printed in the RECORD.

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

SUBMISSION TO THE DEMOCRATIC PLATFORM COMMITTEE BY SENATORS ABE RIBICOFF AND EDWARD M. KENNEDY, AND CONGRESSMAN HUGH CAREY

NORTHERN IRELAND

The violence and bloodshed in Northern Ireland have been a source of deep concern for many Americans. The recent signs of moderation are most welcome. But the underlying causes of the violence still exist.

America and the Democratic Party must speak out against injustice and discrimination wherever it exists. It will be a sad day in this nation when we think in terms of the freedom and well-being only of Americans. The persistent and oppressive discrimination against the Catholic minority in Northern Ireland deserves to be condemned. But more than this, our own government should be able to suggest equitable, just solutions upon our friend and ally, Great Britain. Our friends certainly do not hesitate to advise us on such matters.

The Democratic platform should express our highest concern over the tragic situation in Northern Ireland and call upon the British Government to take the following steps consistent with the principles of nondiscrimination and justice:

1. The complete termination of the policy of internment without trial and release of all persons detained.

2. Full respect for the civil rights of all the people of Northern Ireland and the end of all political, social, economic and religious discrimination.

3. The prompt implementation of the reforms promised by the Government of the United Kingdom including those reforms in the fields of law enforcement, housing, employment and voting rights.

4. The establishment of law and order with justice leading to the withdrawal of all British forces from Northern Ireland.

5. The development by the governments of the Republic of Ireland and the U.K. of appropriate forums and procedures leading to the eventual unification of a united and independent Ireland with the rights of all citizens fully protected.

6. The use of the good offices and facilities of the United Nations to assist in the quest for peace in Northern Ireland.

DEATH OF BOSTON FIREMEN

Mr. KENNEDY. Mr. President, last Saturday in Boston a tragic fire took the lives of nine Boston firemen:

Lt. John Hanbury; Lt. Thomas Carroll; firefighters Charles E. Dolan, Joseph Saniuk, John E. Jameson, Thomas Beckwith, Paul J. Murphy, Richard Magee, and Joseph Boucher.

Today the weather prevents me from attending services for these courageous men, but I would like their families to know that our thoughts and our prayers are with them during these difficult days.

We are always reminded at a time of tragedy such as this, what we otherwise seldom remember, that every day firemen across the Nation risk their lives not only to pursue a livelihood for their families, but also to provide fire protection and safety for their fellow citizens. Theirs is a difficult job even at the best of times and one for which they are usually inadequately compensated and seldom praised.

The families of these firemen live every day with some amount of fear and a great deal of courage. We seldom share those lonely, frightening moments, but we do share with them today their great sense of pride in the courage and dedication of these men.

IMMOLATION OF ROMAS TALANTA

Mr. SCOTT. Mr. President, the recent self-immolation of Romas Talanta tragically points out the frustration of the Lithuanian people under the domination of communism. This young man took his life and rekindled a moving thought that 200 years ago stirred the hearts of Americans—"Give me liberty or give me death!"

Many times I have expressed to the Senate the plight and tragedy of the people of the Baltic States. At this time, more than any other, the free people of the United States must fully recognize and support Lithuania, Estonia, and Latvia as their oppressed people struggle to be free.

Romas Talanta will not be the last to die for a dream of freedom. However, the United States should do everything it can to bring the day of freedom for all mankind closer to reality.

A PROFILE OF REPRESENTATIVE LEONOR K. SULLIVAN BY WMAL'S JOSEPH McCAFFREY

Mr. SYMINGTON. Mr. President, the only woman elected to Congress from the State of Missouri, the Honorable LEONOR K. SULLIVAN, of St. Louis, is now the ranking woman Member of the House of Representatives in terms of service and one of the most effective Members of the entire House in terms of legislative accomplishment. The people of Missouri are mighty proud of their great lady and her achievements, from the food stamp program which she brought into existence by her tireless individual effort, to the Consumer Credit Protection Act of 1968, which owes its existence also to Mrs. SULLIVAN.

It is with great personal pride and pleasure, Mr. President, that I ask unanimous consent to have printed in the RECORD the text of a recent broadcast by Joseph McCaffrey about my friend Representative SULLIVAN. Mr. McCaffrey has been following Congress daily for more than 25 years as a newscaster and commentator for WMAL, and is undoubtedly one of the most knowledgeable persons in the Nation on the workings of Congress and on the effectiveness of its individual Members. The "Meet the Member" broadcast about Mrs. SULLIVAN reflects not only Mr. McCaffrey's reportorial excellence but the regard in which Representative SULLIVAN is held by all Members of Congress.

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

U.S. REPRESENTATIVE LEONOR K. SULLIVAN, DEMOCRAT, MISSOURI

(By Joseph McCaffrey)

When Leonor Kretzer finished her high school work in St. Louis, going on to college was out of the question. One of nine children in a closely knit but far from affluent family, she went to work at $35 a month for the Southwestern Bell Telephone Company, totaling up long distance toll charges. Lee Kretzer had a lot of spunk and drive, and soon she was learning, on her own time, how to use the company's accounting machine equipment. Before long, she was teaching this skill as head of the training school of the Comptometer Company, and showing corporate officials how to restructure their accounting departments—of course, using comptometers.

While rising up the ladder of business success to an executive post, Leonor Kretzer always felt she had missed something important by not obtaining a college degree, so she attended night classes at Washington University in fields related to her business work.

Today, as Congresswoman Leonor K. Sullivan of the 3rd District of Missouri, she has three honorary doctorates from Missouri colleges and universities and is a Dean of Women—that is, Dean of the women in the United States House of Representatives, the senior woman in length of service. If she missed anything by not going to college full time as a young woman, it certainly doesn't show in her ability to drive important consumer, economic, and housing legislation through the House and through Congress. To her, the problems of the average American family are challenges to pass the kind of laws which will improve the quality of living, the health and safety of the public, and opportunities for employment and education.

As the wife of Congressman John B. Sullivan of St. Louis from 1941 to the time of his death in office 10 years later, Mrs. Sullivan put her office management talents to such good use in his Congressional office, that newspapermen covering Washington said St. Louis had two Congressmen in that office for the price of one. Following her husband's death, Mrs. Sullivan tried and failed to win the local Democratic party's nomination to succeed Congressman Sullivan in the special election. The seat was lost to a Republican. In 1952, running on her own without party support, she won the Democratic primary over six other candidates and went on to recapture the seat her husband had held. She has been overwhelmingly re-elected every two years since then, usually by 70 percent or more of the vote. She credits her first election in 1952 to her husband's reputation as a Congressman, but from then on it was up to her to prove she could handle the job. This she has done brilliantly, according to her enthusiastic constituents. She made her mark in Congress as a consumerist before the word was even coined.

Congresswoman Sullivan's consumer triumphs include, among many others, the Poultry Inspection Law of 1957; the Food Additives Act of 1958—which she cosponsored with Congressman James J. Delaney of New York; an instrumental role in the creation of the National Commission on Product Safety; initiation of the successful drive to make meat and poultry sold only in intrastate commerce subject to federal wholesomeness standards; and numerous improvements in the Food, Drug and Cosmetic Act and its enforcement. She feels that the Act must be rewritten after 34 years, and she is the sponsor of a 120-page omnibus bill to accomplish that purpose.

As chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, Congresswoman Sullivan pushed through the most comprehensive consumer protection bill passed in Congress in many decades, the Consumer Credit Protection Act of 1968, which includes the Truth in Lending Act; and she was responsible for House passage of the Fair Credit Reporting Act of 1970 which regulates the activities of credit bureaus selling personal data about individuals applying for credit, insurance or employment.

She has taken courageous legislative positions without regard to the strength of the lobbying opposition, and fights hard for what she believes is best for the American family. Because of her persistence and indomitable effort, millions of low-income families now enjoy decent and nutritious diets through the Food Stamp Program, which came into existence only because Congresswoman Sullivan refused to give up the fight for its enactment.

The Dean of Women of the House is a very feminine person who dresses meticulously and is always the gracious lady, no matter how tense the legislative battles become. None of her colleagues makes the mistake of taking her lightly; they respect her ability, her knowledge of legislation, and her refusal to compromise on principle.

THE NEED TO PROVIDE ADEQUATE SUPPORT FOR THE ARTHRITIS TRAINING AND RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE FOR ARTHRITIS AND METABOLIC DISEASES

Mr. ROTH. Mr. President, during this session of Congress I have taken consid-

erable interest in the public and private efforts to bring arthritis and rheumatic diseases under control. The National Institute of Arthritis and Metabolic Diseases is the major Federal participant in the fight against our second most common chronic disease. It, therefore, must be adequately funded.

On May 24, 1972, I had the pleasure of introducing Mr. Charles B. Harding, chairman of the board, the Arthritis Foundation, to the Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare, chaired by the able senior Senator from Washington (Mr. MAGNUSON). I would like to share with Senators Mr. Harding's remarks. I, therefore, ask unanimous consent that his statement and the table accompanying it be printed in the RECORD.

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

CHARLES B. HARDING, TESTIFYING ON BEHALF OF THE ARTHRITIS PROGRAMS OF THE NATIONAL INSTITUTES OF ARTHRITIS AND METABOLIC DISEASES

(NOTE.—A prepared statement offered by Mr. Charles B. Harding, Chairman of the Board, The Arthritis Foundation, on behalf of the programs in arthritis of The National Institute of Arthritis and Metabolic Diseases. Mr. Harding is former board chairman and is at present a member of the advisory board of Smith, Barney & Co., New York, investment bankers; former president of The New York Chapter of The Arthritis Foundation, 1963–1970; former chairman, board of governors, New York Stock Exchange; president, New York Botanical Garden; trustee, American Academy in Rome, The Eisenhower Exchange Fellowships, Hampton Institute, and the Frick Collection; director, Cerro Corporation. Presented to The Senate Appropriations Subcommittee on Labor, Health, Education & Welfare on May 24, 1972.)

Mr. Chairman and Members of the Committee: It is a privilege to appear before you again this year to speak on behalf of the research and training programs in arthritis carried out under the aegis of The National Institute of Arthritis and Metabolic Diseases. I have been asked by The Arthritis Foundation, the only voluntary health agency in the nation directing its energies solely against the number one crippling disease in the United States—arthritis, to represent our 75 chapters, our tens of thousands of volunteers, our 18 million arthritics, especially those 3.5 million who are disabled, and the often forgotten families of the arthritics who comprise 25 per cent of the population of this country. So you see, Mr. Chairman, although you may only see before you a single individual who has long been interested in a disease which nearly all of American has chosen to ignore except those affected by it, standing behind me and listening attentively to this Committee's response is a growing number of Americans who are destined for a life of pain and disability unless more is done to find a cure for the many insidious forms which arthritis can take.

There is an *urgent* need today for increased Federal support for research in arthritis, and for more training grants and fellowships to produce academically and research-oriented rheumatologists. These are in very short supply. One-third of the teaching hospitals in the United States have no Rheumatology or Connective Tissue Division, and none of the new medical schools are able to find rheumatologists to head up newly established Divisions of Rheumatology.

This critical manpower shortage is a direct result of severe cutbacks in Research Training Grants for arthritis over the past six years, to the point where today only 27 medical schools are receiving support from the National Institute of Arthritis & Metabolic Disease, as compared to 40 in 1966, and 43 in 1962.

Such a constant decrease in Federal support for the training of research specialists in arthritis and of faculty for teaching rheumatology is most discouraging to those of us at The Arthritis Foundation who must explain to the nation's arthritics why there are so few specialists and so few arthritis clinics to care for victims of the *nation's leading crippling disease.*

The 3.5 million persons—children, young adults, middle-aged and older Americans—who are *disabled* by rheumatoid arthritis, osteoarthritis, gout, and systemic lupus erythematosus—disabled because of inadequate care and knowledge—represent more than twice the total number afflicted by cerebral palsy, multiple sclerosis, and muscular dystrophy put together.

There are also substantially more arthritics requiring medical attention—over 18 million—than the combined total affected by diabetes (4 million), kidney and urologic diseases (8 million), and skin disorders (4 million).

If each of the 2,200 members of the American Rheumatism Association (the only professional organization for physicians and surgeons concerned with rheumatology in the United States) were to be called upon to take his share of all arthritic patients, his patients would number over 8,000. As is the case, the average rheumatologist sees some 375 patients with various forms of arthritis each year. This would indicate that only 825,000 of the nation's 18 million arthritics are receiving the attention of a physician especially trained to deal with the manifold problems of diagnosing arthritis and prescribing treatment for it.

What do the rest do? One of three things: (1) stay away from a doctor and progressively get worse; (2) go to a non-rheumatologist who is uninformed about the modern methods of diagnosing and treating the disease who then mismanages the case until the manifestations of the disease reach such critical proportions that he is forced to refer the patient to a specialist; (3) receive fairly good medical advice from a physician who has received some continuing education in rheumatology but who is unaware of the necessity for a close and continuing physician-patient relationship for the effective management of the disease, and thus fails to maintain the strict home care regimen necessary for amelioration of the disabling and debilitating aspect of arthritis.

RESEARCH AND TRAINING

The Administration's proposed 1973 budget for arthritis research and training—$13,922,000—a 2.3% increase over 1972, is not only inadequate, but is tragic. To spend a mere 76 cents of Federal funds each year for each arthritic requiring better medical care while allocating $6 per person afflicted with sickle cell anemia is surely a disproportionate distribution of the health dollar. The prevalence of rheumatoid arthritis among minority groups, especially Indians and Blacks, is much greater, as you know, than among Whites. This has been revealed, through recent data from the U.S. Public Health Service.

We need more rheumatologists and we need them now. We need a Rheumatology Division in every medical school. The one major boost from the Federal government in meeting this need would be a restoration of the Research Training Grants for arthritis to the 1966 level of 40. This would provide approximately 120 *training* opportunities, as contrasted to about 80 at present. These additional 40 training positions would be an important beginning to closing the gap between available professional manpower in rheumatology and the need for this specially trained physician/teacher/researcher. The cost of this moderate increase in training would be only $780,000, a relatively small amount for the impact it would have.

Arthritis research has reached what has been recently described as its "most exciting era" with gains being registered in immunology, virology, and drug therapy, as well as in rehabilitative surgery. Until this year, Federal support of arthritis research had been at a standstill, going from $7,055,000 in 1967 to $8,428,000 in 1971. In 1972, it rose $1,347,000 to $9,775,000, an increase of about 16 per cent. The Arthritis Foundation itself spends nearly $2 million each year in research but cannot possibly meet the increasing demands for support of excellent proposed projects. It is estimated that an increase in research funds of $3,000,000, or 31 per cent, would help finance the *best* of the pending *approved* requests for research support. It would also indicate to the medical research community the intent of the Federal government to emphasize the need for an increased effort to find the cause of arthritis and thereby reduce its economic burden on the country of $4 billion per year.

To this $3 million, The Foundation requests that $500,000 be added to ensure adequate financing of the clinical testing of drugs carried out by a group of cooperating arthritis research centers. This is a program of special interest to The Foundation which I would like to describe briefly to the Committee.

CLINICAL DRUG TESTING

Every year a variety of new treatments are proposed for the rheumatic diseases, and the potential benefits and also the potential dangers of such therapy must be very carefully defined. In their enthusiasm to bring these drugs to the market as early as possible, the proponents of new cures often lose perspective. We feel that it is vital to the public interest that impartial, independent trials of these drugs be done, and that this information be transmitted to the Food and Drug Administration by an unbiased, objective group.

For the past sixteen years, The Arthritis Foundation, in cooperation with the National Institute of Arthritis and Metabolic Diseases (NIAND), has sponsored clinical studies of drugs used in the treatment of rheumatic diseases.

At present, sixteen universities and their hospitals participate in these programs. They include the three branches of the University of California, and State-sponsored universities in Illinois, Michigan, New York, Tennessee, Texas, Virginia, and Washington, plus such private universities as Harvard, Yale, Columbia, Miami, and Rochester, and the Clinical Center of the National Institutes of Health.

This important program has sought to demonstrate the efficacy, or lack of efficacy, of medications used in treating rheumatic diseases, to develop new methods to evaluate the effect of drugs on the activity of these diseases, and to provide a model or standard of excellence for therapeutic trials of chronic diseases in general, and rheumatic diseases in particular, for both the practitioner and the drug industry.

In addition to permitting better care of the patient today, we are certain that this kind of work will lead us to a better understanding of the entire process of rheumatic diseases.

The Federal investment in these clinical trials has recently fallen below $200,000 per year. This is an exceedingly small amount compared to what is expended in similar drug trial programs in diabetes, cancer, and other chronic diseases. Because of this limitation of funds, only a few of the most promising drugs can be tested, and then only at the latest stages of development. With more drugs coming on the market every

year, it is essential that this program be expanded.

We specifically request, therefore, that the Committee earmark $500,000 of the increased research funds in arthritis to fund more extensive trials of the drugs used in the treatment of the rheumatic diseases, especially rheumatoid arthritis. Doubling the amount of support currently available to $500,000 would increase the amount of clinical work by a factor of nearly four, since the basic analytical machinery is already available.

The potential benefits of this program are of great importance to the more than 18 million Americans afflicted with rheumatic diseases, and will be directly translated into better care for the patient. We want the arthritic in America to have the benefits of the newest therapies that are available, and at the same time protect him from worthless remedies.

This small investment will provide us with funds to launch an ambitious four-pronged attack in this area.

First, every reasonable remedy proposed for rheumatoid arthritis will be screened in a brief trial. Without objective and uniform data, it is impossible to reach any meaningful conclusions regarding a new drug. Therefore, we feel that there is a need very early after a new compound is proposed for a small, highly-standardized, and inexpensive trial to be performed. This trial may be with as few as 25 patients for as short a period as a week. During the course of 1973, as many as 15 to 25 such minor trials might be needed. Since all of these trials would be done in a similar fashion on similar types of patients, the results of all remedies would be compared over a period of time to see which had the most merit, and deserved further trial.

Second, based on the initial screening, a medium-length trial of all promising drugs would be done. This would involve larger trials, involving as few as 50 patients for as long as four months.

Third, if a drug passes the first two of these screening procedures, a large-scale trial would be indicated to confirm the efficacy of the compound and to demonstrate the potential for long-term effects which might not be apparent in a briefer trial. Trials of this type would involve more than 100 patients and last as long as one year.

In addition to documenting long-term therapeutic effects, these trials would detect toxic effects which would not be apparent in briefer trials.

Fourth, even after long trials demonstrate beyond any doubt that a particular type of drug therapy is of benefit, we will need information about unsuspected and rare adverse reactions. We therefore propose a registry of all arthritics treated in our 16 cooperating centers, in order to maintain a surveillance of patients treated with commonly used drugs and to detect these side effects.

These three areas of support—Research Training Grants to be increased from $1,410,000 to $2,190,000, Extramural Research to increase from $9,775,000 to $13,275,000, and a special earmarking of $500,000 in research funds for the expansion of the Arthritis Cooperating Clinics' controlled drug trials—are basic to the urgent needs of this nation's leading crippling disease—arthritis—a disease which affects one in every four families.

The accompanying budget page delineates how The Arthritis Foundation's proposed budget for arthritis programs within The National Institute of Arthritis & Metabolic Diseases compares with the Institute's actual 1972 spending level and with the President's proposed budget for 1973.

AMOUNTS ALLOCATED TO ARTHRITIS BY THE NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES (NIAMD)

Year	Research grants	Research training grants	Fellowships	Collaborative programs	Epidemiology and field studies	Intramural research	Total
1972 spending level	$9,775,000	$1,410,000	$507,000	$50,000	$170,000	$1,693,000	$13,605,000
1973 President's budget	$10,065,000	$1,410,000	$488,000	$50,000	$175,000	$1,734,000	$13,992,000
Dollars change	+$290,000	+−$0	−$19,000	+−$0	+$5,000	+$41,000	+$317,000
Percent change	2.4	−+0	−3.7	0	+3	+2.4	+2.3
1973 budget as proposed by the Arthritis Foundation	$13,275,000	$2,190,000	$550,00	$51,000	$175,000	$1,734,000	$17,975,000
Dollars change	[1] +$3,500,000	+$780,000	+$43,000	+$1,000	+$5,000	+$41,000	+$4,370,000
Percent change	+30.7	+55.3	+8.5	+2	+3	+2.4	+31.9

[1] Of which $500,000 is to be specially earmarked for controlled drug trials by the cooperating clinics program of the Arthritis Foundation.

JOSEPH F. VAN VLADRICKEN, VALUED SENATE STAFF MEMBER, RETIRES AFTER 35 YEARS OF GOVERNMENT SERVICE

Mr. RANDOLPH. Mr. President, I announce to the Senate that Joseph F. Van Vladricken, senior member of the professional staff of the Senate Committee on Public Works, will retire on June 30, after 35 years of Government service.

For the past 9 years, Mr. Vladricken has been professional staff member for the committee's Subcommittee on Flood Control-Rivers and Harbors. From 1941 to 1964, he was legislative coordinator of the Civil Works Division in the Office of the Chief of the Army Corps of Engineers. He earlier served in the U.S. Navy.

Mr. Van, as he is known to all of us, is a valued member of the staff of the Committee on Public Works. The results of his work can be seen throughout the country in the water resource projects that are helping to provide a better life for all Americans. He brought a high level of professionalism to his work and throughout his career he has been a conscientious and diligent advocate of worthwhile water resources development.

Mr. Van Vladricken, who lives at 6929 Custis Parkway, Falls Church, Va., was born in Hackensack, N.J. He is considered an authority on civil works projects and water resources law. Since 1946, he has been instrumental in drafting and processing major legislation relating to rivers and harbors development and flood controls.

UNFINISHED BUSINESS (S. 3390) TEMPORARILY LAID ASIDE

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order the unfinished business will be laid aside until the Senate disposes of S. 3001.

Mr. ROBERT C. BYRD. Mr. President, may I inquire whether the previous order required the laying aside of the unfinished business until the close of business today?

The PRESIDING OFFICER. Until consideration of S. 3001 was concluded or until adjournment.

Mr. ROBERT C. BYRD. I ask unanimous consent that the unfinished business be temporarily laid aside and that it remain in a temporarily laid-aside status until the close of business today.

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

STUDY RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The PRESIDING OFFICER. The Senate, under the previous order, will now proceed to the consideration of Senate Resolution 299, which the clerk will state.

The legislative clerk read the resolution by title, as follows:

A resolution (S. Res. 299) to establish a Select Committee to study questions related to secret and confidential government documents.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, time for debate on this resolution is limited to 90 minutes on the resolution and 30 minutes on amendments, debatable motions, or appeals, except on one motion to refer, which will be limited to 60 minutes.

Mr. ROBERT C. BYRD. Mr. President, may I inquire as to whether time may be yielded from the time allotted on the resolution by Senators in control thereof to any Senator on any motion or amendment?

The PRESIDING OFFICER. It was not specifically so allocated.

Mr. ROBERT C. BYRD. Very well. I thank the Chair.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides on the time allotted to the debate on the resolution.

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

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.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute, without the time being charged against either side.

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

UNANIMOUS-CONSENT AGREEMENT ON UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, upon the disposition of the amendment by Mr. DOMINICK to S. 3390, the unfinished business, S. 3390 be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow, and that upon the disposition of the Dominick amendment to S. 3390 the Senate resume the consideration of the second track item, S. 3010.

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

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON MONDAY NEXT

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

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

STUDY RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The Senate continued with the consideration of the resolution (S. Res. 299) to establish a select committee to study questions related to secret and confidential Government documents.

Mr. JAVITS. As I understand the time situation on Senate Resolution 299 there is an hour and a half, to be equally divided between the proponents and the opponents.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And there is 1 hour in addition on an amendment or motion to be made by the Senator from Nebraska.

The PRESIDING OFFICER. There is 1 hour on the motion of the Senator from Nebraska, and 30 minutes on any other motion or amendment.

Mr. JAVITS. Fine. Mr. President, I yield myself 10 minutes.

Mr. President, it is very important to understand the genesis of this resolution in order to determine whether it should be acted on by the Senate now or whether it should be referred to a committee.

It was my understanding that an effort would be made to refer it to the Committee on the Judiciary, but I am now advised that the effort will be to refer it to the Committee on Government Operations.

Mr. President, the resolution arose, not spontaneously, but as a result of a closed door session held by the Senate a few weeks ago. The only reason for the delay up to this point is simply that we could not find a time mutually suitable to the Senator from Nebraska and those who oppose the resolution. I was ready to have it acted on immediately, but it is very understandable that it has taken us some weeks to find, first, a time suitable to the opponents, and then a time suitable for the calendar.

Not much has changed in these weeks, except that we have tended to forget what brought on this issue. The issue was brought on by a closed-door session called essentially to deal with the situation of a Senator who had papers which he had obtained, which were highly classified, and which he wished to discuss with the Members of the Senate.

In the course of that discussion, the whole issue of what happens with papers that are classified and have come into the possession of a given Member came under debate, and, indeed, so did the question of executive privilege and classification of documents by the executive branch.

As a result of that discussion and debate, both public and private, it seemed desirable to get some overview of the Senate's attitude toward the entire situation. What ought the Senate to do when faced with situations of this character? It seemed impossible to deal with the problem in a deliberative session, unless it was inordinately long, and we simply could not afford that much time to arrive at that kind of a determination.

In a real sense, the closed session was a kind of preliminary hearing. A further hearing would have put the matter, naturally, before some one or more of the committees of the Senate. However, in order to first decide, as a threshold proposition, what should be done in this area, it seemed that the collective judgment of the Senate would be the best. In view of the fact that it was impossible to elicit that collective judgment by a meeting of the whole Senate—time and circumstances simply did not permit it—the idea occurred to several of us at the time that we ought to have a proxy for the whole Senate to make that threshold decision; hence the resolution which is before us today.

This resolution was almost immediately introduced, indeed the following day after the closed-door session. It would establish a Senate special *ad hoc* committee of 10 members, to be equally divided between the majority and the minority, because this is not a partisan thing, it is a matter of the conscience and providence of the Senate. The members would be appointed, respectively, by the majority and minority leaders, with the majority leader as chairman and the minority leader as cochairman.

In short, it was simply a way of substituting the judgment of a smaller body for the collective judgment of the Senate, which under these circumstances could not be obtained except by spending inordinate time in a closed-door session, which the Senate simply did not have.

That is all this resolution involves. There is no remedy whatever for any committee to consider. If we referred this resolution to a committee, it would be meaningless, because there is nothing for the committee to think about. The special ad hoc committee would not be a substitute for any of our regular committees. The 10 Members of the Senate sitting on the special committee would only decide what if anything should be done about the problem. Then I would assume that the majority and minority leaders, if they agreed, would together introduce legislation, whether it was housekeeping or otherwise, or perhaps they might introduce separate bills; but those bills would be referred to the appropriate committees, whatever they might provide.

So the motion to refer this resolution to a committee is simply a motion to abort the matter; that is all. And expressions such as I see in the broadside by the Senator from Nebraska, which is on my desk and other desks, in which he says, "The resolution is a usurpation and encroachment upon the province and jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion," simply will not stand up. All that is, Mr. President, is argumentative rhetoric, and that does not convince anyone; at least I hope it will not convince sophisticated individuals like those in the Senate. I do not believe a case can be made for sending this resolution to a committee for an extended period of time.

Specifically, Mr. President, I do not know why we have to take 2½ hours this morning about this matter. There is no definitive action to be taken. It is simply a convenient way for the Senate to focus in a preliminary way on this problem with 10 Representative Members, to decide, not what to do, but how to go about deciding whatever we want to do. This is simply a mechanism for laying the groundwork for further action.

It is interesting, Mr. President, that those who have joined with me in sponsoring this resolution reflect, in a completely bipartisan way, the purpose of the resolution. These are men of very different points of view—conservative, liberal, middle-of-the-road—and of totally different disciplines and different interests here in the Senate. The cosponsors are Senators BROOKE, ROBERT C. BYRD, CHILES, CHURCH, COOPER, CRANSTON, FULBRIGHT, HATFIELD, HUGHES, MATHIAS, RANDOLPH, and STEVENSON. This was an overnight matter, so I am sure that other cosponsors could have been obtained as well.

Now, Mr. President, a word about the problem. Part of the problem is whether the Senate is bound by the classification which is placed on papers by the executive departments. We do not classify papers ourselves; nor up to now have we sought to declassify them or to reduce the classification or to terminate it after a given time. The President has issued an Executive Order No. 11652 which supersedes previous orders—this one is effective on June 1, 1972—carrying out what he considers to be his power in this area.

I entered into the RECORD on May 5, 1972, a very careful analysis of the entire situation made by the Foreign Relations Committee and Congressional Research Service of the Library of Congress. When you search into the situation, you find that, aside from specific espionage or the violation of cryptographic material or the Atomic Energy

Act dealing with atomic secrets or the traditional military protections against making maps or plans of military installations, and so forth, which are found in the National Security Act, there really is no statutory authority for the power the President is exercising when he makes these orders. At best the situation is not very clear.

He relies upon his constitutional authority, and the analysis of the Library of Congress states that. He relies upon the fact that he is to execute the laws; that the laws and their execution require documentation; that some documentation, according to the tradition of nations, must be secret; that, therefore, he has the authority, in the absence of any statute specifically dealing with the generality of the information which might be classified, to order this classification and to protect it when classified. Penalties are imposed upon the breach of the classification by laws which simply accept that it is classified, though there is not necessarily a statute saying who is to classify it and for what reason.

The PRESIDING OFFICER. The time of the gentleman has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

The answer is that there are thousands of Government officials of high rank—this is a big Government—who have the power to classify. Conversely there are 100 Senators and 435 Representatives who have the power to take the floor and breach the classification publicly, and they are given complete immunity. That is the problem that faced Senator GRAVEL. This is a subject which we have not faced up to in the past.

It is rather unusual that the congressional immunity should be used for the purpose of breaching the classification of a document imposed by a Government official. But it has been felt, both in foreign relations and in military affairs, that classification was being used in a way to deny Congress and the public certain information, that things were overclassified or that the classification stayed on too long, that the most casual matters were classified which did not need to be classified at all, and that the law we had passed affording greater public information—that is, the Freedom of Information Act—had not helped, because it was built on the existing structure.

That is where we stand today. In order to get an overview of not what to do but how to do it, what laws should be introduced, how the matter should be approached compatible with the Constitution and our national policy, we have proposed this resolution.

One last point, Mr. President. If we are going to refer it to a committee, what committee? If we refer it to the Committee on Government Operations, it does not have jurisdiction over Senate housekeeping. What is it going to do about the immunity of the individual Senator? It cannot even make recommendations with respect to our power to discipline or expel a Member. If it is referred to the Committee on Foreign Relations, the Committee on Armed Services has the right to say, "It affects us just as much." Indeed, many other committees are similarly affected. Or, if it is referred to the Committee on Armed Services, the same arguments could apply.

Senator HRUSKA has changed his motion from the Committee on the Judiciary. Why? Obviously, this was not a question of constitutional amendment or some penal statute. We do not know what we are going to do about it yet, so it did not belong in any slot until we made that determination. So actually, it is not susceptible of reference to any committee.

In point of fact this is just another way of killing it. You do not want to deal with it, and you do not want to table it because you want to be respectful to a group of Senators. By referring it to a committee for an indefinite time you can bury it.

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

Mr. JAVITS. I yield.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. JAVITS. 2 minutes.

Mr. PASTORE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of this resolution.

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

Mr. PASTORE. Mr. President, this, to me, is one of the most sensitive subjects and issues that has confronted this body in a long, long time. As a matter of fact, the whole business of classification and just how far we can go in either classifying or declassifying has become a very difficult and sensitive problem.

It has been my experience that sometimes we are puzzled when it behooves certain individuals in the administration to invoke classification—I am not talking about any specific Democratic administration or the Republican administration. For example, for the longest time in our Joint Atomic Energy Committee the question arose as to how far we could go in talking about the ABM and what progress in that area had been made by the Russians. Then I have noticed that when we became anxious and enthusiastic as to whether or not we should engage in the fabrication of an ABM system and it looked as though our vote would be very, very close—that is, as to whether or not the answer would be "yes" or "no"—the Secretary of Defense took it upon himself overnight to declassify many things we had been talking about in the committee very confidently and confidentially.

After all, if this has become a matter of expedience, just to satisfy certain issues of status that might be close to certain people, that is one thing. On the other hand, if we are talking about retaining the classification of sensitive information, that is another thing. But I think we ought to know where we stand, on this matter of classification. That is the purpose of this committee—to know exactly where we stand, which things are to be classified, and why. Should certain things that are already classified be declassified? How far can an elected representative of the people go in talking about these very important problems to make sure that the country is apprised of what is going on?

Time and time again for example, when we have had the Central Intelligence Agency come before our Joint Committee on Atomic Energy, they talked about certain critical matters. I raised the question, "Don't you think that if we are to spend the taxpayers' money to do more things in the way of our security, it is important for us to tell the people just what the peril is from the other side?" The objection was always made that if we do that, we would reveal to the Russians how we got the information. There may be some substance to that. On the other hand, if you are going to ask the American people to consider whether they need an ABM system—let us say—you have to begin to talk to them about whether or not the Russians have an ABM system and how good it is and why we know it is good or why we judge it is not good, so that we Americans can make up our minds. It is like all decisions. Unless you know the other side of the coin, how can you decide whether the coin of your decision is genuine and that coin is correctly spent for your security.

So I say that the time has come when this matter has to be handled in a more judicial and judicious way. I think this is the only way to do it. This resolution suggests and ad hoc committee.

I think the time of decision has come, in view of what has transpired here. We have had quite a difficult situation involving a Senator from Alaska. He made quite a strong argument, on one hand. On the other hand, there were some things about it with which I could not go along. But I think the time has come when we ought to be more decisive, and we ought to resolve the matter. That is why I think it is mandatory at this time that we do something about it.

Mr. JAVITS. I thank the Senator very much. His support is very meaningful to me. The long experience of the Senator from Rhode Island with this problem, in connection with the Joint Committee on Atomic Energy, is very important and I appreciate his support.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this resolution should be referred to a committee for regular processing. There are a number of reasons and elements that can be found in support of that statement.

It undertakes to establish a select committee to study and report on laws, rules, and questions relating to secret, confidential, and classified Government documents. There was an inquiry into a specific situation as to the conduct of an individual Member of this body but the subject generally, basically, and fundamentally, has never been referred to or been considered by a committee.

The resolution contains no provision for funding. I do not know that that will be necessary but, at any rate, there is no provision or any consideration as to whether funding would be needed.

The subject is extensive. It is profound. It is complex. A cursory and fleeting examination and report by a short-lived select committee, as contemplated here, would necessarily be superficial and would serve no useful purpose.

The resolution, Mr. President, is a usurpation and an encroachment on the

province and the jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion. It is unseemly for the Senate to circumvent the functioning of the committee system in this fashion.

Now, Mr. President, it is suggested that the resolution arose and was brought about as a result of the closed-door session we had some weeks ago, when a Senator had received a document and breached, violated, imposed on, or exploited his immunity to the extent of publishing or seeking to publish that document. It presented a situation which would require, in the judgment of the Senator from New York and the cosponsors of this resolution, the collective judgment of the Senate as to what should be done in such a situation, and that a smaller body than the Senate itself would be required for that purpose, the purpose being not to consider legislation, but this particular situation. As I understand it, that is the thrust of the argument made on behalf of the resolution.

Well, Mr. President, the leadership can undertake an informal discussion of this particular situation on its own, in its role as a leadership organization on both sides of the aisle. It can summon to its assistance and to counsel it any Member of the Senate that it wishes. It can call upon the chairman or the ranking members of committees if it wishes, and formulate some program or some proposal that it can bring forward before a future executive session of the Senate. That is entirely within its power and jurisdiction. It is its prerogative right now.

Mr. PASTORE. Mr. President, will the Senator yield on that very point?

Mr. HRUSKA. I yield.

Mr. PASTORE. The Senator's suggestion that disturbs me—as the Senator knows, I have the highest respect for him—and I know that he wants to do the right thing as we all want to do the right thing. But I am afraid, unless we pass some specific resolution, we will not have under existing statutes the authority that will give us the immunity we need. That is what is disturbing me, because as the Senator will remember the argument made by the Senator from Alaska, he declared the only binding thing in this procedure outside of a Presidential directive—and a Presidential directive is not a statute or a legislative fiat—the only thing we have to lean on is the law on espionage. The law on espionage was enacted to prevent certain people who had classified information from revealing it to others. But that had nothing to do with the immunity of a Senator or the immunity of a Member of the House. That is the reason why I raise the question that, unless we do it in some affirmative, procedural way, as we are suggesting here by this resolution, we may fall short even though the leadership might say, "We think this is all right." Because some attorney general who does not think it is all right could still bring a criminal action. We want to obviate that. That is the point.

We must have some crutch to lean on to give a Senator the immunity. If this committee had this crutch and a Senator revealed forbidden information, then he would be subject, of course, to being censured or to being expelled by the Senate.

Mr. HRUSKA. What kind of crutch? A bill, a law, resolution? What kind of crutch?

Mr. PASTORE. This very Senate resolution which will be acted on by the entire Senate.

Mr. HRUSKA. Not necessarily.

Mr. PASTORE. We have a background for this. We went through this in executive session for a long time. We argued this proposition forward and backward. The Senator will remember that. I did not go along with the Senator from Alaska entirely, but he did have a substantial argument. If we look up the law, we will find that this is an area which is pretty much confused. It is nebulous as to who has authority to do what. I am afraid that unless we clear the air, all of us could be placed in a sensitive position.

On the floor the other day, for example, I was asked some sensitive questions. One was on the storing of atomic weapons outside of this country and whether we needed a treaty to do it. I had quite a dialog with the Senator from Missouri. We came pretty close to the point of wondering whether we were getting ourselves into classified information.

We have to clear the air. The Senator from Nebraska takes the position it should go to a committee. I am not too much opposed to that. Maybe that is the proper way to do it. But I would suggest that if it does go to a committee we have a time limitation so it will come back to the floor of the Senate, reported either favorably or unfavorably, so that we can have a vote on it up or down. But let the Senate vote on it—and let us act promptly.

The idea of sending it to a committee and then forgetting the whole thing or using it as an instrumentality to defeat it, that would be wrong, and I think the Senator from Nebraska would agree with me on that.

If the resolution would be returned within 30 days, and the committee would report back yes or no, and then let us debate it on the floor, that would be all right with me. I do not want to shortcut anyone. But the time has come when we have actually to do something about the substantive issue involved.

Mr. HRUSKA. The argument the Senator from Rhode Island has just made reinforces the position of this Senator. It is said now that we have to do something, that we have to have a crutch, that we have to have a resolution of substance here, something substantive.

Well, Mr. President, that is the province of a standing committee. I suggested that the leadership on its own can get together and formulate a proposition of any kind they wish as to the particular conduct of a particular Senator under particular situations. That they can do. Then he would debate that in the Senate, either in open or in executive session, and go on from there.

But when it is to formalize an organization known as a select committee for the purpose of dealing with matters of substance, and dealing with rules and classified regulations that inhere in this situation, then we get into the province of a standing committee with its expertise and authority. I say again that the standing committee that would be entitled to it would have reason and ground to be resentful of that kind of usurpation and intrusion. I do not say that they have, Mr. President. I think they have justification for it. There was no resentment in the heart of the chairman of the Government Operations Committee when he considered this. There was no resentment on my part that we were not given the matter to discuss and consider in the Judiciary Committee, nor in the mind of the chairman of the Judiciary Committee himself. No one got mad. But the point is we are repudiating and circumventing the functioning of the committee system in this fashion.

Why should it be considered by a standing committee? Because a standing committee has also had some exposure to the problem.

I should like to call attention to the fact that we developed 600 printed pages of testimony in the Subcommittee on Separation of Powers last year dealing with this entire subject. There have been hearings held last March in the Armed Services Committee in the House on this, on a bill that would set up a commission for the purpose of getting at this problem, H.R. 9853.

Of course it is a very deep, profound, and complex problem. But these committees have already been exposed to it. They have developed expertise, knowledge, and experience in it. It is they who should be considering anything that goes into a substantive proposal in the nature of a rule or a law, or an interpretation of the law, and bring it back to the Senate for the purpose of handling it.

Mr. President, the question is asked, "What committee is it, and is there a committee that can handle the conduct of Senators under circumstances of this kind?"

My suggestion to that is again that the leadership can formulate some propositon and make it fair and present the issue in a particular case of a particular Senator. That is within their power. That is within the perview of their legislative duties. With regard to conduct beyond that of an individual, rules for general application, that is within the jurisdiction of the Government Operations Committee.

Mr. President, that is the way to handle a situation of this kind. The leadership needs to be called in on the question concerning to whom the Senator wishes to assign the duty of inquiring into the conduct of a particular Senator under particular circumstances. But when we leave that point, then we have any number of committees, as has been suggested, that would be eligible to consider the study and any specific measure or proposal.

It could be the Armed Services Committee if it is a proposition dealing exclusively or heavily with military secrets or weaponry or strategy, or documents of that kind.

It could be the Foreign Relations Committee if treaties are involved or documents relating to treaties.

It could be the Judiciary Committee where internal security is a matter that has been assigned and delegated to the Subcommittee on Internal Security.

It could be the Government Operations Committee whose authority cuts across and covers all departments and their operation and performance.

That is why this matter should be referred to a committee and let the leadership develop its own devices for the purpose of dealing with a particular situation.

Senate Resolution 299, now pending before the Senate for final action, would establish a select committee to study questions related to secret and confidential Government documents. It has never been referred to any committee and contains no provisions for funding.

There is pending before the Committee on Government Operations, of which the distinguished senior Senator from Arkansas (Mr. McCLELLAN) is chairman, a bill, S. 2965, to provide greater access to Government information, and for other purposes. Under its provisions, there would be established an independent disclosure board charged with the supervision and review of the entire Government classification system.

Senator McCLELLAN is unable to be present today. In view of the close relationship in the subject matter of these measures, he believes it would be appropriate to consider them both at the same time. Accordingly, he has asked me, on his behalf, to request that the resolution be referred to the Committee on Government Operations. We have been informed that the Committee on Rules and Administration would have no objection to the reference.

So, pursuant to this request, Mr. President, I ask unanimous consent on behalf of the senior Senator from Arkansas (Mr. McCLELLAN) that Senate Resolution 299 be referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, I reserve the right to object and I would like to ask the Senator a question. I happen to be a member of the Government Operations Committee. In fact, I am its second-ranking member of the minority.

Mr. HRUSKA. Mr. President, I assume this colloquy is being charged to the time of the Senator from New York.

Mr. JAVITS. Yes, that is agreeable.

I do not believe the resolution should be referred to that committee for the reasons which I have already given, and given as sincerely as I am sure the Senator from Nebraska (Mr. HRUSKA) made his argument in the other direction. However, in an effort to accommodate the situation and because it is critically important to solve this problem, I would like to ask the Senator if he would agree that the committee shall, ipso facto, report back, say, within 30 days. That would bring it down to about a week after we get back. Then at least we will have assurance that there will be action and that the matter will not be permitted to die and get soaked up in some other controversy and never be heard from.

Mr. HRUSKA. Mr. President, may I suggest that come a week from tomorrow we will be gone for 17 days, all of us. I doubt that any Senator will be here in the Nation's Capital. May I suggest further that we are in the middle of a virtual avalanche of urgent legislation where all of us are taxed up to the hilt with many, many important measures that must be enacted before we adjourn.

I ask the Senator from New York whether he can find any hours which he could devote in company with nine other Members of the Senate for the purpose of considering this, even 5 or 6 hours.

To put a time limitation on a matter like this and to say that we must do something, whatever it is and however it might be considered and however studiously and carefully it might be considered and by whom, even if it is by the staff of a committee, I do not think would be prudent. I do not think it is the kind of situation that lends itself to that type of determination. I think that sort of an approach would be self-defeating.

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HRUSKA. Mr. President, I move that Senate Resolution 299 be referred to the Senate Committee on Government Operations.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. JAVITS. I understand that such a motion is not in order until the time for debate has expired.

The PRESIDING OFFICER. The motion is in order.

Mr. JAVITS. It is in order now?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. What is the time situation then?

The PRESIDING OFFICER. There will be 1 hour, the time to be equally divided between the Senator from Nebraska and the Senator from New York.

Mr. JAVITS. What happens to the time provided for the debate on the resolution?

The PRESIDING OFFICER. It will be handled the same as when handling a bill and an amendment is proposed.

Who yields time?

Mr. HRUSKA. What is the ruling as to what happens to the time on the resolution?

The PRESIDING OFFICER. The motion is in order. The time on the resolution is held in abeyance until the motion is disposed of.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is an amendment to the motion in order?

The PRESIDING OFFICER. When the time has expired, an amendment will be in order.

Mr. JAVITS. When the 1 hour has expired?

The PRESIDING OFFICER. The Senator is correct. And the amendment would be subject to a 30-minute limitation.

Mr. JAVITS. Mr. President, I thank the Presiding Officer.

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

Mr. HRUSKA. I would be happy to yield to the distinguished Senator from California.

Mr. TUNNEY. Mr. President, I wonder if the Senator from Nebraska opposes the basic principle outlined in the resolution of the Senator from New York, that the Senate of the United States investigate, through a delegation of authority to 10 Senators, or whatever number it might be, the various laws covering classification and the responsibilities of individual Senators when matters that are classified come to them, and their right to disclose such classified material to the American public.

Does the Senator oppose the Senate, through a committee, studying this matter and furnishing the Senate with some guidelines which individual Senators will be able to follow in the future?

Mr. HRUSKA. Mr. President, if the Senator will remember—perhaps he was not here when I made my remarks—I do not object to that. I think it would be notable for the majority leader, the minority leader, their assistants or deputies, and any number of Senators who want to get together for the purpose of counseling and deliberating on a matter, to go into that. That is fine. However, the matter they should consider would be the particular conduct of a particular Senator under particular circumstances, such as we considered in executive session some time ago.

However, as soon as we formalize that kind of body and charge it with the responsibility to come here with their findings and recommendations not only with respect to that type of situation, but also recommendations on laws relating to secrecy, confidentiality, and classification of classified documents and so forth, when you do that or seek to do it, then you are intruding upon the jurisdiction and the province of the standing committee. It should not be so, and this Senate should not do that; they should not do that. It is a reflection on that committee that they were not asked. If you want to do something, ask them and let them do it.

In my experience here, on at least three occasions, we have gone into this matter in depth in the Committee on the Judiciary. The first time, in 1957 and 1958, under the leadership of the late and very lamented Senator Tom Hennings of Missouri, we struggled with that problem for the greater part of the summer and into the next year and turned up doing nothing. Why? It is that type situation, as pointed out in the testimony of Assistant Attorney General Erickson before the Committee on Armed Services in the House, that the thrust and burden depends on executive and administrative action, and their good faith in setting up rules that will be reasonable and accommodate the Senate and the House as much as possible without compromising those portions by way of secrecy necessary to conduct this Nation's affairs properly.

We got stalemated because we reached that situation. There may be penalties for disclosing classified documents. But on these other matters we reached that conclusion. Four or 5 years later we went back and we reached the same conclu-

sion and the same result. I venture to say we will come to that same conclusion again.

I differentiate that from the situation where a particular Senator, acting in a particular fashion with particular documents comes into the Senate and, in the view of some Senators, either violates his immunity, abuses or exploits it. Some Members of this body might not like that and might want to take action not only to deal with that situation but also similar situations, following the precedent set in that case. That is a different thing. For that purpose I say there should be an informal meeting of the leadership. They have certain powers and responsibilities. They should meet and come here with a position paper or 2, and supporting documents, and then let the Members of the Senate act upon that case and not try to raise this entire field which is very complex, very extensive and very profound, and it has all kinds of implications and ramifications which can be dealt with most effectively and properly by a standing committee that has acquired through its years of experience and literature some experience in that field.

This Senator went into great detail on the ramifications of this type of procedure when Senate Resolution 299 was called up at an earlier time. I refer the Senator to my statement on the Senate floor on May 8, 1972, beginning at page 16139. The reasons why I oppose this resolution are set out at some length there. I will not take the Senator's time to repeat them now.

Mr. TUNNEY. Would the Senator object to having a time limitation put on a committee so that the committee would have to report back to the Senate its findings?

Mr. HRUSKA. No, I would not, provided the Members named to the committee would forgo the high pleasures and privileges of attending the National Democratic Convention, and later on the National Republican Convention, and also forswear the necessity of performing their other duties with which they are occupied for nearly 10 to 12 hours a day here. But we get into time limitations and 30 days means nothing, and 60 days at this time of year means nothing. It depends on how far you go into it.

We have had 4 days of hearings before the Subcommittee on Separation of Powers and have reached no conclusion. We were still laying the foundation. I venture the conclusion will be the same as it was some years ago. But limitations of time are very difficult.

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

Mr. HRUSKA. I yield.

Mr. PASTORE. If I follow the Senator from Nebraska very closely, his rationale adds up to this: Because this is a complex subject it is impossible of solution. A similar problem was brought before the committee in 1957, and they wrestled with it and wrestled with it, and they finally decided they could do nothing. I do not subscribe to that philosophy.

Mr. HRUSKA. And this Senator does not preach that philosophy.

Mr. PASTORE. No, the Senator said we struggled with it and struggled with it and could come up with no answer.

As far as I am concerned there are only two things that are inevitable and impossible of avoidance and solution: One is death and the other is taxes. Outside of that everything is soluble. Let us solve this. Let us not try to avoid, or dodge, or delay.

What the Senator from Nebraska said just now is this: That we should wait until some Senator has violated the question of immunity and then decide whether or not we are going to have him censured.

Mr. HRUSKA. Against whose time is this?

Mr. PASTORE. Make it my time.

Mr. JAVITS. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. I do not think that is a wise way to resolve the matter. I want this body to give guidelines to this Senate so Senators will know how far they can go and not violate any laws and how to preserve their right of immunity. That is why I am interested in this. It is not because I want to punish any Senator or because I am afraid any Senator is going to hurt this country by revealing classified material.

But we have a situation here where I think the motives of a certain Senator are being challenged. There is no question about it. But I think in all probability he acted in all sincerity. Who am I to disect his brain to determine his sincerity or insincerity. I think he probably acted in all sincerity.

Certain members on the other side have risen to say he should be censured because he violated the law. Every Senator has been around here long enough to know that if you have a Democratic majority and an offense is committed by a Democrat there will be no censure, and if there is a Republican majority and an offense is committed by a Republican you will find an excuse not to censure him. We are always back in the same boat.

All I am saying is we have an ad hoc committee to supervise the CIA. Why? Because we realize the dissemination of information has to be looked upon by Congress, but not revealed to everyone, unless there is need to do so. That is why we have this ad hoc committee and it is constituted of members from one committee and another committee.

What I am saying this morning is that I do not care just how you do this, whether it is sent to one committee or another committee, but somehow and soon we have to resolve this question on the matter of immunity of a Senator—how far can he go on information that is classified and what and how information should be declassified if it should not have been classified to begin with.

I know that pretty much classification today is being done by presidential directive. That is not law. All I am saying is I want a legislative directive to do the same thing the President does. The President does not classify anything; he leaves it up to the Secretary of Defense, or a combined committee formed by the President can classify information. Why, in the name of heaven, can we not form a committee to declassify information? Are we that impotent?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. That is all I am going to say on this subject.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, it has been suggested that this Senator advocates doing nothing because it is impossible to do anything and therefore we should throw up our hands and quit. That is not what this Senator believes in, nor is it what this Senator has described here as the situation.

The situation I have described is this. In the committees and subcommittees on which I have served, whenever we embarked or explored this problem with an idea of legislation, it has come to a point where it comes to a grinding halt because of the disagreement, the fundamental disagreement, among members of the committee itself. That does not mean it is right and that does not mean that specific legislation or proposals cannot be produced and referred to the floor of the Senate.

I point out that the original proposition, that if it involves particular guidelines for the Senate to be laid down by the Senate as a rule, the leadership has power and responsibility of canvassing the situation and bringing it here.

Are we so impotent that we cannot get at the situation in that fashion? It is not necessary to wait for a violation by a Senator and then try to do something. That likewise was not the proposal, nor is it the idea of this Senator. If the leadership wants to make guidelines, formulate guidelines and bring them to the Senate, and have the Senate adopt or reject them, that will be all right. That will be perfectly agreeable with the Senator from Nebraska.

But when we get to the proposition of what kind of law there is and its applicability and when a man violates the law or not, that is not for an ad hoc committee, or even for the Senate, to decide. That should go into the law enforcement section of the Department of Justice to determine whether a certain rule of conduct or a certain incident of conduct will be within or without the law. If additional laws are needed, then the Congress, through its duly constituted committees should consider that question in routine fashion.

I want to say that, effective on June 1 of this year, a new Executive order on classification or declassification of information and material became effective, Executive Order No. 11652. It is a good Executive order, anticipating and dealing specifically with many of the problems inherent in our present difficulties in this field, and it will do much to ease tensions which have arisen between the legislative and the executive. It will do much in that area. We must give it time to operate before we become critical of its effectiveness.

What is needed is a massive education

and training program to stop the wrongful use of classification power and also the abuse of disclosure power which was possessed or exercised by this body, or some Members of it. The Assistant Secretaries of the Defense Department, the National Security Council, the Justice Department, and others are having meetings currently for the purpose of implementing this Executive order. I understand one is taking place this very morning.

It seems to me that if we just proceed in the regular channels of parliamentary procedure, we are going to make progress. We certainly will not make progress if we say to a standing committee, we do not want you to get into this. We are going to put a supercommittee over you.

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

Mr. HRUSKA. For a brief question. I do not have much time.

Mr. TUNNEY. The junior Senator from California has not decided yet how he is going to vote on the resolution, but I am disturbed by what I consider to be the implication of the Senator's last statement—that the President, through executive order, can establish guidelines for the conduct of individual Senators when it comes to their handling of classified information, and the way Senators are going to handle classified information, and the way Senators will divulge on occasion classified information to their fellow Senators or to the public as a whole.

I do not personally feel that the executive branch has any right to establish a code of conduct for individual Senators or Senate Committees; that it ought to be the Senate which does that. That is why I think some action has to be taken by some committee to establish guidelines for individual Senators in their handling of classified information. Whether it be the Government Operations Committee or an ad hoc committee is immaterial to me.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 2 minutes to the Senator.

Mr. TUNNEY. I am sure the Senator from Nebraska did not mean to imply that the executive branch ought to establish a code of conduct for individual Senators when it comes to the handling of classified material.

Mr. HRUSKA. Senators are not exempt from criminal laws even though there are certain immunities that attach to Senators' statements and conduct. There are certain other situations when immunities exist. But when the law of the Nation makes it illegal for a person to receive certain kinds of documents from somebody who procured them either lawfully or unlawfully there should be no immunity for that, as far as this Senator is concerned, just because he happened to be an incumbent Senator. So that situation will take care of itself on the basis of statutes already on the books. But when we get into the conduct of Senators and guidelines for Senators, there are ways of handling that through the leadership.

Mr. TUNNEY. Although I think the matter of the Senator from Alaska (Mr. GRAVEL) is very important——

The PRESIDING OFFICER. The Senator's time is expired.

Mr. JAVITS. Mr. President, I yield the Senator 1 minute.

Mr. TUNNEY. I do wish to say that when I was a Member of the House of Representatives, and when I had a study done for me by the GAO on Vietnam, and then the Pentagon classified it, that meant that I could not use the information developed by the GAO in a study I offered to the Foreign Affairs Committee of the House of Representatives. What under those circumstances is a Member of Congress supposed to do? What is the law that governs? Does an Executive order govern that kind of activity? I do not think so. I think it ought to be Congress itself that ought to have very specific guidelines to govern the conduct of individual Members. That is why I think it is most important that some committee consider this and consider it in a time frame so we will have action on it before the end of the year, and not have it buried in some committee without attempting to have any timetable in which it may be before the Senate.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Delaware (Mr. ROTH).

Mr. ROTH. Mr. President, I, too, deplore the lack of action during the current session on this most important problem of secrecy in Government.

One of the things mentioned by the distinguished senior Senator from New York that has particularly concerned me is the fact that neither the Judiciary Committee nor the Government Operations Committee has taken any action with respect to this most important problem.

I would like to point out that on last June 24, 1971, I introduced a bill that would have carefully considered this whole problem. This piece of legislation was cosponsored by Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BOGGS, Mr. BROCK, Mr. BUCKLEY, Mr. HARRY F. BYRD, JR., Mr. COOK, Mr. COTTON, Mr. DOLE, Mr. ERVIN—who, of course, is known as the constitutional expert of the Senate—Mr. FANNIN, and Mr. MATHIAS.

Under my bill a special commission on executive secrecy would be created consisting of seven men, two from the Senate, two from the House, plus three to be appointed by the President. The purpose of this particular legislation is to carefully consider all the ramifications of classification and declassification.

One of the things that concerns me about the discussion today is that we are really dealing with one small part of the problem, and that part is the problem of Senators' immunity. I would say that even more important is the general issue of determining where to strike the balance between the public's right to know what the Government is doing and the necessary right of the Government to classify materials that need to be protected from the standpoint of national security or because of delicate relations with foreign countries.

The point I want to make—and I really have not decided how I am going to vote on this resolution—is that my bill, which was referred to the Judiciary Committee and to the Subcommittee on Internal Security, has had no action taken on it whatsoever, even though we have in the past attempted to have hearings held on it.

I notice also that the junior Senator from Maine (Mr. MUSKIE) has introduced another bill, which was referred to the Government Operations Committee, of which I am a member, and that committee, too, has done nothing, as far as I am aware, on S. 2965.

This is legislation that should not be brushed aside, because it is important to the American people. For many reasons, some valid, others not so valid, there is a gnawing doubt in the public's mind as to whether they are obtaining the information they should be receiving, and I think it is important that Congress carefully examine what can be done in this area.

It is no secret that the executive branch at every level will tend to overclassify merely as a matter of self-protection. I will say, in all honesty, I am not overly confident that you can rely upon the executive branch to declassify to the extent that may be possible without hurting our national security.

Mr. President, in my bill, we provide that this national commission would consider the basic issues involved. Let me read it:

DUTIES

SEC. 4. (a) The Commission shall—

(1) conduct a study of all laws, and of all rules, regulations, orders, and procedures of the executive branch relating to the classification and protection of information in the interest of the security of the United States;

(2) determine which such laws, rules, regulations, orders, and procedures are necessary, appropriate, and consistent with (A) the freedoms of speech, press, and assembly guaranteed by the first amendment to the Constitution, (B) the provisions of section 552 of title 5, United States Code, relating to freedom of information, and (C) the proper performance of legislative duties by the Congress of the United States, with due regard to the portection of the security of the United States:

(3) make recommendations for legislation or other governmental action to preserve and protect the security of the United States in a manner consistent with the constitutional right of the people of the United States to full disclosure of information relating to their Government;

(4) consider the feasibility of establishing an independent agency to ensure the full disclosure of such information while protecting the security of the United States;

In closing, I would like to ask the Senator from Nebraska and the Senator from New York, whom I commend for bringing this matter to the Senate floor, these questions:

I would like to ask the Senator from Nebraska what assurance we have that action will be taken. How do we know, if we refer the matter to a standing committee, that what has happened for the last 12 months will not continue to happen? Is there any way we can get any assurance that the Committee on the Judiciary or the Committee on Govern-

ment Operations, as he proposes, will move ahead?

I would like to ask the Senator from New York this question: What can really be accomplished in 60 days? I think the matter is complex. I think it is not enough only to consider the rights of Senators and their immunity; I think it is more important that we consider the whole problem of declassification and of the public's right to know, and for that reason I question whether that much can be accomplished in 60 days.

I do applaud the Senator for his effort, and I think it is important that we move ahead.

Mr. JAVITS. Mr. President, I yield the Senator another 2 minutes so that I may answer my part of the question.

One thing that can be accomplished in 60 days is that this ad hoc special committee can decide there are segments of this matter that should be considered by different committees, and assign those segments for consideration. The leaders could introduce a bill or bills that would be referred to specific committees. There is no dearth of suggestions made to the Senate, including the Senator's bill and other bills which have been introduced.

A second point is that they could decide to consolidate all the inquiries in one committee, so that, for example, the Senator's bill might be rereferred, on their recommendation, to whatever committee that is chosen; or all bills might be referred to the Committee on the Judiciary, to which the Senator's bill was referred.

Another thing they could do is to lay down—because that is why we have an Ethics Committee, which was also a sort of ad hoc committee—guidelines for an individual Senator as to his utilization of his own immunity, and that would be a guide for the conduct of a Senator, for which he is responsible to the Senate.

They might also sit down with the executive departments to find out how this matter could be rationalized without a confrontation between the executive and legislative departments. They could enlist the cooperation of the House of Representatives, to see what their judgment would be.

The purpose of the resolution is to save the entire Senate from sitting down for 60 days, which it obviously could not do. It is just a matter of a smaller number of surrogates substituting for the entire Senate.

Mr. ROTH. Then would it be the Senator's intention for all legislation, all bills along the line of mine, to be considered by the special committee?

Mr. JAVITS. I would have those bills considered by the appropriate legislative committee, but I would have the special committee take a look at everything there is, and give us an overview as to what we ought to do.

Mr. ROTH. I think the Senator's resolution is most worthwhile, because I do think it most important that some action be taken immediately.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New York has 17 minutes. The Senator from Nebraska has 14.

Mr. HRUSKA. On the motion?

The PRESIDING OFFICER. On the motion.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

I shall in due course offer an amendment to the motion. May I inquire of the Chair whether such a proposal needs to be in writing? I have no desire to ask for that.

The PRESIDING OFFICER. The only time a motion must be in writing is on the demand of a Senator.

Mr. JAVITS. And can I amend it, though it is not in writing?

The PRESIDING OFFICER. A Senator can modify his motion at any time.

Mr. JAVITS. No; I mean can I move to amend Senator HRUSKA's motion although that motion is not in writing?

The PRESIDING OFFICER. The Senator may do so.

Mr. JAVITS. Mr. President, I shall move to amend, as soon as it is proper the motion of the Senator from Nebraska. I shall offer an amendment to the motion to provide as follows:

Provided, however, That the Committee on Government Operations shall report on or before July 31, 1972, at which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar.

Mr. President, I find myself in agreement with a number of the Members who have spoken about not considering, as a passionate question, whether a standing committee does or does not have a look at this, or whether it is the ad hoc committee which I had in mind to give us the overview.

I do not think it is worth suffering about on the floor of the Senate, but I do think that the essential point—namely, that the Senate shall act upon this matter and act promptly—is critical and important. And, Mr. President, it was in a spirit of accommodation, in the hope that we could then thereby deal with the matter, which is really an internal matter for the Senate, that I offered that proposal to the Senator from Nebraska. I regret very much that he does not see fit to accept it, and I can only say, from what he has said, that he takes a very dim view of everything we are trying to do.

He says—I tried to take his words down as closely as I could—that "we should leave it in the regular channels of parliamentary procedure." Then he says that there has been no result for years, since 1957, and "I venture to say we will come to the same result—to wit, nothing."

Therefore, Mr. President, it seems to me that a vote on this question, is therefore a vote upon the issue: Do we or do we not want something done? If we do, I am perfectly willing to adopt the procedure suggested by the Senator from Nebraska, and to agree to the committee to which he wants to send it if he will agree to set a time limit on reporting back to the Senate.

So I hope very much, Mr. President, that the Senator is really serious about wanting to see something done in this field, and that we will, even though adopting the suggestion of my honored and distinguished colleague, put a time on it, so that we will know something is going to be done, and within this Congress.

Mr. HRUSKA. Mr. President, will the Senator yield, on my time?

Mr. JAVITS. Or my time, I do not care.

Mr. HRUSKA. I yield myself 3 minutes.

If the Senator please, I was asked if we would limit the reference to the Government Operations Committee to 60 days. I pointed out, Mr. President, that out of the next 60 days Congress will be out of session for half of that period of time. I would suggest that we be realistic about this. If Senators do not want to give the committee any time, that is all right. I do not think I would be agreeable and amenable to an extension of the time to less than, say, 90 days, because 30 of those days we will not even be in session.

Would the Senator consider a matter of that kind? I think we can reach an agreement here, but I do think we ought to be realistic and practical.

Mr. JAVITS. Mr. President, in the first place, I was here when Senator PASTORE said what he did. He was being rhetorical and testing the Senator from Nebraska in saying, "If you don't want 30, what about 60?" He was not fixing a time.

I have established in my own view—and I will explain why—July 31, for this reason. We are not asking for definitive and final action on a piece of legislation. This resolution only deals with whether or not we shall have a special committee to give us an overview of the situation, including the possibility of guidelines for individual Senators. It is but a step along the road; and, as a step along the road, it need not take all the time that the Senator specifies.

As to the conventions, we know we are coming back on July 17. We do not know that we will come back thereafter. We probably will, but we do not know. We will be coming back on July 17, so I set the date at July 31, which is 2 weeks after we come back. Certainly, within that time the Committee on Government Operations should be able to come to us with some kind of idea, not as to precisely what to do but as to how to dispose of this particular resolution. They could recommend for it or against it. They could change it and say, "Let us go into this in some other way."

At least, the Senate, between the two conventions, will have a chance to consider what to do about this problem. If we let it go beyond the Republican convention, then we really will be in a mess. We may not come back; we may come back in November, and so forth. We know we will be back from July 17 to roughly the middle of August.

If the Senator would be happy with another week, it does not matter to me. I just want us focusing on this situation when we come back, at a time when we are sure to be in session. That is all I am really asking. I fixed the date in between the two conventions in order to give us leeway at both ends: One, for the committee, so that they will have a couple of weeks to consider it; and, two, for us,

so that we will have a couple of weeks to consider it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

I hope very much that we need not tax the Senate with this. If that is all that separates us, I think, with all frankness, that the weight is more on my side in saying that if we are going to fix a date, at least fix it when we know we are going to be here.

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, that would seem reasonable to me. With the addition of a little more time, I think we probably could find a meeting ground. But again I say that we will not have any time between now and next Friday. We will then adjourn until July 17. When we come back, we will be caught in the same maelstrom in which we are now engaged. It will be most difficult within 2 weeks for the committee even to get together and consider it.

Would the Senator extend that to August 22?

Mr. JAVITS. On August 22, we will be away. We will be at the Republican Convention. Let us make it August 7, which is 3 weeks after we come back, and that leaves us only a week before we go out. To make it August 7 seems fair to me. I want to defer to the Senator.

Mr. HRUSKA. I want to, also.

Mr. JAVITS. Let us make it August 7. That will be suitable to me, and we will wind up this whole matter.

Mr. President, I ask unanimous consent that I may send the amendment to the desk so it may be read for the information of the Senate while the Senator is thinking about it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the Hruska motion insert the following: "*Provided, however,* That the Committee on Government Operations shall report on or before August 7, 1972, at which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar."

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that the time be charged equally to both sides.

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

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

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

Mr. JAVITS. I yield myself 1 minute.

Mr. President, this is agreeable to Senator HRUSKA and it is agreeable to me; and if we may then proceed to agree to the motion of the Senator from Nebraska as amended, that will end the matter here.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from New York to the motion of the Senator from Nebraska is agreed to.

The question is on agreeing to the motion of the Senator from Nebraska, as amended by the amendment of the Senator from New York.

Is all time yielded back?

Mr. HRUSKA. I yield myself 2 minutes.

Mr. President I modify my motion to read as follows:

I move that Senate Resolution 299 be referred to the Senate Committee on Government Operations, with instructions to report thereon on or before August 7.

Mr. JAVITS. Mr. President, reserving the right to object, I wish the Senator would add to that:

At which time, if the committee shall not have acted, the resolution shall be deemed to have been reported and placed on the calendar.

So that we do not have any fuss about that.

Mr. HRUSKA. Yes; that is all right. And I thank the Senator for his cooperation and understanding. It is a further example of his generosity.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from New York is agreed to.

The question is on the motion to refer the resolution to the Committee on Government Operations, as amended by the amendment of the Senator from New York.

Do Senators yield back their time?

Mr. JAVITS. I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion, as amended.

The motion, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

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

EQUAL EXPORT OPPORTUNITY ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote by which the Senate passed S. 3726, the measure concerning export policy, together with its third reading, be reconsidered and that the bill be returned to its respective position on the Senate Calendar.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT; CONSIDERATION OF S. 3390 AND S. 3010

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders or their designees 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, S. 3390, but that immediately the Chair lay S. 3390 temporarily aside and the Senate resume its consideration of S. 3010; that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 3010 or until the close of business on Monday, whichever is the earlier.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

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

EXECUTIVE SESSION

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

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

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

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

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

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

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

The PRESIDING OFFICER. Without

objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF AGRICULTURE

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

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

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NATIONAL MEDIATION BOARD

The assistant legislative clerk read the nomination of George S. Ives, of Maryland, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

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

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

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

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

FOREIGN SERVICE GRIEVANCE PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3722, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3722) to provide for the establishment of a Foreign Service grievance procedure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Time is under control. Who yields time?

Mr. COOPER. Mr. President, S. 3722, to provide for the establishment of a Foreign Service grievance procedure, is designed to insure a full measure of due process and appropriate procedures for consideration and resolution of grievances of officers, employees, and survivors.

The pending bill is now before the Senate after a year of effort on the part of the Foreign Service Association and several Members of the Senate.

The distinguished Senator from Indiana (Mr. BAYH) deserves great credit for his sincere efforts to provide a just system of redress of grievances in the Department of State. Over the past year, he and I worked in cooperation with our staffs and with employee groups. We have consulted fully—I have at least—with officials of the Department of State, for their views and suggestions. We have, over a year, written this legislation which is now before the Senate.

The report issued by the Committee on Foreign Relations describes the main provisions of the bill, and I ask unanimous consent that the excerpts of the report be printed in the RECORD.

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

MAJOR PROVISIONS OF BILL

Pursuant to the provisions of section 692 of the bill, the Secretary of State is required to promulgate regulations providing for the consideration and resolution of grievances which do not "in any manner alter or amend the provisions for due process." This section also provides that informal procedures for the resolution of grievances shall be established by agreement between the Secretary of State and the organization accorded recognition as the exclusive representative of the officers and employees of the Foreign Service. In the event a grievance is not resolved under the informal procedures within 60 days, the grievant shall be entitled to file a grievance with the Grievance Board.

Under the terms of the bill, the Grievance Board is to be composed of "independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the U.S. Information Agency." One of the members shall be appointed by the Secretary of State; another by the organization "accorded recognition as the exclusive representative of the officers and employees of the Service"; and the third shall be appointed by the other two members from a roster of 12 "independent, distinguished citizens of the United States * * *" agreed to by the Secretary and the organization representing the officers and employees of the Foreign Service. This roster is required to be maintained and kept current at all times. Provision is also made for the establishment of additional panels of three members as may be necessary "to consider and resolve expeditiously grievances filed with the board * * *."

All expenses of the Board, including compensation for such officers and employees as the Board considers necessary to carry out its functions, are to be paid out of funds appropriated to the Department of State.

A grievance shall be barred unless it is filed within a period of 8 months after the occurrence or occurrences giving rise to the grievance except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, and not considered and resolved, it may be filed within a period of 1 year after the date of enactment of this new part.

The Board is required to conduct a hearing on any case fired with it and such hearings shall be open unless the Board determines otherwise.

Any grievant, witness or other person involved in a proceeding before the board "shall be free from any restraint, interference, coercion, discrimination or reprisal."

In considering a grievance, the Board shall have access to "any document or information considered by the Board to be relevant," including security records "under appropriate security measures."

If the Board resolves that a grievance is meritorious (in any case that does not relate directly to promotion, assignment or selection out of an officer or employee), it shall direct the Secretary to grant such relief as the Board determines proper and "the resolution and relief granted by the Board shall be final and binding upon all parties." In the case of a grievance directly related to any promotion, assignment or selection out, the Board shall certify its resolution to the Secretary of State together with such recommendations for relief as it deems appropriate. The Board's recommendations are to be final and binding on all parties, except that the Secretary may reject a recommendation "only if he determines that the foreign policy or security of the United States will be adversely affected" and fully documents his reasons therefor.

Section 693 provides that a grievant may not file a grievance under this new part if he has formally requested (prior to filing a grievance) that his grievance be considered under a provision of a law, regulation or order other than those provided under this part.

Any actions taken by the Secretary of State or the Board are subject to judicial review and the Secretary is required to promulgate and place into effect regulations to establish and appoint members of the Board not later than 90 days after the date of enactment of the pending bill.

Mr. COOPER. Mr. President, this bill before us was made a part of the Foreign Relations Authorization Act of 1972, and approved by the full Senate, but in conference the House conferees stated that they had not considered the provisions of that portion of the bill concerned with the grievance procedure. The House conferees said they believed they must have hearings on it before they could approve any grievance procedure. Representative HAYS of the House, a conferee, said that he would begin hearings in his subcommittee, I believe beginning on June 27 and that they would then proceed to complete the hearings. Representative HAYS said he would do his best to report a bill to the House for action.

Mr. President, it is my hope that the Senate will approve this bill for a grievance procedure for the Department of State. I believe it will provide an effective procedure for the consideration of grievances, with full due process for the employees of the State Department. Such a step will help to strengthen the morale and the effectiveness of the Department of State which plays such an important role in our Government.

I may say that this issue arose over a year ago. Bills were introduced in the Senate by Senators BAYH, MOSS, SCOTT, myself and others to establish a grievance procedure in the Department of State. In the meantime, the Department

of State established an interim procedure. In the hearings held in the Foreign Relations Committee, officials of the Department of State said that they would develop a grievance procedure and would submit it to the Senate for its consideration, to be incorporated in this legislation. We have studied the interim grievance procedure very carefully, but we consider the procedure in the pending legislation to be more effective. We believe that this measure is fair to the Department of State, and to the Secretary of State, what might be called the administration of the Department of State, and also to the Foreign Service Association, AFGE, and the employees of the Department of State as a whole.

We must have fair procedures for redress of grievances for those who serve in the agencies of Government. This bill is, in my opinion, and in the opinion of the Senator from Indiana (Mr. BAYH), a very fair procedure for all parties concerned.

The PRESIDING OFFICER (Mr. STEVENSON). Who yields time?

QUORUM CALL—ORDER FOR YEAS AND NAYS

Mr. COOPER. Mr. President, I suggest the absence of a quorum, and, inasmuch as the Senator from Indiana (Mr. BAYH) wanted to be here, I ask unanimous consent that the time consumed for the call of the quorum not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and 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, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAYH. Mr President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, am I correct in assuming that the present position is that the Senator from Indiana has 5 minutes in which to address himself to the Foreign Service Grievance Act which is pending before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. Mr. President, an important provision in the Senate version of the State Department authorization bill would have provided independent grievance procedures for Foreign Service officers. I have been working with the Committee on Foreign Relations for passage of this legislation for nearly a year now, and the State Department has been working equally hard to kill the bill.

I was disappointed last week to learn that the conference committee decided to delete the provisions establishing grievance procedures from the State Department authorization bill. It is because of the urgency of the problem that Congressman HAMILTON and I first introduced legislation last June, and have pushed for its prompt enactment. However, there was a strong desire on the part of the House conferees to hold hearings before completing action on this question. Hearings are now scheduled for June 27 and July 18, and I hope that further examination of the sorry record of due process in the Foreign Service will indicate the need for immediate and strong legislation.

In the meantime, the Senate Foreign Relations Committee has reported the bill, S. 3722, before the Senate today, so that the House committee will have a strong bill with which to work as they begin hearings. S. 3722 is identical to the provisions which the Senate debated and passed earlier this year as part of the State Department authorization bill.

I would like to relate to my colleagues in the Senate how I got involved in a matter as intricate and as foreign to my committee assignments as the Foreign Service Act.

Some time ago I received a call and then a letter, and then a personal visit, from a gentleman by the name of Charles Thomas from Fort Wayne, Ind. Mr. Thomas had served with distinction as a Foreign Service officer for 18 years, and consistently had received the highest commendation from his superior. However, on one occasion, an unsatisfactory rating report of another Charles Thomas was placed by mistake in his State Department file.

As a result of this action, Mr. Thomas was not promoted during the time period in which the State Department required that he be promoted. And as a result of that, he was faced with the ultimate punishment in the State Department: selection out.

He brought the clerical error to the attention of the State Department, as did a large number of Senators. The State Department admitted the error, but refused to reconsider the case. Indeed, there was no meaningful way in which Mr. Thomas could even appeal his selection out or firing. Close study on the part of the Senator from Kentucky (Mr. COOPER) and the Senator from Indiana brought to our attention the fact that this is really the only Federal agency in this country that does not have a panel to which an aggrieved employee can appeal to get justice.

Mr. President, to reach the end of the Thomas case—a rather disastrous end—Mr. Thomas was selected out of the Foreign Service. He became so frustrated at his inability to appeal his case or find a new job that he finally committed suicide, leaving a wife and several small children behind.

As a result, the Senator from Kentucky and I are trying to provide a forum to which any aggrieved Foreign Service officer can appeal. Until the introduction of this legislation, the State Department had granted only one hearing in 15 years, despite several hundred grievances.

Our bill would provide such basic guarantees as the right to a hearing, the right to representation at all stages of the proceeding, the right to the access to documents relative to a grievance case, the right of a transcript of the hearings and cross-examination of the witnesses, and the right to other witnesses under supervision of the Department. Most important, the Board's findings and recommendations are binding on the Department of State, with narrow exceptions. None of these safeguards are guaranteed under the Department's grievance procedure now in operation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. BAYH. Mr. President, I have just returned from an interparliamentary delegation meeting in Cameroon. We have Foreign Service officers stuck out there in remote parts of Africa, and the first question they asked me was, "What about the grievance bill?"

It seems to me that if we ask American citizens to go to the four corners of the world to carry our flag and to stand proud of their responsibility, the least that can be done for them, and what this bill would provide, is a safety mechanism so we do not send them halfway around the world only to grant them second-class citizenship. Let us see that they get these benefits and that they are not the subjects of unfair discrimination.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. FONG. Mr. President, as I noted in my remarks——

The PRESIDING OFFICER. Unless the Senator has an amendment no debate is in order.

Mr. FONG. I wish to speak on the bill.

Mr. PASTORE. How much time does the Senator desire?

Mr. FONG. Two minutes.

Mr. PASTORE. I ask unanimous consent that the Senator from Hawaii may proceed for 2 minutes.

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

Mr. FONG. Mr. President, as I noted in my remarks to the Senate when this same proposal was before us a few weeks ago, I view these procedures as unworkable. Further, the bill undercuts seriously the authority of the Secretary of State over the Foreign Service. We cannot hold the Secretary responsible for the conduct of foreign affairs if we make it impossible for him to control his staff. We have not taken such action with respect to any other Government agency. I am certain no Senator would be prepared to apply these procedures to his office staff.

I submit herewith for the record a brief statement on the deficiencies of this bill prepared by the Department of State.

I shall vote against the bill.

SUMMARY CRITIQUE OF S. 3722—FOREIGN SERVICE GRIEVANCE PROCEDURES

The Department of State opposes S. 3722 as imposing unworkable procedures on the Department which would destroy control of the Secretary of State over the Foreign Service.

Some of the principal objections are:

First, the bill would make the procedures available not only to present employees but also without limitation to former Foreign Service personnel—or their survivors—to litigate complaints dating back to 1924 relating to the application of policies, regulations, and even laws which have long since been changed.

Second, all complainants would be accorded a mandatory hearing regardless of whether any facts were in dispute or whether the Board might unanimously consider the complaint frivolous on its face.

Third, individuals would appear entitled to bring complaints which would have the Grievance Board sit in judgment on past or present substantive foreign policy or general management policies which by law are to be worked out between the management of the Department or any exclusive representatives of Foreign Service employees chosen by them.

Fourth. The Grievance Board could direct the Secretary of State to take any action it "deems proper under the circumstances" unless the order related to promotion, assignment, or selection-out, and even in such cases the Secretary would be bound by recommendations of the Board unless the Secretary personally determined that the foreign policy "or security of the United States will be adversely affected." Thus, for example, the Secretary, to avoid the Board's recommendation for assignment of an officer who did not enjoy the Secretary's confidence, would have to declare that officer a substantive risk, to the obvious detriment of the officer's career.

Fifth. The Board, without any limitations, could suspend any action proposed by the Secretary which the Board deems "is related to or may affect the grievance pending before the Board," such action to be suspended until the Board, following a formal hearing, has ruled on the grievance. Thus, the Board could even prevent the Secretary from filling a critical post at an important Embassy during a period of crisis.

The Secretary of State is on record as favoring grievance legislation, but he considers that the bill now before the Senate is unworkable. The State Department position has been placed on the desk of all Senators, and I hope that the Senators will have a chance to study it. OMB is very concerned about the present bill. I know that the Members have before them a letter from OMB on this subject. I do want to emphasize that the Secretary of State has sent to the Foreign Relations Committee an outline of the kind of legislation which he feels would be helpful. But he believes that the present proposed legislation would encumber him in carrying out his role as Secretary of State.

Mr. COOPER. Mr. President, in view of the statement of the Senator from Hawaii, I ask unanimous consent that I may proceed for 3 minutes.

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

Mr. COOPER. I have heard the distinguished Senator from Hawaii. I do not know how thoroughly he has studied the bill, but I must say the conclusions of his remarks are incorrect.

I am familiar with every provision in the bill, because the Senator from Indiana and I worked steadily for a year on this bill. The facts are these.

The State Department had no grievance procedure. It was the only agency in the U.S. Government with no grievance procedure when we began discussion of this bill. After we began to work on the bill the Department of State established an interim grievance procedure which was better than none, but the employees found it inadequate and still susceptive of wrong to them.

This bill, unlike what the Senator said, provides a board made up from a list agreed upon by the Secretary of State and representatives of the employees to consider grievances.

If the grievances apply to promotion, assignment to a position, or selection out—which means separation from the Foreign Service—the Secretary of State makes the last decision. He does not lose control of his department. If he says that whatever the board's decision is, it is wrong in his judgment, because it would be adverse to foreign policy, he can make that decision. If the employee wants to appeal to the courts he can do so, but it is done on that procedure and upon the record.

I would say that since the interim procedures were established 50 to 60 cases have been heard. But why should employees of the U.S. Government not have the right to have their grievances heard justly and with due process.

The Undersecretary of State, Alexis Johnson, wrote to the committee and said that there should be grievance legislation. The Foreign Service Association and AFGE have written to say that they support this bill which the Senator from Indiana and I had worked out and that it is just; the Secretary and the Undersecretary have said that there should be legislation, and that is what we have done.

This bill will go to the House and the House will hold hearings. If the State Department has other objections they can go before the House committee and eventually I hope we will go to conference.

Let us not deprive these people of the chance to be heard if they are wronged.

Mr. BROCK. Mr. President, once again, this body is being called upon to act on a measure which would establish unreasonable and unworkable procedures for handling any complaints which employees of the Department of State might have.

I feel compelled to reiterate my earlier statements on this subject for what this measure would do is to transform the Department of State from a department of diplomats to a litigious debate society.

The proposal before us today places no limits on what an employee of the State Department can complain about. If he did not like his assignment, he could file a complaint. If he coveted the assignment of another employee, he has the right to complain. He could complain about not being promoted, about someone else's promotion, about any reprimand he might receive, or even about foreign policy if he felt that policy were injurious to his career prospects.

Moreover, the bill provides that any of the aforementioned complaints can be made retroactively back to the creation of the Foreign Service in 1924.

Mr. President, S. 3722 would effectively eliminate the ability of the leadership in the State Department to deal with complaints on the basis of their merits by establishing an outside board of an adversary nature rather than an objective nature. In virtually all cases open hearings would be mandatory and rulings would be binding except where injury to the national security of the United States could be proven.

Mr. President, these so-called grievance procedures do not solve a problem. They create one. It is not our business to prevent the Secretary of State from exercising authority over the organization for whose conduct he is responsible.

I, for one, will not be dissuaded by arguments that this bill is not as bad as it looks, because the employees of the Department of State will not avail themselves of the provisions of the law. I am sure that most of the Department's employees will not do so. But this bill would allow only a handful of malcontents to tie the State Department in knots and frustrate the effective conduct of American diplomacy.

Mr. President, this bill is ill considered, inadequately debated, and faulty in its conception. I urge my colleagues to reject it and to allow the internal procedures newly instituted within the Department the opportunity to prove their worth. For if they are inadequate, then I am sure we will hear about it through the public press.

JUSTICE FOR THE FOREIGN SERVICE

Mr. HUMPHREY. Mr. President, I want to speak out at this time in support of S. 3722 to restore the grievance procedures which were originally part of the Senate version of H.R. 14734. As an original cosponsor of this legislation, I was dismayed at the fact that the conferees removed this part of the authorization bill. It is an important piece of legislation designed to assure sound management-employee relations within the Foreign Service. The Senate recognized how crucial this measure was when it passed S. 3526 with the relevant provisions for formal grievance procedures within the State Department.

Now that the conferees have removed this provision in the bill as reported out of conference, it is incumbent upon this body to once again voice its strong sup-

port by restoring this provision in a separate bill.

The issue remains the same. It is regrettable to find that the State Department has not offered a suitable set of grievance procedures which would insure the rights of State Department employees on its own. The initiatives it has taken in the interim between the time S. 2023 was first introduced and the passage of the State Department authorization bill are inadequate. They do not provide for a high standard of justice within the Foreign Service.

It is apparent that the State Department will not take the appropriate action on its own to insure its employees have the rights of other Federal employees guaranteed by civil service standards. This is most unfortunate, but we do not have to sit back and accept this fact. We must act immediately to see that this legislation is implemented and I, therefore, urge my colleagues to join in supporting this bill we are now about to vote on.

Mr. McGEE. Mr. President, I wish to record my opposition to S. 3722 in its present form. While I consider it desirable that Government employees should have available machinery for the redress of their grievances, any such procedure should also safeguard the authority of the head of the Department.

The bill does not adequately recognize the authority of the Secretary of State over the Foreign Service. Further, the bill is too detailed, and would establish cumbersome procedures which would greatly complicate the administration of the Department of State.

If the President and the Secretary of State are to exercise their responsibilities for foreign relations, they must have a disciplined and responsive Foreign Service. The bill in its present form would destroy discipline in the service and greatly reduce the Secretary's control over the service. I urge that the bill be defeated. Should it pass the Senate, I hope that it will be substantially modified in the House and in conference to maintain the authority of the Secretary of State.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, 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 Florida (Mr. CHILES), 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 Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 56, nays 27, as follows:

[No. 237 Leg.]

YEAS—56

Aiken	Eastland	Pearson
Anderson	Fulbright	Pell
Baker	Hart	Percy
Bayh	Hartke	Proxmire
Beall	Hollings	Randolph
Bellmon	Humphrey	Ribicoff
Bentsen	Javits	Saxbe
Bible	Jordan, Idaho	Schweiker
Boggs	Kennedy	Scott
Brooke	Magnuson	Sparkman
Burdick	Mathias	Spong
Byrd, Robert C.	McGovern	Stafford
Cannon	Miller	Stevens
Case	Mondale	Stevenson
Church	Montoya	Symington
Cooper	Moss	Talmadge
Cranston	Nelson	Tower
Dole	Packwood	Tunney
Eagleton	Pastore	

NAYS—27

Allen	Dominick	Jordan, N.C.
Allott	Ellender	Long
Bennett	Ervin	McGee
Brock	Fannin	Roth
Buckley	Fong	Smith
Byrd, Harry F., Jr.	Griffin	Stennis
	Gurney	Taft
Cook	Hansen	Young
Cotton	Hruska	
Curtis	Jackson	

NOT VOTING—17

Chiles	Hughes	Mundt
Gambrell	Inouye	Muskie
Goldwater	Mansfield	Thurmond
Gravel	McClellan	Weicker
Harris	McIntyre	Williams
Hatfield	Metcalf	

So the bill (S. 3722) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VI of the Foreign Service Act of 1946 is amended by adding at the end thereof the following new part:

"PART J—FOREIGN SERVICE GRIEVANCES

"STATEMENT OF PURPOSE

"SEC. 691. It is the purpose of this part to provide officers and employees of the Service and their survivors, a grievance procedure to insure the fullest measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

"REGULATIONS OF THE SECRETARY

"SEC. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or amend the provisions for due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

"(1) Informal procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not resolved under such procedures within sixty days, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

"(A) 'grievant' shall mean any officer or employee of the Service, or any such officer or employee separated from the Service, who is a citizen of the United States, or in the case of the death of the officer or employee, a surviving spouse or dependent family member of the officer or employee; and

"(B) 'grievance' shall means a complaint against any claim of injustice or unfair treatment of such officer or employee arising from his employment or career status, or from any actions, documents, or records, which could result in career impairment or damage, monetary loss to the officer or employee, or deprivation of basic due process, and shall include, but not be limited to, actions in the nature of reprisals and discrimiation, actions related to promotion or selection out, the contents of any efficiency report, related records, or security records, and actions in the nature of adverse personnel actions, including separation for cause, denial of a salary increase within a class, written reprimand placed in a personnel file, or denial of allowances.

"(2)(A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the United States Information Agency. The board shall consist of a panel of three members, one of whom shall be appointed by the Secretary, one of whom shall be appointed by the organization accorded recognition as the exclusive representative of the officers and employees of the Service, and one who shall be appointed by the other two members from a roster of twelve independent, distinguished citizens of the United States well known for their integrity who are not officers or employees of the Department, the Service, or either such agency, agreed to by the Secretary and such organization. Such roster shall be maintained and kept current at all times. If no organization is accorded such recognition at any time during which there is a position on the board to be filled by appointment by such organization or when there is no such roster since no such organization has been so recognized, the Secretary shall make any such appointment in agreement with organizations representing officers and employees of the Service. If members of the board (including members of additional panels, if any) find that additional panels of three members are necessary to consider and resolve expeditiously grievances filed with the board, the board shall determine the number of such additional panels necessary, and appointments to each such panel shall be made in the same manner as the original panel. Members shall (i) serve for two-year terms, and (ii) receive compensation, for each day they are performing their duties as members of the board (including travel-

time), at the daily rate paid an individual at GS–18 of the General Schedule under section 5332 of title 5, United States Code. Whenever there are two or more panels, grievances shall be referred to the panels on a rotating basis. Except in the case of duties, powers, and responsibilities under this paragraph (2), each panel is authorized to exercise all duties, powers, and responsibilities of the board. The members of the board shall elect, by a majority of those members present and voting, a chairman from among the members for a term of two years.

"(B) In accordance with this part, the board may adopt regulations governing the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain such facilities and supplies through the general administrative services of the Department, and appoint and fix the compensation of such officers and employees as the board considers necessary to carry out its functions. The officers and employees so appointed shall be responsible solely to the board. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. The records of the board shall be maintained by the board and shall be separate from all other records of the Department.

"(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is filed within a period of eight months after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is filed within a period of one year after the date of enactment of this part. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he had exercised, as determined by the board, reasonable diligence.

"(4) The board shall conduct a hearing in any case filed with it. A hearing shall be open unless the board for good cause determines otherwise. The grievant and, as the grievant may determine, his representative or representatives are entitled to be present at the hearing. Testimony at a hearing shall be given by oath or affirmation, which any board member shall have authority to administer (and this paragraph so authorizes). Each part (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board or grievant, the Department shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the Department, except that if the board determines that the presence of such witness at the hearing would be of material importance, then the witness shall be made available at the hearing. If the witness is not made available in person or by deposition within a reasonable time as determined by the board, the facts at issue shall be construed in favor of the grievant. Depositions of witnesses (which are hereby authorized, and may be taken before any official of the United States authorized to administer an oath or affirmation, or, in the case of witnesses overseas, by deposition on notice before an American consular officer) and hearings shall be recorded and transcribed verbatim.

"(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding before the board, shall be free from any restraint, interference, coercion, discrimination, or reprisal. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

"(6) In considering the validity of a grievance, the board shall have access to any document or information considered by the board to be relevant, including, but not limited to, the personnel and, under appropriate security measures, security records of such officer or employee, and of any rating or reviewing officer (if the subject matter of the grievance relates to that rating or reviewing officer). Any such document or information requested shall be provided promptly by the Department. A rating officer or reviewing officer shall be informed by the board if any report for which he is responsible is being examined.

"(7) The Department shall promptly furnish the grievant any such document or information (other than any security record or the personnel or security records of any other officer or employee of the Government) which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding.

"(8) The Department shall expedite any security clearance whenever necessary to insure a fair and prompt investigation and hearing.

"(9) The board may consider any relevant evidence or information coming to its attention and which shall be made a part of the record of the proceeding.

"(10) If the board determines that (A) the Department is considering any action (including, but not limited to, separation or termination) which is related to, or may affect, a grievance pending before the board, and (B) the action should be suspended, the Department shall suspend such action until the board has ruled upon such grievance.

"(11) Upon completion of the proceedings, if the board resolves that the grievance is meritorious—

"(A) and determines that relief should be provided that does not directly relate to the promotion, assignment, or selection out of such officer or employee, it shall direct the Secretary to grant such relief as the board deems proper under the circumstances, and the resolution and relief granted by the board shall be final and binding upon all parties; or

"(B) and determines that relief should be granted that directly relates to any such promotion, assignment, or selection out, it shall certify such resolution to the Secretary, together with such recommendations for relief as it deems appropriate and the entire record of the board's proceedings, including the transcript of the hearing, if any. The board's recommendations are final and binding on all parties, except that the Secretary may reject any such recommendation only if he determines that the foreign policy or security of the United States will be adversely affected. Any such determination shall be fully documented with the reasons therefor and shall be signed personally by the Secretary, with a copy thereof furnished the grievant. After completing his review of the resolution, recommendation, and record of proceedings of the board, the Secretary shall return the entire record of the case to the board for its retention. No officer or employee of the Department participating in a proceeding on behalf of the Department shall, in any manner, prepare, assist in preparing, advise, inform, or otherwise participate in, any review or determination of the Secretary with respect to that proceeding.

"(12) The Board shall have authority to insure that no copy of the Secretary's determination to reject a board's recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of such officer or employee to whom the grievance relates or anywhere else in the records of the Department, other than in the records of the board.

"(13) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered relevant evidence not previously considered by the board and then only upon approval of the board.

"(14) The board shall promptly notify the Secretary, with recommendations for appropriate disciplinary action, of any contravention by any person of any of the rights, remedies, or procedures contained in this part or in regulations promulgated under this part.

"RELATIONSHIP TO OTHER REMEDIES

"SEC. 693. If a grievant files a grievance under this part, and if, prior to filing such grievance, he has not formally requested that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part, then such matter or matters may only be considered and resolved, and relief provided, under this part. A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part.

"JUDICIAL REVIEW

"SEC. 694. Notwithstanding any other provision of law, regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and actions of the Secretary or the board pursuant to such action, may be judicially reviewed in accordance with the provisions of chapter 7 of title 5, United States Code."

(b) The Secretary of State shall promulgate and place into effect the regulations provided by section 692 of the Foreign Service Act of 1946 (as added by subsection (a) of this section), and establish the board and appoint the member of the board which he is authorized to appoint under, as provided by such section 692, not later than 90 days after the date of enactment of this Act.

Mr. COOPER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC BROADCASTING ACT OF 1972

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Senate will now proceed to the consideration of H.R. 13918, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 13918) to amend the Communications Act of 1934 to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes.

The PRESIDING OFFICER. Time is under control.

Mr. PASTORE. Mr. President, if we may have order——

The PRESIDING OFFICER. The Senate will be in order. The Senator from Rhode Island may proceed.

Mr. PASTORE. The bill before us, Mr. President, is the authorization for the Public Broadcasting Corporation. It is a bill passed by the House of Representatives with several amendments that were incorporated by motion on the floor.

The bill as passed by the House provides authorizations for the Corporation for Public Broadcasting for 2 fiscal years. The authorization for the first fiscal year being $65 million, and for the next fiscal year $90 million; and it authorizes $25 million to be appropriated, for fiscal 1973, for grants for radio and television construction facilities.

Heretofore, the amount that has been allocated by way of grants by the Corporation for local stations has been in the neighborhood of 15 percent of the amount of money that has been appropriated by Congress. The House of Representatives saw fit to write into the bill that the Corporation must distribute, in each fiscal year, to noncommercial education ratio and television stations, not less than 30 percent. When the President of the Corporation appeared before our committee, he said he would go along with that, and he could live with it. So I think we can go along with it as well.

The next change that was made was with reference to the limitation on salaries to be paid to the members of the Corporation. The President was being paid, I think, $65,000 a year, and the House decided that it would write into the bill a limitation of $42,500.

We were told that they could live with that, and the committee is willing to go along with that amendment of the House of Representatives.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. HARRY F. BYRD, JR. As I understand the Senator from Rhode Island, the legislation now before the Senate would put a limit of $42,500——

Mr. PASTORE. As the top salary.

Mr. HARRY F. BYRD, JR. As the top salary that could be paid——

Mr. PASTORE. To an officer.

Mr. HARRY F. BYRD, JR. To an officer or employee of the corporation?

Mr. PASTORE. That is right.

Mr. HARRY F. BYRD, JR. I had read that much higher salaries were being paid than the $42,500. I forget the exact figure; I think one was $70,000, another $85,000. Am I correct in assuming that such salaries could not be paid if the Senate enacts the legislation?

Mr. PASTORE. No, it is a little different. The salary that the Senator is talking about is the salary of Sander Vanocur. Let us spell it out. His salary, I think, was $85,000.

That was done by way of contract through the National Public Affairs Center with some of the money paid from another source.

By the same token, we have a program called Firing Line, which is run by Mr. William Buckley, a very fine intellectual of our time, conservative in philosophy, and that program runs about $700,000 a year. But that is done through a contract arrangement. That has nothing at all to do with the officers of this Corporation. The officers of the Corporation are paid exclusively out of taxpayers' money. That is money appropriated by Congress.

Mr. Macy was receiving $65,000 a year, and one of his associates was receiving more than the $42,500.

The limitation that is provided here, which appears on page 7 of the bill, section 5, reads as follows:

(3) No officer or employee of the Corporation shall receive compensation at a rate in excess of that prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

That is $42,500.

Mr. HARRY F. BYRD, JR. My interest is not concerned with the political philosophy of any of the individuals.

Mr. PASTORE. I realize that.

Mr. HARRY F. BYRD, JR. Either of Mr. Vanocur or Mr. Buckley.

My interest goes back to 1969, as late as 1968, when I presented an amendment in the Committee on Armed Services in connection with the Federal Contract Research Centers, having nothing at all to do with politics, which was receiving most of its funds from the taxpayers and was paying its personnel up to $97,500. I presented an amendment in the committee to limit it to $45,000 without the express approval of the Secretary of Defense. That amendment was approved by the Senate and subsequently by the House.

When I read that another corporation, deriving most of its funds from the taxpayers, was paying large salaries, I thought this matter should be looked into. To some extent, I suppose, the limitation of $42,500 takes care of the problem that I had in mind. I am not completely clear on this point, however.

As I understand it from what the Senator from Rhode Island has said, the reason why the intermediary, so to speak, is able to pay salaries larger than $42,500 is that the amounts going to pay salaries above $42,500 do not come from the Public Broadcast Corporation.

Mr. PASTORE. Not exclusively.

Mr. HARRY F. BYRD, JR. But would come from other sources.

Mr. PASTORE. The Ford Foundation and other contributors.

What you would be up against is this. If you invoke this as a universal limitation, what are you going to do about Sesame Street? What are you going to do about these other contracts? This is a contractual situation, and in many instances you might have to go over the $42,500.

I am not one who is preaching that these people should be paid exorbitant salaries such as are paid, let us say, in commercial broadcasting, because there the situation is different. But I do not think we can place a ceiling with respect to the other situations, because it all depends on what you are trying to get and what you are trying to achieve and what you are trying to produce.

I think it would be rather dangerous if we invoked the limitation, because I think the first thing that would be knocked off would be "Sesame Street," and that is one of the best programs this Corporation supports.

This is the story: We appropriated last year approximately $35 million to the Corporation, but actually the money available was in the neighborhood of $143 million, if my memory serves me correctly. The difference was made up by public or private contributions to public television. So, much of the money comes from the outside. Only part of it is taxpayers' money.

Those who actually work for the Corporation and are employees and officers of the Corporation cannot earn more than $42,500. They were paying the president $65,000 a year, and he was willing to take the cut, so that is the limitation. I think it is a good limitation.

Frankly, I do not think that anybody who works for the Corporation works any harder than a Congressman or harder than the Secretary of the Navy, and I think the limitation should be invoked. That is the level we have achieved here, and that is the level I think it ought to be.

Mr. HARRY F. BYRD, JR. I assume that the Senator from Rhode Island feels that it would not be practical to go beyond the point this bill goes in applying it only to officers and employees of the Corporation.

Mr. PASTORE. That is correct. Otherwise, it would become nonproductive.

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

Mr. PASTORE. When the Senator from Virginia is finished, I will be glad to yield.

Mr. HARRY F. BYRD, JR. In other words, as a practical matter, this $42,500 limitation could not be carried to a third party, so to speak?

Mr. PASTORE. That is correct.

Mr. HARRY F. BYRD, JR. I thank the Senator.

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

Mr. PASTORE. I yield to the Senator from Florida.

Mr. GURNEY. Following that colloquy a little further—I certainly understand the explanation, and I do not disagree with it—with respect to the outside people who supplement the salary of Vanocur or Buckley, is that earmarked? By that I mean, does the Ford Foundation say, "If you hire Sander Vanocur, we will supplement his salary by $30,000," or do they give a blanket contribution?

Mr. PASTORE. They give a blanket contribution. It is this agency that makes these arrangements, because under the law the Corporation itself cannot be a vehicle for production. Production has to be made by someone other than the Corporation.

For instance, Public Broadcast Service was formed and consists of local broadcasters—I mean noncommercial broadcasters and the public. I think 12 members of the Board are executives of the stations and six are public members. Mr. Hartford Gunn, who is the president of this Corporation, is the 19th member. That is the way it is done.

A lump sum is paid to this group by the Corporation delegate. Mr. Sander

Vanocur, who produces certain programs, is employed by the National Public Affairs Center and they agreed to pay him $85,000. Some people feel that is a lot of money. To me, it is a lot of money. But you can only go so far in impinging upon the independence of a group that is charged with the responsibility to produce. Those responsible have to go to certain people who are worth a certain amount of money. In the case of Mr. Buckley, they made that decision. I am not being critical of him. I am not getting into production. Insofar as Sander Vanocur is concerned, they decided to make it $85,000.

I think that figure rubbed some people the wrong way, maybe because of the individual's philosophy, and I suppose some people are a little peeved about the Buckley show because of what they regard as his philosophy. But I cannot get into that, and I do not care to get into that. I am only justifying the procedure under which these contracts were made.

Mr. GURNEY. That was not my inquiry. I just wanted to make sure that the outside funds went into a common part.

Mr. PASTORE. They do and then they spend them independently. Most of the representatives on PBS board are connected with the grassroot operations of these television stations in the various States.

Mr. GURNEY. I thank the Senator.

Mr. BAKER. Mr. President, will the Senator yield on my time?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, I have listened carefully to this colloquy, especially the questions put by the distinguished Senator from Virginia. I have some minor disagreement with the implication that there is nothing we can do.

I do not propose to offer an amendment to limit Sandor Vanocur's salary. Had I wished to do so, I would have done so in committee. It was discussed at some length in the Commerce Committee when the bill was reported. I did not offer an amendment to limit Sander Vanocur's salary at that time. But to say that we cannot do it is going a little far afield. Clearly, we can do it. It seems to me that if we want to provide a limitation on the amount that can be spent in programs that are funded in whole or in part by the Federal Government, we can do so.

It happens that Sander Vanocur is employed by the National Public Affairs Center for Television. My information is that the Federal Treasury pays 51 percent of the operating budget of that corporation. $1.8 million comes from the Fderal Treasury for that purpose. Forty-nine percent is paid from other sources.

But the history and the traditions and the operating mores of the Federal bureaucracy are such that it is entirely consistent and it is entirely ordinary and regular for a company or institution or an organization that is going to receive Federal funds to have to submit in advance a budget on how it will spend the funds, designate what salary scales there will be, and pledge that it will hire or fire on a nondiscriminatory basis, and any other range of things that we have grown to take care of with Federal guidelines.

So, once again, I do not rise to offer an amendment to limit the salary of Sander Vanocur. That does not concern me that much, what they pay him. But, rather, to say it certainly is not impossible to take care of it, if we choose to do so. We should understand that even if we decide to pay Sander Vanocur $85,000, we can change that if we choose to do so, but we are choosing not to.

Mr. PASTORE. The Senator from Virginia (Mr. HARRY F. BYRD, JR.) used the word "practical." He did not use the other word, "impossible." We can do anything. We can even defeat the Public Broadcasting Corporation bill, this afternoon, if we wish. We can put in an amendment to do away with it. It is not a question of what is possible. It is not a question of what is impossible. It is a question of what is practical under the circumstances and what we are trying to achieve. We can emasculate this Corporation if we want to.

I hate to bandy names around here, but I do not know how much Bill Buckley gets for his program. I do not know what the salary is of the woman who puts on the Sesame Street show, I do not know what that is. But, if we get into that avenue now, we are going to get so far away so that we will vitiate the law.

I hope that this colloquy will at least impress the members of the Corporation that they cannot make reckless expenditures. I would hope that we would not legislate this limitation to be spread over and beyond the officers and employees of the Corporation because if we do that, I am afraid we will be whistling down a dangerous course.

Mr. BAKER. If the Senator will yield, on my time, by now the Senator knows that I, as the ranking member of the Communication Subcommittee, had I wished to emasculate public broadcasting, I had a number of opportunities to try to do that before now. I do not intend to. Nor do I intend to limit the salary of Sander Vanocur. Once again frankly, that does not concern me.

What I am saying is, whatever we do, we do with our eyes wide open——

Mr. PASTORE. That is right.

Mr. BAKER. We should do it if we wish to, but I happen to think that we should not. Let us not get started by giving the impression that someone is trying to emasculate public broadcasting. I am not trying to do that. I am not trying to limit the salary of Sander Vanocur. What I am trying to say is that if the Senate wants to do something which is practical or possible, the Senate can do that.

The Senator from Virginia (Mr. HARRY F. BYRD, JR.)—and this is what prompted my additional query of the Senator from Virginia—I understood to say he thought it was not possible to do this. If a question of whether it is practical, that is a matter of judgment for us.

Mr. HARRY F. BYRD, JR. Mr. President, I expressed no view on this. What I was trying to do in my colloquy with the Senator from Rhode Island was to understand just what limitation there is in the bill and how much farther, if any, it would be practical for Congress to go.

Mr. BAKER. "Practical" is a judgment the Senator from Virginia has to make, which I have to make, which we all have to make. But it is clearly possible, and I think we all agree on that.

Mr. PASTORE. As I said earlier today in discussing another bill, there are only two things which are impossible to do anything about, and those are death and taxes.

Now, Mr. President, another prohibition put in by the House was with reference to polls and opinions. There is a limitation that the Corporation cannot spend funds in that area. Members of the Corporation did not like that too much, but they are going to live with it, so we left it in the bill. That is the sum and substance of it.

This is a 2-year authorization. Some feel, like the Senator from Tennessee, that it should be a 1-year authorization, but the House passed a 2-year authorization. We are appropriating only for 1 year.

This is the practical problem that confronts us here this afternoon—because it is 2 minutes past 12 now—that if we begin to amend the bill on the floor, we have to go to conference. I have held off on the bill at the request of certain Senators who had official commitments and could not be present and, for that reason, I accommodated them by holding up the bill.

The appropriation bill on HEW has been reported by the committee. This is an item contained in that bill. That bill already has been assigned for consideration next week under a unanimous-consent agreement. I do not question the merit of some of the amendments that will be proposed, but what I am trying to do is to pass the House bill, if possible, without amendment so as to avoid going to conference. I am afraid that, if we go to the conference, not only will we consume time but we may also hit a stone wall on some of the matters, so that we will accomplish very little. I was wondering whether, in the committee, we could not have the cooperation of Members of the Senate that this time, realizing what the situation is, and pass the House bill. I am perfectly willing to consider separately some of the other matters that will be proposed by way of amendment.

That is the story, simply told.

I have no personal interest involved in this. I think that this Public Broadcasting Corporation is a fine concept we have created. There have been some things about it which have been criticized. But when we get into the area of communications, we cannot satisfy everyone, any more than we can in all things satisfy everyone on the floor of the Senate. If we all agreed with one another on the floor of the Senate I do not believe this would be a very exciting place in which to serve. As a matter of fact, I do not believe that I would want to be here. Because of the give and take that transpires on some of these things, when we balance the scale, we find that usually

the good part of it greatly outweighs whatever little abuses there might be.

So I say today, let us not throw out the baby with the bath water, let us not lose sight of the forest for the trees, let us not trade off the orchard for an apple.

I hope that this bill will pass. That is all I have to say. I am ready to answer any questions or have the bill open to amendment if Members so desire.

The PRESIDING OFFICER (Mr. Moss). The bill is open to further amendment.

AMENDMENT NO. 1267

Mr. BAKER. Mr. President, I call up my amendment No. 1267 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 4, line 6, strike all through and including line 2 on page 5, inserting in lieu thereof the following:

(2) There are authorized to be appropriated to the Fund for the fiscal year ending June 30, 1973, the lesser of—

(i) $65,000,000, or

(ii) $35,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1971.

Mr. BAKER. Mr. President, I shall not take too long to discuss the bill. The program has been discussed in general by the distinguished chairman of the Communications Subcommittee, for whom I have great respect, and with whom I have worked and will continue to try to work very closely in communications matters, including public broadcasting matters.

There are matters that concern me greatly about this situation and that I want to discuss in connection with my amendment.

To begin with, I think that the whole situation can best be described in terms of the question whether we have arrived at the time when we are clear and at peace with ourselves on what the role of public broadcasting should be and what the performance of those mandated to undertake it has been so far.

The purpose of this amendment is to signify my concern that we have not yet fully defined what the role of public broadcasting should be, and to signify further that the senior Senator from Tennessee, at least, is not fully satisfied that the performance of the Corporation for Public Broadcasting is responsive to the statutory requirements.

Mr. President, it is not without some reluctance that I propose this amendment to H.R. 13918. The distinguished Communications Subcommittee chairman (Mr. PASTORE), whom I have the greatest respect and affection for, made a sound argument in committee and here on the Senate floor today in support of expeditious action on this authorization bill.

However, I feel it is necessary that the Senate focus its attention on the structure of our public broadcasting system. While we cannot as a legislative body involve ourselves in program content, we do have a responsibility to see that our original purposes in creating the existing public broadcasting system are being fulfilled.

Over the years, the Congress has had a consistent view of the role of noncommercial educational broadcasting in our country and of the relationship between the center of the system and its parts. We have followed the general approach of the Communications Act of 1934 by placing the principal public interest responsibility on the local broadcast stations, which are licensed to serve the needs and interests of their own communities. The national entity that we created in 1967—the Corporation for Public Broadcasting—CPB—was intended to strengthen and to support the local stations in providing general educational programing for their communities.

However, there are a number of questions regarding the manner in which CPB has fulfilled its responsibilities under the act. H.R. 13918 appears to deal with some of those questions but it in fact fails to come to grips with the fundamental deficiencies of the present system.

These same issues are now the subject of debate and discussion both within and without the public broadcasting community. It would be premature to cut short this reevaluation of the purpose and function of public broadcasting by increasing CPB's present authorization by nearly 200 percent over the next 2 fiscal years.

Instead, I urge that the Senate adopt my amendment which would extend for 1 year CPB's funding at an increased level of appropriations commensurate with those financial needs of CPB that are clearly defined and substantiated at this point in time. This approach would facilitate the efforts being made at present to address the basic issues posed for the public and the Congress by public broadcasting, and would enable us to work with the administration and devote the necessary time during the next Congress to put public broadcasting financing on a more stable, long-range basis.

To a certain extent CPB has achieved success in many of the responsibilities it has undertaken in support of the public broadcast system. In carrying out the congressional mandate, CPB created an interconnection system that will, by January 1973, tie together 110 public television stations. More important than the mechanics of station interconnection, CPB has used the national system to make available many high quality programs to the American viewers.

For example, "Masterpiece Theater" presents some outstanding programing from Great Britain and other countries. This series and the "Hollywood Playhouse" series have shown that drama on television can be absorbing and rewarding for the home viewer.

Public broadcasting has also opened our eyes—and the eyes of the commercial networks—to television's enormous potential for instruction and education, especially when the medium is used intelligently to teach our children through such programs as "Sesame Street" and "Electric Company."

CPB has also brought new life to educational radio.

However, these glimpses of what public broadcasting can offer also highlight some deficiencies in the present scheme of things, and raise the question as to why CPB does not devote more attention to education and to assisting the local radio and television stations in meeting their obligations to their own communities.

Indeed, education, in a broad sense, was to take priority over the creation of a new national network to rival the commercial networks in presenting entertainment and current affairs programing. We recognized that public broadcasting was to go through an evolutionary period to work out the basic responsibilities and roles of various parts of the system, and it was partly for this reason that a long-range financing structure was not immediately established. Our first few years of experience under the Public Broadcasting Act have seen the development of a strong, centralized, national network system, but only limited support for the nonnational educational program needs of the local stations.

The matter of "networking," or how CPB has used its statutory authority to provide for interconnection of public television stations, is perhaps the best example of how far CPB has strayed from the congressional intent. It also emphasizes the need for structural reform of public broadcasting before CPB is "turned loose" with massive Federal funding with minimal oversight by the Congress. The act itself states that one of CPB's primary purposes is to:

Assist in the establishment and development of one or more systems of interconnection to be used for the distribution of educational television or radio programs so that all *noncommercial educational television or radio stations that wish to may broadcast the programs at times chosen by the stations;* (47 U.S.C. Sec. 396(g)(1)(B)). (Emphasis supplied)

The Committee on Commerce's report on the Public Broadcasting Act of 1967 quoted in my supplemental views illustrates the congressional intent on this issue, and explains why it was thought to be essential that the stations have complete freedom of choice to broadcast the CPB-supported programs at times of the station's own choosing.

In line with the concern about CPB's broad authority to arrange for interconnection and the impact this could have on local station operations, the distinguished chairman of the Communications Subcommittee of the Commerce Committee and manager of the bill (Mr. PASTORE) stated during the floor debate that:

Since the fundamental purpose of the bill is to strengthen noncommercial stations, the powers of the Corporation itself must not impinge on the autonomy of local stations. (113 Cong. Rec. 12985 (1967)).

It was noted in the Commerce Committee's report accompanying S. 1160 that it intended to follow CPB's inter-

connection activities closely to see what impact the broadening of the Corporation's authority would have on the development of a nationwide public broadcasting system.

Any committee member who reviews the CPB practices under the act will find that the actuality departs substantially from the theory and intent of the Public Broadcasting Act. Rather than creating the kind of interconnection system envisioned by both the Carnegie Commission and the Congress; rather than maximizing the local station's options for choosing and scheduling national programing; and rather than financing and developing regional and local interconnection systems, CPB and its interconnection "intermediary"—the Public Broadcasting Service—PBS—have created a system of fixed-schedule networking in prime time evening hours 6 days a week, which will soon be expanded to a full week network operations.

The Public Broadcasting Service sends out nearly 19 hours per week of prime time programing for simultaneous presentation throughout the country.

We hear, as pointed out by Mr. Macy when he testified on June 13, 1972, during confirmation hearings for the new CPB board nominations, that PBS is structured as a station membership organization and that local station managers control the PBS board. This is true, and to some extent it allows the local stations an important voice in national program selection and scheduling. But it is also true that virtually all of PBS's funds come from CPB, and, as a practical matter, CPB calls many of the tunes when it pays the PBS piper. The basic point is that no matter how representative the PBS board may be, the Congress intended that each local station would have complete, effective and realistic control over its own schedule and that CPB would structure the interconnection system in order to enhance this type of control. When the local station is fed a program schedule from Washington and PBS has provided no attractive alternative to carriage of that program at that time, it is PBS and not the stations that determine the schedule of programing.

Moreover, CPB and PBS devote nearly $2 million of their funds to advertising the national schedule of programs, which makes it difficult for the local stations to refuse to air a PBS program at the time that has been advertised. These prime-time network hours are not devoted to events or programs that require "live" presentation nationwide or to take advantage of unusual or special opportunities, but are used for Friday night movies, French cooking lessons, musical performances, and the like.

Undoubtedly, this type of network is less difficult and less expensive to operate than the type of distribution system envisioned by the Congress. It also is attractive to firms such as Xerox, Polaroid, Mobil Oil, Humble Oil, and General Electric to be able to "underwrite" the costs of PBS programs and be assured that their programs will be aired nationwide during prime-time evening hours. But operational convenience and advertiser support were never the principal goals in establishing a public broadcasting system. CPB's type of network is one that in the name of convenience and advertiser support undercuts the concept of localism which is the dominant thrust of the Public Broadcasting Act.

It is not appropriate for the Corporation for Public Broadcasting to respond to criticism regarding its network operations by stating at this late date that it does not have sufficient funds to create the type of interconnection system required by the act. The Corporation had many opportunities between 1968 and the present time to advise the Congress that it was simply creating a fixed-schedule network as a temporary expedient until more funding was provided. It is wrong to believe that the system CPB did create is a steppingstone on the road to a localized network. CPB created a "fourth network"—the type of system considered but specifically rejected by the Congress in 1967.

As evidence of the disinterest of the Corporation in assisting the local stations, it should be noted that between fiscal year 1969 and fiscal year 1972, CPB has received a total of $78 million in Federal appropriations, plus $13.7 million from other sources, including foundations, TV networks, and industry, but disbursed only $11.7 million, or 12.7 percent to local broadcast stations.

These funds have been disbursed in the form of grants—the minimum being roughly $16,000—the maximum close to $48,000. In the present-day economics of TV, even the maximum grant is a drop in the basket.

And while much is made of the national programing provided the local stations and proponents rely particularly on the programs produced by the Children Television Workshop—"Sesame Street" and "Electric Company"—the $2 million CPB has directed to the Workshop budget represents less than one-third of the Workshop funds with the rest coming from the Ford Foundation and HEW's Office of Education.

Corrective action is clearly needed to restore an appropriate balance between centralization and localism in public broadcasting.

I believe strongly that a 2-year extension of CPB's funding at a total level of $155 million is inappropriate at this time. Establishment of a plan for long-range funding for CPB was initially deferred because the Congress had no clear understanding of CPB's future needs—needs which we hoped would be clarified once CPB had gained operational experience. I believe, however, that CPB's operational experience has not clarified these needs. To the contrary, it has raised new questions and new doubts as to CPB's role in the system and its relationships with the local stations. CPB has not shown to our satisfaction how it intends to resolve these issues. More importantly, CPB has not stated clearly how it intends to use its increased funding to serve the financial and operating needs of the local stations, and how it intends to pursue the goal of local station autonomy and independence within the national public broadcasting system.

We are well aware of CPB's claim, reiterated by Mr. Macy in his June 13, 1972, appearance before the Commerce Committee, that an 18- to 24-month period is needed for advance program planning. Mr. Macy stated that—

> In order to provide for its programing development over that 18- to 24-month period, there must be some assurance of continued funding, which is extremely difficult to provide when we recognize that the funding is on a year-to-year basis. (Transcript of Hearings on Nominations of Members of the Board of Directors of CPB, p. 18).

However, the supposed need for program planning time would appear to be illusory.

While a few public broadcasting programs require 2-year advance planning, the majority of the programs do not. Those that have required extensive leadtime—such as "Sesame Street" and "The Electric Company"—have been funded by the Department of Health, Education, and Welfare and other Government entities, foundations, and private enterprise, and are virtually unrelated to CPB's budget. As with Federal agencies themselves, all that is required for CPB's program planning is the assurance that Federal funding will continue to increase substantially as it has over the past 5 years. Public broadcasting has this assurance, even though the precise amount of future increases may not be known at this time. Indeed, CPB presently has two alternative program plans ready to implement in fiscal 1973—one plan based on a $45 million funding level and one based on a $65 million level. Some of the increased funds would be used to acquire additional productions or episodes in existing program series, for which no planning leadtime is required, and the balance of the increase would be used for new programing, for which CPB has stated that planning is well advanced.

In summary, to provide the Congress, CPB, and the public broadcast stations appropriate incentives to correct the operational deficiencies in public broadcasting and to reform the structure created by the 1967 act, the Congress should reject a 2-year funding authorization and merely increase CPB's appropriation for fiscal 1973 to meet CPB's and the stations' immediate needs while the fundamental issues are being resolved.

The administration made a commitment during the hearings held by the House Committee on Interstate and Foreign Commerce on public broadcasting legislation that if a 1-year bill were enacted it would submit a workable long-range funding bill which would have broad support during the coming fiscal year, in time for the Congress to take final action on it prior to June 30, 1973. Rather than to adopt the proposals contained in H.R. 13918, the Congress must keep the pressure on the administration and CPB to agree on a satisfactory long-range funding plan.

Mr. President, to continue further, I think that there is a way to approach this problem without running the risk of seriously damaging or even emasculating public broadcasting. That is the essence of amendment No. 1267, to

change the language of the authorization from 2 years to 1 year. One year does not mean that we will not go forward with the Federal support of public broadcasting. It means that we will go forward for a limited period of time until we get plans for permanent financing and a better reading of how the system will work. We must ask whether there is going to be a fourth commercial network, whether we can resist temptation as Members of the legislative branch to become involved in program content, and whether public policy is such that we have to get involved in program content.

I think this will be resolved in favor of public broadcasting and in terms of the obvious best interests of the morals and mores of the people of the United States.

I am treading on thin ice, by my own judgment. I am not quite sure how I can do what I want to do in terms of expressing my dissatisfaction with public broadcasting in certain material respects without appearing to get involved in the question of dictating what will be broadcast and what will be withheld.

However, I am sure that we can approach it by doing it a year at a time, temporarily. If we make this authorization for 1 year, therefore, Congress and the Nation will perhaps have a chance to look at the public broadcasting and decide what is the next best course and decide how adequately public officials and public broadcasting have complied with the mandate of Congress, and the words and the meaning of the statute.

To discuss these matters, I bring myself to the edge of danger and find myself skating on thin ice. For instance, in the full Commerce Committee in executive session, it was brought to the attention of the committee that a program originated by channel 13 in New York, WNET, a station that is publicly funded, aired a nude ballet that was not run in Tennessee because there is a Tennessee statute that prohibits the programing of nudity on television stations in Tennessee.

The response and rejoinder is, "Well, that is true. It was a nude ballet. But how are you going to get yourself involved in questions of policy judgment as to whether this complied with the meaning and the intent of the public broadcasting statute without running the risk of legislative censorship? How am I to judge the presentation of a nude ballet on television? And, by the way, it was not just a glimpse. It was pretty well done by way of the press accounts of a Scripps-Howard writer's report:

> The federally financed Public Broadcasting Service will offer coast-to-coast viewers of non commercial television their first look at total nudity on the TV screen June 2.
>
> Nude male and female dancers, directed by Alwin Nikolais, will cavort across the PBS network late enough in the evening, it is hoped, that most young viewers will be asleep dreaming of what they have learned on Sesame Street and The Electric Company.

That was from the Memphis Press Scimitar of May 6, 1972. I have a whole string of correspondence and communications on that program and on many others that express their considerable concern over a nude ballet being carried on public television which is financed out of the Federal Treasury.

Once again, bringing myself to the edge of danger, I will refrain from commenting on whether or not the public morals of the United States allow the showing of a nude ballet on television. However, I will say that I do not intend to open the question by disagreeing with the statute of my State which prohibits it. I will say that I have policy concern as to whether or not that is the sort of thing that our hard-pressed Federal Treasury ought to be involved in at this time.

I will not offer an amendment that provides that they cannot show nude ballet dancers and dance scenes, because that clearly would be an intrusion into the programing system. However, I will suggest, as I do in my amendment, that this is jolting enough, at least to me, so that I think we ought to authorize this for 1 year instead of 2 years.

Whether or not we want to pay Sander Vanocur $85,000 or whether public broadcasting should carry a nude ballet is not the real issue. The issue is whether we will create a fourth network and whether that network will hire Buckleys and Vanocurs and give them star salaries and star billings in order to compete with the national networks.

The mandate is that we shall not have a fourth network, but that we shall have a loose association of local stations provided national programs from Government-funded agencies that would not otherwise be available to the public.

As surely as we are standing here, four networks are growing up. I believe 190 stations are on the public broadcasting interlink carried by ATT. And they carry some darn good stuff. "Sesame Street" which was mentioned by the Scripps-Howard staff writer, and Masterpiece Theatre and others. However, I cannot say that the presentation of the ballet or the salary of Vanocur is right or wrong.

All I can say is that the only amendment which will let me approach this thing without undue legislative intrusion and the charge of governmental censorship of public broadcasting is to authorize a year at a time.

That is why I offered the amendment to limit the authorization to 1 year instead of 2 years. I do not even quarrel with the funding level. I very well might quarrel with it if it were not for the fact that I am far more interested in the concept than in the funding level at the moment.

There is another program that, once again, tempts me to try to express a viewpoint on program content that is substantial enough and is sufficiently serious to warrant discussing it, even though I will refrain from offering my amendment dealing with the matter at hand and will limit myself to the question of 1-year authorization instead of two. That is a program that originated in the New York area, a program called the "Fifty-first State."

In the whole question of broadcasting, public or private broadcasting, we have the implicit and inherent question of fairness. We have the question of equal time and a whole range of things imbedded in the statute that would require judgment of morals and good taste that I thought had so firmly been imbedded into the fabric of commercial broadcasting, the idea that programs should be balanced in presentation by the national networks and that they should try to present both sides, that we should no longer argue that. But that is not the case for public broadcasting.

I had this matter called to my attention by Representative MICHEL, of Illinois, concerning a program that originated on station WNET, channel 13, in New York, a public broadcasting station. It was about a program on Vietnam. And this is what happened as described at 19471 of the CONRGRESSIONAL RECORD of June 1, 1972:

> BILL JORGENSEN. Last night Channel 13 Television here in New York City, the Public Broadcasting System, aired a five-hour program on the Vietnam situation.
>
> There were 30 to 40 guests invited to make statements and express their feelings in various ways, and almost all were anti-war. And today Steve Bauman asked Channel 13's anchorman, Patrick Watson, if it wasn't true that there was virtually no representation of the Nixon administration's point of view.
>
> PATRICK WATSON. Oh, yeah, absolutely true. The one man who could be considered a representative of the administration's point of view was Senator Dole, who was interviewed in Washington. I think I could argue, without being frivolous about it, that the program would have been better if there had been no representatives of the Washington point of view on, because it was perfectly clear that what this program was about was reflecting and articulating that body of opinion in the country that's concerned and frightened over what's going on in Vietnam.
>
> I think the country knows, and it's had ample exposure to what the administration's position is.
>
> STEVE BAUMAN. Well, haven't there been ample expressions of the anti-administration point of view, and in terms of a balanced program, don't you feel you are obligated to attempt to get administration's spokesmen or supporters?
>
> WATSON. Not within the body of one program. I think that's an old-fashioned concept that went out of broadcasting—where I live, anyway—a long time ago.

Mr. President, I can disagree with that, as I do, and I can suggest it was improper, as I do, and I can say that it is not an attitude that should permeate public broadcasting at the expense of the Federal Treasury, as I do, but I refrain from offering any amendment to prohibit it. I say we should limit this authorization to 1 year instead of 2 so that we can take a look at what we are doing and so we can have a better understanding of how these public officials in public broadcasting are undertaking to discharge the functions they perform. I have grave doubt that what I just read accords with the mandate for public broadcasting. The argument might be made that this was not done directly by the Federal Government, that WNET is a NET affiliate and that the Corporation for Public Broadcasting should not be held accountable for it.

However, to substantiate my point, I might point out that over the past 4 years NET, and later the merged operation of the NET program production center and the New York City public TV

station—now WNET–13, have received the lion's share of program production funds supplied by CPB. In 1971 and 1972, CPB has given NET an average of the total funds it granted for program production. The plan for fiscal year 1973 is to give NET between 31 percent and 32 percent of these funds. This has enabled NET to dominate the prime time evening schedule of the public TV national network, PBS, with NET consistently supplying between one-quarter and one-third of the national, prime time schedule over the past 4 years.

Mr. President, once again I confess to danger. There is the danger that these remarks will be construed separately and out of context as an effort by this Member of the Senate to change program content, to legislate morals, or make a judgment on the propriety or the desirability of programing, per se. That simply is not the case.

I am offering these examples to point out the fact that I am not satisfied with the performance of public broadcasting, albeit, the mandate or statute. I suggest doing it the good old American way by going slow, for 1 year, and we will see what the situation is and how it materializes.

I went to some length in the colloquy with the distinguished Senator from Virginia and the distinguished chairman of the Subcommittee on Communications to point out that I do not think it really matters how much we pay Sander Vanocur. I am sure he thinks it is, and if I were he, I would, too. What is important is whether or not public broadcasting is going to launch a fourth network and whether or not it is going to embrace the star system. I bet Sander Vanocur will not contend he is not part of the star system.

That is the real issue; it is not a question of the $85,000. The same could be said about Bill Buckley. But whether I am talking about a nude ballet that was barred by statute from a Tennessee program, or the "51st State" where the anchorman claims it is old fashioned to have a balanced program in public affairs on a question such as the war in Vietnam, or the star system paying $85,000 to a commentator or interconnecting stations to compete as a fourth network, or the production of "Sesame Street," or access by minority groups, or young people, or others, this is part and parcel of our bill—and the basic question is what is the direction of future public broadcasting in the United States? We have not come to terms with that question and at some point we must do so.

The only way I can approach this in good conscience, having the broad range of concerns I do, as distinguished from narrower concerns that may or may not be offered as amendments to the bill, as I have said, is to do this for 1 year and not 2. This is not an effort to emasculate public television. This is an effort to do it 1 year at a time and to see what happens next.

There were additional views filed with the report in which some question was raised whether public television should be funded from the public treasury. I note with special interest the remarks of the Senator from Connecticut (Mr. WEICKER) in this connection. There are many other problems that no doubt will be raised.

I guess the most we can say is that the basic question of whether we should have a public broadcasting system was decided by Congress some time ago and we decided we should have it, although all of us knew there were hazards involved in it. I am not here to reargue that. I am here to say much of what is going on now I believe not to be responsive to the statute authorizing public broadcasting and we should do it a year at a time, and in this case make it 1 year instead of 2.

Mr. President, on my amendment as printed, which the clerk stated, I note an error. I ask unanimous consent that the amendment read:

On page 4, line 6, strike all through and including line 3 on page 5—

Instead of line 2.

The PRESIDING OFFICER. The Senator may modify his amendment. The amendment is so modified.

Mr. BAKER. Mr. President, this is an important matter and it is one that I am sure other Senators will want to discuss. However, for the moment, I reserve the remainder of my time. I might signify that as the manager of the bill on this side, so that we can fully develop the entire range of concern, if there are other concerns, I would be perfectly willing to set aside my amendment so that other Senators may speak on this matter, if they wish to do so. Otherwise, I reserve the remainder of my time and yield the floor.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 30 minutes remaining.

Mr. PASTORE. Mr. President, I hope this afternoon I will not be placed in the position of being a devil's advocate. With reference to commercial broadcasting no one has been more critical than I have been about violence on television and sex on television so much so that from time to time I have been chided by producers in the business and even by some performers. I am not a prude, but I certainly go along with the thought that we have to be very careful what we show the people of this country and that we do not get off in the area of vulgarity.

I did not see the performance that the Senator talked about, but I do have here a Washington Post comment which reads:

Anyone having a nodding acquaintance with Nikolais' work need not be told that Relay—the name, as I have it, of that program—is removed from considerations of prurience. Nikolais is second to none in his admiration and respect for the human body, both as an organic entity of endless fascination and as a sculptural form of unique beauty. This reverence is axiomatic in his choreography. He could no more debase his dancers with vulgarities than he could cut off his own legs.

The fact is that in Relay, as in other Nikolais pieces, the dancer's figure becomes one element among many in a visual continuum that makes little or no distinction between the animate and inanimate.

The highly individual manner in which Nikolais deploys the human body and its movements is a key to his originality.

That appeared in the Sunday edition of the Washington Post, May 14.

I am not trying to justify this compliment any more than I have tried to criticize the criticism that was made by the Senator from Tennessee, because I think that he and I stand foursquare when it comes to decency and dignity on television and radio. But I must say this: None of the money for this performance or for this particular production was paid by the corporation. It is something that was bought by NET in New York. It paid $15,000 to the British Broadcasting Co. and it made it available to those stations which wanted that show. But it was not something paid for out of the funds of the Public Broadcasting Corp. I want to make that clear.

With reference to the second program criticized by the Congressman from Illinois, there again it was a strictly local production and none of the money of the Corporation went into it. That was done by the local broadcaster or the licensee of that particular station. That does not make it right and it does not make it wrong.

I hope I have made my position clear. The appropriation will be for just 1 year. I had urged the Johnson administration, time and time and time again, and now the Nixon administration, to come up with a long-range plan of financing, and, up this date, both the previous administration and this administration have ducked the issue. They have ducked the issue. The time has come when they should come up with a program of long-range financing.

I do not think whether we make the authorization 1 year or 2 years this afternoon is going to make that much difference in getting a reaction from the administration. As a matter of fact, the Senator from Tennessee has better contact at the White House at the moment than I have, and I would hope he would use his good offices to go down there and twist somebody's ear so that we could get some kind of comprehensive long-range financing program for public television.

Mr. President, I think I have made my point clear to the Senator from Tennessee. I do not think his amendment is either going to destroy the bill or help the bill. What the Public Broadcasting Corporation wanted was an authorization of from 3 to 5 years. The House decided to give it 2 years. The administration wants 1 year. The Senator from Tennessee is the advocate for the administration. The administration is responsible for not sending up a long-range program. I think their feet should be put to the fire. I would hope, I repeat again, he can do something about resolving this very sensitive and difficult situation.

The reason I am resisting the amendment today is not because it is without merit. The Senator from Tennessee knows that. I have made my position clear. I held up this authorization bill to accommodate the Senator from Tennessee, who had to go to Stockholm. He had

to go to Stockholm; that was his official responsibility. We had to wait a couple of weeks, because I did not want to do anything about it until he came back. When he came back I explained my position to him. The reason why I am trying to expedite the bill and adopt the House bill is so that we may avoid any difficulty in acting on the HEW appropriation bill. This must be done now for next week we go to the Democratic Convention. I was hopeful we could do something about it. I am just trying to expedite it.

If we make the authorization 1 year on the floor of the Senate, we will have to go to conference. We cannot make it for 18 months. We cannot authorize for a year and a half. Then there is the question of whether the House accepts the Senate version or the Senate accepts the House version. The Senator from Tennessee has had experience with the House. He knows all they say is no, and we are going to be up against their saying, "No, no, no; that is not the way to do it." So we will come back here with the House bill.

I am trying to be practical and realistic this afternoon. I will say to the Senator that I will be the first one to work shoulder to shoulder with him to see if we cannot get a sound long-range plan.

On the question of programing, that is about one of the most sensitive areas we can get into. Under the law, the Congress of the United States cannot dictate programing, and nobody wants to do it. I know that.

They are talking about a fourth network. I do not know what they mean when they say that. If we do not have interconnection how will a national program like "Sesame Street," be distributed? Does that make it a fourth network? It is all right to say we have a national body when it comes to programing. But when it happens that somebody criticizes Vietnam, they say, "That is all wrong." I do not know who gave the program praising opposition to Vietnam or criticizing it.

As a matter of fact, on that subject very frankly, I am for getting out of Vietnam. Perhaps the Senator from Tennessee feels a little different from the way I do. Perhaps some of our politicians become a little touchy when somebody disagrees with their positions. Everybody knows nobody scares easier than a politician, especially when he is running for reelection. It happens very often.

But the point is that we cannot get into programing. We have had a new group of newly appointed officials by the President to the Board of Directors of CPB. Five names were chosen. Up to a short time ago the majority were Democrats. Now the majority are Republicans. Who knows? Maybe they will get somebody in place in Vanocur. I do not know who he might be.

That is apart from the question. We had a hearing on the question of violence on television. We had the Surgeon General come before our committee, and we had him bring his advisory committee. His council was composed of some of the foremost psychologists and psychiatrists and sociologists. We had them all up here, and, to the man, everyone of them said we ought to do more in public broadcasting. Dean Burch said in February, before the House committee that—

> FCC has never had any fairness complaints . . . against educational stations that were serious enough to take any action on.

He went on to say:

> The FCC gets "a lot" of fairness complaints in regard to commercial broadcasting, "but we have not had that sort of reaction to the education stations." Clearly, therefore, the record of public broadcasting is better than that of the rest of broadcasting in regard to fairness.

There is the Chairman of the FCC, who comes out of the State of Arizona, sponsored by BARRY GOLDWATER and Mr. FANNIN, appointed by President Nixon, and that is what he had to say.

If I can believe him as a Democrat, I think a Republican ought to believe him, too.

So, I say to my good friend—and I love to work with the Senator from Tennessee. He and I are about the same size; we can look one another straight in the eye. I do not have to look up at him, and he does not have to look up at me. We can stand on the same level, and I think we can intellectually see eye to eye on a lot of things. We usually do. But this is a time in our lives when we do not. I suppose. He would like to make the authorization 1 year. I would like to see the House version remain, because I know how it is going to end up in the long run. So I say, "Why waste all the time? Let us have it over and done with, pass this bill, and go on to the next item of business," because we have more important things to talk about than whether the authorization should be for 1 year or 2 years. The appropriation can only be for 1 year.

Mr. BAKER. Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER. Eight minutes remain to the Senator from Tennessee.

Mr. BAKER. Mr. President, I remember the first speech I made on this floor in 1967. There were not many people here to hear my maiden speech, but one of them was the distinguished Senator from Rhode Island, who sat in his place in the Senate and heard my long dissertation on revenue sharing. It was a good speech, by the way, or I thought it was. And he got up and said:

> "I am glad to be able to say that the Senator from Tennessee and I see eye to eye.

Being a new Senator, and also not of tall stature, it did not strike me for a little while exactly what he meant, because he obviously did not mean he agreed with my bill; but rather, as he puts it, we do have many things in common.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. BAKER. Of course.

Mr. PASTORE. Does the Senator know what Disraeli said? He said:

> We measure our men from the neck up, and not from the neck down.

Mr. BAKER. Mr. President, I have never been sure I fell in that category, but I have always been grateful for the statement.

Mr. President, I cannot overstate my admiration for our distinguished chairman of the Subcommittee on Communications. He does a magnificent job. He deals foursquare and straightforward with me and with the other members of the subcommittee, and with administrations. I have seen him do it firsthand, with Democratic and Republican administrations alike. The business and the welfare of broadcasting in the United States, both public and commercial, is the beneficiary of his judgment and his dedication to principle and objectivity.

I do not say that to soften him up. I mean it, and I am genuine in my admiration for his handling of his responsibilities as chairman.

I cannot resist making one observation, though, on his further remarks. He urges that the Senate get about the business of passing this 2-year authorization before we go to the Democratic National Convention. It almost sounds as if he never expected to come back.

Now, the Democratic National Convention will be, as some have said, energetic, I am sure. But we will still be here. The Republic will survive, and there will be time enough to worry about the HEW appropriation and about this authorization.

But more to the point, I am genuinely concerned about the question of whether we are doing the right thing. I think the only good safeguard I can offer now, in general terms, is to make it a 1-year authorization instead of two.

Mr. President, I reserve the remainder of my time. I might say it is my understanding that the distinguished Senator from Maryland (Mr. BEALL) has an amendment, and the distinguished Senator from South Carolina (Mr. THURMOND) has an amendment. I called up my amendment previously because there seemed to be no other amendment in the offing. I am perfectly willing now, if no one objects, to let them call up their amendments at whatever time they wish.

Mr. PASTORE. Mr. President, I was going to suggest this: I have more time left than the Senator from Tennessee; I am perfectly willing to give him whatever time he might need. But some of our colleagues have to go downtown to attend, as members of the board of trustees of the Kennedy Center, a meeting being held down there with reference to contributions.

If it is agreeable, I wonder if we could not enter into an agreement that we would suspend further action on this particular amendment, with the understanding that a vote on it would occur at a quarter to 2.

Mr. BAKER. Mr. President, I think that——

Mr. PASTORE. And in the meantime we could consider other amendments, with the understanding that, after we have exhausted the time, that vote would occur right after the quarter-to-2 vote.

Mr. BAKER. Mr. President, let me suggest this: I think we ought to do that, for the reason that the Senator suggests,

that is, we do have a directors' meeting at the Kennedy Center.

Let me now take down my amendment, and let them take up theirs, and, rather than voting on mine, let them vote on theirs at a quarter to 2.

Mr. PASTORE. They have a half hour on theirs, and they will be through at a quarter past 1. I did not want a vote to take place until a quarter to 2.

Mr. BEALL. Mr. President, my amendment has a half hour. However, the Thurmond amendment——

Mr. PASTORE. Does the Senator intend to ask for a vote on his amendment?

Mr. BEALL. Yes, I would like to ask for the yeas and nays, unless the Senator is willing to accept it.

Mr. PASTORE. I do not know what the amendment is.

Mr. BEALL. It has a great deal of merit. The Senator might be willing to accept it.

Mr. PASTORE. Right now, no matter what the merits are I would not want to accept it. As I told the Senator frankly, if the committee loses one amendment, I am perfectly willing to be very amenable. If I have to go to conference, I can go to conference with six amendments as well as one. I am trying to avoid a conference. I have made my position clear.

Mr. BAKER. With the Senator's usual candor, he has, but I suggest——

Mr. PASTORE. My point is this: I do not want any vote to take place before a quarter to 2. So I was wondering if we could exhaust the time on the Senator's amendment, and after we take a vote on this one, we could proceed to a vote on the Senator's amendment right after a quarter to 2.

Mr. BAKER. Mr. President, may I suggest that we stack the votes, as we have done previously?

Mr. PASTORE. That is right; that is what I am talking about.

Mr. BAKER. That we proceed with the debate on the Beall amendment, proceed with the debate on the Thurmond amendment, and then have three fast votes on BEALL, THURMOND, and BAKER.

Mr. PASTORE. And vote first on the one that happens to be on the floor at a quarter to 2?

Mr. BAKER. That is fine.

Mr. JACKSON. That is fine with me.

Mr. PASTORE. Is that satisfactory, I ask the Senator from South Carolina?

Mr. THURMOND. Mr. President, I would suggest that they be voted on in the order in which they are taken up: The Baker amendment, the Beall amendment, and then the Thurmond amendment.

Mr. PASTORE. All right. I have no objection to that. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Is the unanimous-consent request that the Senate proceed with the debate on the other amendments, the Beall amendment and the Thurmond amendment, and that voting on the amendments start at a quarter to 2?

Mr. PASTORE. Or as soon thereafter as time is exhausted on these other two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. JACKSON. Reserving the right to object, but not before.

Mr. PASTORE. Not before a quarter to 2. In other words, if Senator THURMOND is on his feet at 10 minutes to 2 we are not going to interrupt him to have a vote on this amendment.

Mr. BAKER. Mr. President, reserving the right to object, I think it ought to be clear—and I hope it is—that nothing in this unanimous-consent agreement limits the right of anyone else to offer an amendment.

The PRESIDING OFFICER. Certainly not. The Senate will proceed with these amendments, and vote not earlier than a quarter to 2.

Is there objection? The Chair hears none, and it is so ordered.

Does the Senator from Rhode Island wish to reserve his remaining time on the Baker amendment?

Mr. PASTORE. Oh, yes.

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

Mr. BEALL. Mr. President, before getting into my amendment, the Senator from Tenneessee (Mr. BAKER) and the Senator from Michigan (Mr. GRIFFIN) have submitted minority views with reference to the committee report on H.R. 13918, and I did not have an opportunity to read those views fully before they went to the printer. But I have read them in their entirety since that time, and I find myself in agreement with the points raised in those views, so I ask unanimous consent that I be reported as joining them in the RECORD in their minority views.

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

The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 5 after line 24 add the following new section:

"(e) Section 396 (h) of such Act is amended by adding to the end thereof the following:

"'*Provided, however,* That in no event shall the commercial value of such interconnection services, as determined by the Federal Communications Commission, exceed the sum of $10,000,000.'"

The PRESIDING OFFICER. The Senator from Maryland has 15 minutes on the amendment, and the Senator from Rhode Island has 15 minutes.

Mr. BEALL. I yield myself such time as I may require.

Mr. President, as we discuss the extent of the Federal subsidy appropriate for the Corporation for Public Broadcasting—CPB—and the public broadcast system generally, we should be aware of the existence of a substantial hidden subsidy which must be added to the funds which H.R. 13918 would authorize. I refer to the subsidy provided CPB in the form of reduced rate interconnection services for its national broadcast network. This subsidy is both hidden and beyond the Congress' immediate control as to amount. It is currently estimated to run between $10 million and $15 million per year.

Section 396(h) of the Communications Act permits the telephone company and other communications common carriers to grant free or reduced rate interconnection service to public broadcasting, subject to FCC regulations. After a lengthy proceeding, the FCC determined that it would not be in the public interest to grant CPB free interconnection. The Commission rightly concluded that this would be too much of a burden on other users of leased communications services and the general public, who end up supporting this aspect of CPB's operations through increased rates. However, the FCC did work out a plan for reduced rates under which CPB gets a 110 station fixed network by January 1973. By the end of 1974, CPB will be paying a stabilized annual rate for this service of only $4.9. It has been estimated that this is less than a quarter of what the telephone company charges each commercial network. The difference is coming out of the pockets of American consumers—to the tune of roughly $10 to $15 million annually—and no one knows what the actual amount is or what it will come to in the future.

The legistlative history of section 396 (h) is not extensive but it is clear that Congress never intended to write a blank check to subsidize CPB's plans for an extensive, 24 hour a day national network linking all public broadcast stations. Section 396(h) was derived from the recommendation of the Carnegie Commission on ETV that the Congress allow preferential rates for public broadcasting interconnection. The Carnegie Commission had estimated that, by as late as 1980, actual costs for all public broadcasting interconnection—not only national, but regional and intrastate as well—would be only $17 million. And that estimate assumed the existence of 380 TV stations, as compared with the 220 now in existence. This is the order of magnitude of costs Congress had before it when it authorized preferential rates. But now we find that in 1972, with only 110 stations actually interconnected, it is costing about $15 to $20 million per year, with only $5 million of this amount actually visible as a CPB expenditure.

We simply cannot perpetrate this open-ended, hidden subsidy. If the American people are going to pay more for communications service in order to promote public broadcasting, we should at least know how much it is costing and we should establish some ceiling. I am sure that even the most ardent public broadcasting supporter in the Congress would agree that there must be some limit—some point beyond which the general public cannot be expected to carry CPB's network.

I believe that the amendment I offer places a reasonable ceiling on CPB's interconnection subsidy. It means that the difference between what CPB pays for its interconnection service and what the same service would cost at commercial rates could never exceed $10 million. In this way we would close a gaping hole in the public purse and assure that, if there is to be any greater subsidy of CPB interconnection, the Congress will decide the subsidy question on its merits and with knowledge of the precise costs involved.

Mr. President, I can understand the reluctance of the distinguished chairman of the subcommittee, the manager of the bill, to want to open up this bill to

amendment at this time. However, having recently come from the House, I think they make mistakes every once in a while, and that the House does not always consider all the aspects of a particular piece of legislation.

I noticed this on a couple of occasions when I was in the House. I have come to the Senate, and I have a greater appreciation for the job the Senate often does in helping to straighten out these mistakes and fill in gaps in legislation when it leaves the House. This is one of those gaps.

I suggest to the Senator that it is this kind of gap that ought to be closed, and this is the kind of examination that ought to be given to legislation. I suggest that the Senate would be remiss in its duties if it just accepted at face value everything the House sent to it.

Here is a chance to let the taxpayers know where the money is going. This kind of amendment deserves not only consideration but also acceptance by the Senate.

Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, it is frustrating when the manager of a bill is more or less—I will not use the word "harassed"—placed in an awkward position by Members of the Senate who are not members of the committee. But it is extremely awkward when it happens to be members of the same committee, who had every opportunity to bring matters to our attention, at that time and did not. This authorization bill has been before my committee for I do not know how long after it was passed by the House, and I held it off at the request of the Republican members of the committee. And not once did anyone bring up this amendment.

In my humble opinion, this amendment would handcuff the corporation; because if it takes less than $10 million on interconnection, this is going to be encouragement to spend the $10 million. If it takes more money, what we are doing is biting off our nose to spite our face, in order to bring these programs which have a national value.

One of the significant responsibilities that the Corporation has is in the way of interconnection. That was one of the biggest debates we had when the measure was discussed on this floor in 1967, and I was the manager of the bill. I think that when we begin to say how much can be spent for interconnection and we do not know how much money is going to be appropriated from time to time to the Corporation, what we are actually doing is beginning to handcuff this thing.

I say to Senators that if they do not want a Public Broadcasting Corporation, they should stand up and say so. But if they want one, some latitude must be given to these fine people. If one wants to know how fine they are, most of them are Republicans now. They have the majority, and they are all fine. A group came in from New York to object to their nominations being confirmed. I told this group that I could never rebuff the President of the United States on the caliber of the names he submitted.

If we cannot trust these people, who are we going to trust? They are selected by the President of the United States. President Nixon did a marvelous job in picking out the directors of this Corporation, and I compliment him. If these people cannot run the Public Broadcasting Corporation to satisfy the public interest, then we ought to do away with the Corporation.

Here we are with amendment after amendment coming in. From whom? From what side? The Democratic side? Of course not. I do not know what this is all about. There must be some background to all this.

I never contended for one moment that we of the Senate should become a stooge for the House. I never said that. But we have assigned the HEW appropriation bill for consideration next week, and a point of order will be raised if we do not have an authorization on public broadcasting. That is all I said.

All this could have been adjusted later on. All this could have been adjusted if I had been told about it before. The question is this: What is going to happen if we have to go to conference and the House delays it for awhile, and if we do not get to it, and then have to consider the HEW bill, which is important for health, education, and welfare? That bill has to be passed.

It is one of the largest bills that comes before the Senate and before Congress—one of the most important bills, concerning the health of the people, the education of the people, and the welfare of the people. I do not want to hold it out because we cannot agree on this authorization.

If I had known I was going to run into this, I would have brought this bill up a long time ago. I would have done that. I would have said to my colleagues then seeking delay, "I am sorry, I cannot accommodate you. If you are not in the Senate, that is too bad." But I did not do that.

Now here I am this afternoon, a member of the same committee, being placed in this awkward position that I have to fight my own colleagues on these bills. I see nothing too seriously wrong about this bill. I have explained it. I do not want to be chided that I am following the dictates of the House. I did not say that. I have never been a stooge for the House. I have never been a stooge for anyone. I am not pushed around by anyone, either a Member of the House or anyone else. But I think I made my position clear and if it is not understandable, and if that is not acceptable, then I am afraid I have wasted my breath up to now.

I have said before that I am perfectly willing to take this amendment to conference if it is the desire of this body to amend the House bill. I am perfectly willing to take the amendment of the Senator from South Carolina to conference if they want to amend the House bill. But I say that if we start amending the House bill with these amendments, which are not that important and can be resolved later on, because these issues are not new, I am perfectly willing to go along with it.

I say, let us get on with it. I do not want to have to struggle with my own colleagues on my own committee. I have enough to do. I repeat, if Senators do not understand what I mean, I am very, very sorry. All I am trying to do is to get the bill out.

Now if you want to delay this thing after we come back from the convention and hold up the HEW appropriation bill until after the convention—sure, I am coming back from the convention and, with the grace of God, I am coming back from the convention; but I tell you frankly, Mr. President, not with any more laurels than when I went there. That is not the purpose at all.

I want you to go to your convention and I want you to come back from your convention in August and I hope that you come back as a candidate for Vice President. But the fact still remains that here we are. As a matter of fact, I think it is about time to give you fellows a break. Maybe we should have a Vice President as big as Disraeli. It may do the country a lot of good.

Mr. BAKER. Mr. President, will the Senator from Maryland yield to me so that I may make an imperative remark?

Mr. BEALL. I am happy to yield to the Senator from Tennessee.

Mr. BAKER. Let me say to the Senator from Rhode Island that I appreciate the flattery but the Republic could not stand it. [Laughter.]

Mr. President, I thank the distinguished Senator from Maryland for yielding to me briefly to answer one point that the Senator from Rhode Island has made.

I expressed my concern for a 2-year authorization before the House passed its bill. I expressed my intention to offer an amendment for 1 year instead of 2 years months ago. I expressed my desire to offer it on the floor of the Senate if it was not adopted by the Commerce Committee in reporting the bill.

I have no control, nor do I desire to have any control over the desire of any other Member of the Senate, nor any other member of the Commerce Committee of the Senate, to offer any amendment. The fact is, I think that the amendment of the Senator from Maryland (Mr. BEALL) is a good amendment and I intend to support it, notwithstanding that it was offered here and not in committee.

But the point is, I have no apology to make for offering the amendment to make this 1 year instead of 2 years. I have made that point extremely clear from the outset that, one, I do not intend to get involved in trying to judge what is and what is not good programing; two, I am not happy with the form and substance of public broadcasting as it is obedient or is not obedient to the mandates of the statute; and, three, I intend to suggest, therefore, that the authorization be for 1 year instead of 2 years, instead of challenging the level of authorization, or any other amendment.

That is precisely what I have done. That is precisely what I said I was going to do weeks and months ago and I have no apology to make for it.

Mr. BEALL. Mr. President, I thank the Senator from Tennessee for his support.

Mr. President, I yield myself such time as I may consume.

I must say that the Senator from Rhode Island is well known as a skillful debater. On his remarks concerning the Vice Presidency, I am caught between my allegiance to my own State and its former Governor and the great Senator from the State of Tennessee.

The Senator from Tennessee said that he would like to have proposed his amendments in the committee, and I think, when possible, that we should do that, that we should use the committee process and not amend the bill. But, fortunately, of course, we were able to bring the bill to the Senate subject to further amendment.

If, as a member of the committee, I had been aware of the fact that this $10 million to $15 million hidden subsidy was being given to public broadcasting, I would have proposed an amendment when the bill was under consideration in the committee. But the fact, is I became aware of this only fairly recently. I think it is the kind of situation that should be corrected.

I am a strong supporter of public broadcasting and educational television. I am happy to say that when I was a member of the legislature of the State of Maryland, I was a sponsor of legislation that set up an educational television network in our State. We now have a good network with expanding broadcasting facilities. But one thing we tried to make sure of as we did it in our State, and one thing we should be sure of here, I think, if we do this all over the country, is that Congress constantly exercise its prerogative by closely examining what public broadcasting is doing and whether they are carrying out their legislative mandate.

We talk about exercising congressional prerogatives all the time. We talk about control in the field of foreign affairs and in other fields. I do not want to forfeit our responsibility to the public with respect to any administrative agency, whether it be the Corporation for Public Broadcasting or any other, but we have to guard it. This is our duty and our responsibility.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield on my time?

Mr. BEALL. I am happy to yield to the Senator on my time.

Mr. PASTORE. The fact still remains that there have been no hearings on this item. The Senator knows what will happen when we go to the House in conference. The Senator has had that experience before, when there have been no hearings.

President Nixon sent up five names for members of the Corporation. The White House urged me to exercise all expedition in order to get that to hearings. I was there at the first hearing. Mr. President, do you know how many people attended those nearings most of the time? Just one. Pastore. That is all. I did not hear from anyone. I went all through this. What I am saying is that at that time we could have asked—if this was suggested—to the members of the Corporation, to the President of the Corporation, "What does this mean to you? What would it do to the efficiency of the Corporation?"

We have no record of any hearings. That is what I am saying. The Senator from Tennessee said he was for the 1 year. He told me that. But when I was ready to put the bill in for hearings, I was told that he could not attend the meeting and he was away for 2 weeks so we had to wait until he came back.

It would not have made that much difference if I had to go to conference. But I am in a bind now because the HEW bill is down for consideration next week and we have got the authorization. That is the only plea I am making here. I am making a greater plea here this afternoon for the HEW bill than I am for this, because, as I said before, I do not think it makes that much difference whether the authorization is 1 year or 2 years, if we appropriate for only 1 year. That is where we can control it.

Here I am. I am fighting with my friends.

Mr. BEALL. Mr. President, to continue on the amendment, as I said, if I had known that there was this $15 to $50 million cost at the time we had the hearings, I would have offered this amendment at that time. But I did not know it.

I think, in order to be fair to the public, we are telling them that we are authorizing an expenditure of money for the support of a Public Broadcasting Corporation network across the country. The public believes the authorization and appropriation levels in the legislation. They believe when we say we are going to allow them to spend x dollars this year for this purpose.

But if we also allow them to spend another $10 or $15 million in a subsidy coming out of their telephone bill, they ought to know that, too.

Mr. PASTORE. The Senator is correct.

Mr. BEALL. We, having discovered this subsidy, ought to limit it so that it does not grow to $30 or $40 million before we know about it. It is our responsibility to be honest with the public and to see that they do not continue down the road of spending subsidies. We should adopt this amendment now.

Mr. PASTORE. Mr. President, I believe the same situation would apply as applied in the case of the amendment of the Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Rhode Island want the remaining time on the amendment reserved?

Mr. PASTORE. It will all be reserved. However, we will begin voting at a quarter to 2.

Mr. THURMOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 8, after line 7, insert a new section 7.

Subsection (B) of Section 396(g)(2) of the Communications Act of 1934 (47 U.S.C. § 396(g)(2)(B)) is hereby amended by adding to the end thereof the following:

"In contracting or making grants for program production under this subsection, the Corporation shall insure that there is equitable geographical distribution of its contract or grant funds throughout various regions of the country."

Subsection (C) of Section 396(g)(2) of the Communications Act of 1934 (47 U.S.C. § 396(g)(2)(B)) is hereby amended by adding to the end thereof the following:

"In making payments for local programming and operational costs under this subsection, the Corporation shall insure that there is equitable geographical distribution of such payments throughout various regions of the country."

Mr. THURMOND. Mr. President, I want to say in the beginning that some years ago I was a member of the Commerce Committee and a member of the Communications Subcommittee of which the distinguished Senator from Rhode Island was chairman. It was a pleasure to work with him.

I commend the Senator from Rhode Island for the outstanding leadership he has provided in the public communications field.

A great deal of progress has been made in my home State of South Carolina. I think it is one of the leaders in this field. However, there is a matter that I think deserves great attention. I have therefore offered my amendment to the Public Broadcasting Extension Act which is intended to strengthen the Corporation for Public Broadcasting and to develop its potential throughout every region of this Nation. Public Broadcasting is a concept which has wide support in this body. It has already achieved broad acclaim for innovative programing, particularly in the children's field. It has begun to explore new fields which have been previously untouched.

It can be said now, however, that the Corporation is well-established and out of the organizational stage. It is time to consolidate these gains and move forward. Public broadcasting is a concept which by its very nature does not have to adhere to traditional patterns or to the organizational systems of the past. It offers the opportunity to develop regional interests and to support the development of the rich and diverse cultural heritages of the various parts of the Nation.

Up to this point in time the Corporation for Public Broadcasting has let this area of development lie fallow. Perhaps there were understandable reasons for this. In starting a project, it is necessary to start somewhere, and CPB began to operate in the established production centers. The bulk of its programing contracts have been made in these established centers. I think it is time that the intent of Congress be made clear. The phase of initial operations is over. It is now time to move out across the land and develop regional sources. If we fail to do this now, the Corporation will be too well established, and perhaps too set in its ways when we next get the opportunity.

Mr. President, the Corporation for Public Broadcasting—CPB—distributes two kinds of funds to local public broadcast stations. A portion of the Federal appropriations given to CPB is used by CPB for support of the local stations' operating expenses. But, over the past 5 years, these funds have amounted to only 13 percent of CPB's total budget. While it is clear that CPB has not de-

voted enough of its funds for station support, the limited amount of money that has been distributed has been done so equitably to all public television stations and to eligible public radio stations throughout the country.

The other type of funds distributed by CPB—and by far the largest single category of CPB expenditure—is the TV program production funds. In fiscal 1972 CPB spent approximately $15 million in television program production. By no stretch of the imagination can it be said that these funds have been distributed equitably among the public television stations in the country. For example, of CPB's total TV program budget in 1972, 41 percent was spent in New York City—with NET receiving 27.9 percent of the funds and the Children's Television Workshop receiving 13.2 percent; 11.6 percent of the total budget was spent on Boston's WGBH–TV; 10.7 percent was spent on Washington, D.C.'s WETA–TV; 9 percent was spent on Los Angeles' KCET; and 9.2 percent was spent in Pittsburgh for the combined operations of WQED and the Mr. Rogers television program. That is, over 81 percent of the total CPB television production budget is distributed to only five major metropolitan areas. The balance of the funds go to stations in San Francisco, Chicago, and Columbia, S.C.

The funds which go to Columbia, S.C., are a perfect illustration of the case I am making. The Corporation has made a $725,000 program production grant to the Southern Educational Communications Association—SECA—based in Columbia. This grant is used for the production of the William F. Buckley "Firing Line" program, which has achieved international attention. We are very proud of my good friend, Bill Buckley, with his family ties to our State. We are very proud of the work which SECA has been doing across the board in promoting public broadcasting in the South. We want to keep the Buckley show based in Columbia.

However, appearances can be deceiving. Although the Buckley show is based with SECA, very little of the money is spent in South Carolina, and very little of the production is done in South Carolina. Most of the CPB grant goes directly to the National Review Corporation in New York, which bears all of the production costs and pays all of the salaries of producers, directors, program production staff, guest fees, and other fees. To show just how little South Carolina gets involved, I should point out that "Firing Line" has been produced over the past year in the following cities: New Orleans, Washington, D.C., San Francisco, Austin, Chicago, Boston, Sacramento, Los Angeles, Jerusalem, London, Saigon, and finally, Columbia.

I would like to see SECA get Federal funding to produce not only the Buckley show, with its international milieu, but also programs of regional interest to the South, and programs from the southern heritage which would be of interest to the Nation. I do not think that SECA will get such additional funds under the present policies of the Corporation.

I use SECA only as an example. Most of the production is done on the east and west coasts. The CPB has no production contracts in the Southeast, other than the Buckley show. It has no such contracts in the Southwest, none in the Midwest, none in the Northwest, nor in the Northeast. I am certain that all of these areas have a vital potential for public programing. With the increased funding contemplated in this bill, Congress must make sure that the funds are distributed equitably.

The CPB's record in the past year has given little encouragement that new regional production centers will be set up. While a $15 million television program budget is spent by CPB in some six or seven major metropolitan areas, only $350,000 has been distributed among some 210 television stations—the rest of the stations throughout the United States. Because of this imbalance of program expenditure, during prime time evening hours, over 90 percent of CPB's programing came from six station production centers that do national programing under grants from and contracts with CPB. One station production center—WNET in New York City—produced over one-quarter of the prime time programing, the Washington, D.C., station produced over 17 percent; the Boston station over 14 percent; the San Francisco and Los Angeles stations nearly 13 percent each; and the Buckley programing—ostensibly from South Carolina—accounted for 7 percent of the prime time schedule.

This type of imbalance must end if CPB is to live up to the requirement in the Public Broadcasting Act of 1967 that high quality programs must be obtained from diverse production sources.

When it comes to the Federal moneys for construction of public broadcasting facilties, the Congress has required HEW, which distributes these facilities moneys, to achieve equitable geographic distribution of the funds throughout the various States. The act also requires that no more than 8.5 percent of the total facilities appropriation be spent in any single State.

I believe that there should be similiar requirements for equitable geographic distribution of the substantial Federal funds used to underwrite television program production. If not, CPB will continue to spend most of these funds and obtain most of its programs from a few very large television stations in very large east coast and west coast metropolitan areas. The United States is more culturally, politically, and educationally diverse than is reflected in public television programing, and the Congress has an obligation to insure that public television reflects America's great diversity.

Mr. President, I have offered the amendment to H.R. 13918. I have sent a copy of the amendment to the desk and I shall not repeat it at this time but I do ask for its consideration at the time agreed upon.

Mr. PASTORE. Mr. President, there is nothing really objectionable to the position taken by our good friend from South Carolina except, of course, I have to keep repeating once again that the purpose was to try to pass this bill without amendment. This is for the simple reason we are trying to expedite consideration of the HEW appropriations and without this authorization, which is a very small part, we could disadvantage the health, education, and welfare of our people, and I would not want to do that.

Apart from that, I must say to my good friend from South Carolina that he is absolutely correct. In order to bring about a more equitable distribution there is contained in the legislation about 30 percent of the money for distribution to local stations.

In our report in 1967, to show the philosophy and feeling of Congress at that time we stated:

> The aid which the Corporation may provide under these subparagraphs, therefore, should be equitably distributed with the view to creating strong and imaginative local stations.

Mr. President, I repeat again, the only reason I am resisting this amendment is for the reason I have already given. This is no reflection on the merits of the amendment.

If we could adjust this without amending the bill I would be willing to take it up with the Corporation to see where the fault lies, if this amendment should fail. I make that promise to the Senator. That might not be satisfactory to him and he might want an up or down vote at this time. But I do want him to know there is nothing essentially wrong with his amendment; it is only a question of whether or not this time is the propitious time to bring this about. I think I can accomplish what he wants without his amendment, whether it is agreed to or not.

RECESS UNTIL 1:40 P.M.

Mr. PASTORE. Mr. President, if other Senators have nothing further to say at this time, inasmuch as we start voting at a quarter of two, I ask unanimous consent that the Senate stand in recess until 1:40 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered. Accordingly, at 1:25 p.m., the Senate took a recess until 1:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TUNNEY).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there are expected to be three rollcall votes within the next few minutes. I ask

unanimous consent that on the second and third rollcall votes the time for each vote be limited to 10 minutes, and that the warning bell sound midway.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, I would like to check this with the leadership on my side and make sure it is all right.

Mr. ROBERT C. BYRD. Very well.

Mr. TOWER. I do not object.

Mr. ROBERT C. BYRD. I thank the Senator.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. 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. Does the Senator from Tennessee want the yeas and nays on his amendment?

Mr. BAKER. Yes. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I am ready to yield back the remainder of my time, if the Senator from Tennessee is.

Mr. BAKER. Mr. President, I am not quite ready yet. I need to confer with the authors of the other amendments. I suggest the absence of a quorum, to be charged against my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I am prepared now to yield back whatever time I have remaining on the amendment.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TUNNEY). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Montana (Mr. METCALF), the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 26, nays 58, as follows:

[No. 238 Leg.]

YEAS—26

Aiken	Byrd, Harry F., Jr.	Hansen
Allott	Cooper	Hruska
Baker	Cotton	Jordan, Idaho
Beall	Dole	Packwood
Bellmon	Dominick	Roth
Bennett	Fannin	Scott
Boggs	Griffin	Smith
Brock	Gurney	Thurmond
Buckley		Tower

NAYS—58

Allen	Hart	Pell
Anderson	Hartke	Percy
Bayh	Hollings	Proxmire
Bentsen	Humphrey	Randolph
Bible	Jackson	Ribicoff
Brooke	Javits	Saxbe
Burdick	Jordan, N.C.	Schweiker
Byrd, Robert C.	Kennedy	Sparkman
Cannon	Long	Spong
Case	Magnuson	Stafford
Church	Mathias	Stennis
Cook	McGee	Stevens
Cranston	McGovern	Stevenson
Curtis	Miller	Symington
Eagleton	Mondale	Talmadge
Eastland	Montoya	Tunney
Ellender	Moss	Weicker
Ervin	Nelson	Young
Fong	Pastore	
Fulbright	Pearson	

ANSWERED "PRESENT"—1

Taft

NOT VOTING—15

Chiles	Hatfield	McIntyre
Gambrell	Hughes	Metcalf
Goldwater	Inouye	Mundt
Gravel	Mansfield	Muskie
Harris	McClellan	Williams

So Mr. BAKER'S amendment (No. 1267) was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ROTH). The pending question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL) who has 3 minutes remaining; and the Senator from Rhode Island (Mr. PASTORE) has 7 minutes remaining.

Mr. BEALL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BEALL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Maryland (Mr. BEALL).

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 Florida (Mr. CHILES), 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 Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 30, nays 54, as follows:

[No. 239 Leg.]

YEAS—30

Aiken	Curtis	Mathias
Allott	Dole	Miller
Baker	Dominick	Packwood
Beall	Fannin	Scott
Bellmon	Fong	Smith
Bennett	Griffin	Stafford
Brock	Gurney	Thurmond
Buckley	Hansen	Tower
Cooper	Hruska	Weicker
Cotton	Jordan, Idaho	Young

NAYS—54

Allen	Ervin	Pearson
Anderson	Fulbright	Pell
Bayh	Hart	Percy
Bentsen	Hartke	Proxmire
Bible	Hollings	Randolph
Boggs	Humphrey	Ribicoff
Brooke	Jackson	Roth
Burdick	Javits	Saxbe
Byrd, Harry F., Jr.	Jordan, N.C.	Schweiker
Byrd, Robert C.	Kennedy	Sparkman
Cannon	Long	Spong
Case	Magnuson	Stennis
Church	McGee	Stevens
Cook	McGovern	Stevenson
Cranston	Mondale	Symington
Eagleton	Montoya	Talmadge
Eastland	Moss	Tunney
Ellender	Nelson	
	Pastore	

ANSWERED "PRESENT"—

Taft

NOT VOTING—15

Chiles	Hatfield	McIntyre
Gambrell	Hughes	Metcalf
Goldwater	Inouye	Mundt
Gravel	Mansfield	Muskie
Harris	McClellan	Williams

So Mr. BEALL'S amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the senior Senator from South Carolina. The senior Senator from South Carolina has 4 minutes remaining, and the Senator from Rhode Island has 11 minutes remaining.

Mr. THURMOND. Mr. President, I am willing to yield back the remainder of my time if the Senator from Rhode Island is.

Mr. PASTORE. Mr. President, I will yield back my time after a very short statement. I want this clearly understood. There is merit to the amendment. And I have explained all that this afternoon.

The purpose of the Senator from Rhode Island in rejecting these amendments that he deems may be desirable, but at this time not immediately necessary, is in order to avoid a conference that would delay the consideration of the appropriations bill on HEW. We would be accepting the House bill—and that has been my argument right along—in order that we might expedite the consideration of the appropriations bill on Health, Education, and Welfare which, in my opinion, is a very important bill. It has to do with the health, the education, and the welfare of our people.

Mr. President, we have written in the 1967 report that this money should be equitably distributed. We have raised the amount that must be given to the local stations up to 30 percent of what we appropriate.

I am perfectly willing, as I said to the Senator from South Carolina, to follow this through whether his amendment carries or not, to make sure that his idea is carried out.

I would hope that at this juncture the Senator will not compel our committee to go to conference because the action would be delayed, and would hamper this very important bill that has been assigned for consideration by the Senate next week, the appropriations bill for HEW.

I hope that is understood. I do not deny the merits of this particular amendment. However, I think at this time it would be unfortunate to attempt to do it in this way.

Mr. THURMOND. Mr. President, the only thing I am concerned about is that just a few States are getting all of this money.

Mr. PASTORE. The Senator is correct.

Mr. THURMOND. Mr. President, five cities are getting almost 82 percent of this money. Why should this money not be distributed over the country geographically so that the rest of the States can share in it? I do not know how else to do this except through the passage of legislation.

The bureau has not done it. We have no expression from them that they will do it.

If the Senator from Rhode Island can assure me that there will be a definite distribution on a geographical basis, I am willing to dispense with a rollcall vote and withdraw the amendment. But unless we get the assurance, we have to put it in the law because there are five cities getting 82 percent and the others are getting driblets. There is no reason why these stations should not be able to manufacture their own programs and join in these funds. At the present time this is not being done.

Mr. PASTORE. This is what I am willing to do. I am willing to invite Mr. Macy to come to my office and the Senator may come there also, and put his complaint before him. I will insist that the aid under these paragraphs be equitably distributed with the view to creating strong and imaginative local stations. That language was written in the report. I am going to insist upon it. But I cannot agree that 82 percent of this money is going where the Senator said it is going.

Mr. THURMOND. I can name the cities that it goes to.

Mr. PASTORE. I know. Those are the Senator's statistics.

I am perfectly willing to call Mr. Macy to my office and have the Senator there and straighten this matter out. But I think it would be disastrous at this time to force this bill to a conference.

Mr. THURMOND. Mr. President, in view of the assurance of the Senator from Rhode Island that he will contend for the principle laid down in the amendment, that he will get Mr. Macy in and invite not only me, but other Senators who wish to appear——

Mr. PASTORE. Anybody the Senator wants to bring.

Mr. THURMOND. So we can assure that this money is distributed on a proper geographical basis, and that is all I want to do—if it is not done this year I shall be back with the amendment again and at that time we will expect a rollcall vote.

Mr. PASTORE. And the best ally the Senator will have in that case will be Pastore.

Mr. THURMOND. In view of those assurances, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WEICKER. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 4, line 21 strike the word "and".

On page 5 after line 3 insert the following:

'"(C) for the fiscal year ending June 30, 1975, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1973;

'"(D) for the fiscal year ending June 30, 1976, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1974; and

'"(E) for the fiscal year ending June 30, 1977, the lesser of—

'"(i) $90,000,000, or

'"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1975;

Provided, however, That it is the intent of Congress that no further funds shall be authorized or appropriated under this Act or for the purpose of supporting any form of radio or television broadcasting after the fiscal year ending June 30, 1977."'

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend for a moment. The Chair requests that the Senate be in order.

The Senator may proceed.

Mr. WEICKER. Mr. President, this amendment would guarantee 5 years of Federal financing for the Corporation for Public Broadcasting and at the end of those 5 years it declares it to be the intent of Congress to have no further Federal financing of that entity.

Ever since the Corporation for Public Broadcasting was created by Congress in 1967 there has been a constant, often acrid debate over, not the quality, but the content of both national and local public programing. In recent months this debate has become sharply reflected in both Houses of Congress and has evolved into a quesiton of Federal funding and the very future of public broadcasting.

The debate over a 1-year or 2-year authorization, the debate for or against a national public television network, the debate over salary limitations for public broadcasting executives—all these cloak the real issue: Does public television reflect all views on the political spectrum adequately to satisfy representatives of those views? This is a very dangerous question. It runs directly counter to the first amendment guarantees of freedom of the press.

The last time any government had such a large and powerful communications entity as CPB at its disposal was 30 or 40 years ago, and that government went out of business with Germany's defeat in World War II.

On a regular basis Congress is asked to authorize Federal funds for public broadcasting. If that were the extent of the issue, I would have no problem. Unfortunately as each of us votes on any issue relating to public funding of broadcasting, the votes we cast, consciously or unconsciously, reflect legislative or executive approval or disapproval of the programing we see.

I offered an amendment in the Commerce Committee to authorize funds for CPB over a 5-year period with the clear understanding that at the end of that time no further Government money would be forthcoming for public broadcasting. I strongly believe that my amendment has merit on several counts:

First, it would get Congress and the administration out of the perpetual debate over program content and bias.

Second, it would firmly establish the political independence of public broad-

casting, making it subject only to normal FCC procedures.

Third, it would tell public broadcasters exactly where they stand, removing the uncertainty over future funding.

Fourth, it would direct public broadcasters to seek their eventual support from the public at large.

The original purpose of public broadcasting was to give a relatively limited audience a form of entertainment and information which was unavailable on commercial stations; to upgrade viewing and viewers. If this audience is expanding and appreciating what it is getting, it should be willing to pay for it. If public broadcasting actually appeals to an audience so intellectually and politically limited that it is unable to support itself with private contributions, then, under my proposal, it has 5 years to broaden its appeal.

In the case of public broadcasting, the basic problem is now very much in focus. The power of the purse is quite literally the power to shape content. Such awesome power of persuasion has no place in the hands of a Federal Government whose accountability to the people should be shaped by its deeds rather than its words.

I now see very clearly the problems of Government getting into television. I think we all understand the motivations behind the debates that have gone on in these halls over the past several years. Administrations do not like federally financed criticisms. Now that this administration has had a chance to appoint a board of directors, I can assure the Senate it is only a matter of time before policies will change, and if it is a Republican administration continuing the next 4 years, as I think it will be, that is fine for some of us. If it is a Democratic administration, they will run the same gambit. That is the whole reason for getting Government out of the business of radio and television.

Mr. President, I do not intend to ask for a rollcall vote, but only to highlight this matter. This is a matter that has not had a full hearing. We had hearings on 1-year and 2-year extensions of funding for CPB, but never on the question whether any funding was a proper investment for Government to make.

I hope in the next session the chairman of the Subcommittee on Communications will grant hearings on this subject to see what the feelings of the people of the Nation are on this basic constitutional and policy issue. With that, I am willing to yield back the remainder of my time. I hope the distinguished chairman has a comment on whether or not it will be possible to get hearings on this vital question.

Mr. PASTORE. Mr. President, when the Senator said there have been no hearings on this he was in error. I was manager of the bill in 1967 when we created the Public Broadcasting Corporation and it was done at the request of the previous administration. The vote on this was overwhelming. What the Senator from Connecticut is now saying, is that unless Public Broadcasting becomes financially independent in 5 years and begins to raise money on its own, without looking to the U.S. Treasury, it should go dark.

That is the sum and substance of his argument. Of course, I cannot subscribe to that. I think what we need to have, is something we have been promised time and time again, not only by the Johnson administration but by the Nixon administration. I must say I have urged them time and time again by way of letter—that is a recommendation on a long-range financing plan. That has not, of course, been forthcoming. I do not know why. I do not know what the motivation is on their part. I realize it is a very sensitive field.

On the other hand, if we do not get the money out of the U.S. Treasury, it has to come from somewhere else. Last year we appropriated $35 million, but there was $143 million for public broadcasting. The rest came from the foundations and private contributions, and most of the money was spent at the local level. About 15 percent of the amount of money we appropriated last year was actually granted to the local stations. This year we have raised the percentage so that no less than 30 percent has to be given the local stations.

So I say to my good friend from Connecticut, if he introduces a bill to carry out his idea and it comes before the committee, we will have to give very serious consideration to that and hold hearings on it. He is a member of the committee. I hope he will come in. We will have to call not only people who are interested in public broadcasting. I have said previously this afternoon that when we had the Surgeon General before us, after the recent statements about the problems of violence on television and what effect violence on television had on the behavior of children, we invited him and his entire advisory council, made up of expert sociologists, psychiatrists, and psychologists. To a man, each witness said we ought to do more about public broadcasting.

Perhaps here and there we have failed. Perhaps here and there we have had to have a nudge. But we should not use the ax.

If it would please the Senator from Connecticut, he might introduce his amendment sometime as a bill, or at any time when the members of the Corporation appeared before us. If he would attend those hearings, we could go into this matter in depth.

Mr. WEICKER. Mr. President, I am afraid we have a slight disagreement. I think we ought to get it clarified. While the Senator from Rhode Island was very active in studying public broadcasting here in the Senate, I was likewise busy in the House of Representatives, in Hartford, Conn. So we are both for public broadcasting. Let us make that very clear. His statement that I wanted to do away with it is not correct.

The Senator may talk about long-range financing, but we are talking about a very basic question—whether or not an incumbent administration should have at its disposal such a potential propaganda entity as public broadcasting. That is what we are talking about.

I am not going to attribute any motives to the distinguished Senator from Tennessee, but I am going to make my own observations. This is the way I look at it from what I have heard in the Halls of this Capitol—not from the distinguished Senator from Tennessee. I want to make that point clear. But I know one of the reasons we had an amendment on the floor today for a 1-year authorization, rather than a 2-year authorization, was the displeasure of the administration at some of the programs on public television.

This is what the amendment is all about. I do not care whether it is a Republican administration or a Democratic administration, we are always going to have such debate. What I wanted to do with my amendment was to give public broadcasting adequate funds over a long period of time so it could devise plans to free itself from any sort of governmental control—not to do away with it, as the Senator from Rhode Island says.

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

Mr. WEICKER. I will yield to the Senator, on his own time.

Mr. PASTORE. Of course on my time.

Will the Senator be a little more specific as to how he intends to do this? I thought his argument was that after 5 years we would take away the public money. Is that correct?

Mr. WEICKER. That is correct.

Mr. PASTORE. That is the death knell.

Mr. WEICKER. Why is it the death knell?

Mr. PASTORE. Because unless the Government comes up with a long-range plan in the meantime, we do not get public money and it is going to die.

Mr. WEICKER. What is the proportion of financing to which the Senator referred? How much is from public money?

Mr. PASTORE. I have already stated it—$35 million as against $13 million.

Mr. WEICKER. From the Government.

Mr. PASTORE. The difference between $35 and $13 million came from the Ford Foundation—the only reason the Ford Foundation gives is because the Federal Government gives—it came from CBS—the only reason CBS gives is because the Government gives—it came from other individual contributors—the only reason they give is because the Government gives. The minute the Government stops giving, they will stop giving, and it is going to die a natural death. Therefore, some permanent form of financing is necessary, and we have been waiting for it.

Some people say we ought to allow the stations to advertise. The minute we do that, people will object. Some persons have said we ought to have an excise tax on television sets. Then people will argue that that is an injustice to the consumer. Why should a man have to pay an extra charge for something he is not going to use? Others say those who build television sets should pay for it. Manufacturers of the television sets say, "Why should we carry the burden? If the educational process of our people is for the public good, it belongs to everybody, and let everybody pay for it."

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

Mr. PASTORE. I yield.

Mr. BAKER. I want to speak in opposition to the amendment of the Senator from Connecticut. The Senator from Connecticut offered the essence of the amendment in the executive session during final markup of the bill. We had a voice vote, and it was not adopted. He very properly filed separate views on the subject.

I entirely agree with the Senator from Rhode Island that to commit this Congress to the termination of public financing or Federal financing of broadcasting at some future date spells the death knell for the days of public broadcasting. We designed and adopted in 1967 a public broadcasting system which was never designed to be free of the public treasury.

As a matter of fact, it was stated that unless we could devise what in effect was a hedge against centralization, we would have, in fact, a fourth commercial network.

The remarks I tried to make earlier in the day, in the debate on my amendment, to have a 1-year authorization instead of two, were to the effect that, rather than jeopardize the original concept of public broadcasting, rather than try to inject myself into the program content, rather than try to chuck the whole thing, I proposed we do it a year at a time, while we get a program of permanent financing, so that it can proceed in an orderly way, free of the fear so properly expressed by the Senator from Connecticut.

Now, on another matter, it has been said that sometimes the most dangerous thing on earth a man can do is to try to speculate or postulate on another man's motives. In my situation, there is nothing dangerous about it, because the speculation of the able Senator from Connecticut is not accurate.

Mr. WEICKER. If the Senator will yield, I did not speculate on the motives of the Senator from Tennessee and so stated.

Mr. BAKER. The Senator from Connecticut said he thought the reason for it was that the administration was displeased with the program content.

Mr. WEICKER. That was my interpretation.

Mr. BAKER. Since I offered the amendment, I interpreted that to be a speculation on my motives in offering it.

Be that as it may, for some time I have been active in the Communications Subcommittee, for some time I have been interested in public television, and as I also said in earlier debate, I am sure the Senator from Connecticut will fully appreciate and understand that I have been working for a long time on this amendment. But my concern with the bill was not on the level of funding, and it was not with the amendments I understood would be offered, but, rather, with whether it was 1 year or 2 years.

That was not this week, or last week, or last month. That has been a long-time concern of the senior Senator from Tennessee. It has not anything to do with what anybody thinks about program content or the prospects of public broadcasting.

In sum, I think the amendment offered by the Senator from Connecticut would end the design for public broadcasting which was adopted overwhelmingly by the Congress in 1967.

Mr. WEICKER. When the Senator from Tennessee takes a look at the RECORD, he will see that I took pains to disassociate my observations from his motivations, but my observations hold true as to what was behind the vote which we recently had.

Let us make no mistake about it, whether it is the Senator from Rhode Island, the Senator from Tennessee, or the Senator from Connecticut, all three of us are 100 percent behind the Corporation for Public Broadcasting. However, there seems to be quite a bit of difference of opinion as to whether or not it is healthy to exercise governmental control. Let me assure the Senate, and I think the Senator from Tennessee knows this, that much of the debate within the committee and much of the talk on this bill relates to broadcast content. I do not think that is a job for the Government. I do think, as I said in my statement, that we should be judged on our deeds, not on our powers of propagandizing what we have or have not done.

The concept of public broadcasting was to give seed money to this institution, with the hope that they would be innovative, that they would branch out in fields that, at that particular moment in television history, were not commercially profitable enough for free enterprise to take on.

The Senator from Tennessee indicates that he wants 1 year's worth of funding. My amendment calls for 5 years, but in the course of that 5 years I want CPB to be able to plan to free themselves from the control of the Senate Commerce Committee, the House Commerce Committee, or the administration. We have no business in this business.

I yield to the Senator from New York.

Mr. BUCKLEY. Mr. President, I just want to say that I share the concern over the dangers inherent in the public financing of any system of broadcasting which has been expressed by the Senator from Connecticut. I believe that inevitably, if important Federal funds are channeled into the support of such a system, arguments will arise time and time again as to bias in news analysis, and in the shaping of programs presented to the public. This is not desirable, in the first instance, and it is potentially dangerous. By the same token any system which has become dependent on the Federal Government for an important source of funds cannot survive a sudden termination of that funding.

So I intend to vote in favor of the proposal of the Senator from Connecticut, even though I think 5 years is too long a period within which to phase out Federal funding. I also want to say that I am convinced that as between state and private sources, a healthy system of public broadcasting can be maintained.

As I said earlier, I do not believe it is possible or desirable to terminate Federal funding of the public broadcasting system promptly. However, as there is no doubt but that the bill under debate will be adopted by a wide margin, and I intend to vote "no" on final passage so as to emphasize my own view that the system must be weaned from the Federal Treasury.

Mr. PASTORE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. WEICKER. I beg the Senator's pardon. Has the Senator from Rhode Island yielded back the remainder of his time?

Mr. PASTORE. Yes.

Mr. WEICKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PASTORE. Mr. President, I do not know whether the Senator from Michigan (Mr. GRIFFIN) ——

Mr. BAKER. Mr. President, I do not believe the Senator from Michigan intends to offer his amendment. I know of no further amendments to be offered at this time.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. PASTORE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. President, I merely wanted to make an observation or two before this bill passes.

Together with the distinguished chairman of our Committee on Commerce, the Senator from Rhode Island, the Senator from Tennessee, and others, I was a sponsor of the first public broadcasting bill. I have been deeply interested in public broadcasting through the years. As a matter of fact, I recall personally urging my constituents to give funds to support the local public broadcasting station situated at our State University in my State of New Hampshire.

Yet, it is a little ironic that, although in complete sympathy with many of the ideas expressed here today supporting public broadcasting, I myself have been the victim of the very local public broadcasting station for which I solicited funds. In my last campaign I received what I feel was the most unfair treatment from that particular station of any news medium, perhaps with one exception, in the State of New Hampshire. Nevertheless, I still am a friend of public television.

As a member of the Appropriations Subcommittee on Labor, Health, Education, and Welfare, I have complete sympathy with the motives of the Senator

from Rhode Island in seeking to get this bill through without necessitating a conference with the House of Representatives. It is vitally necessary that this matter not be delayed, since it contains an authorization which is needed if the appropriation process is to move forward in a timely fashion.

I wish to say, Mr. President, that perhaps the most meritorius amendment of all those offered, or contemplated to be offered, was that which the Senator from Michigan (Mr. GRIFFIN) was prepared to offer. I understand he did not do so, because he, too, agreed with the distinguished Senator from Rhode Island as to the necessity of not amending this bill to avoid the delay of a conference.

His amendment, as I think most Senators know, would have required local public broadcasting stations to keep records, including audio recordings, for a reasonable period of time of public affairs programs. Then, any aggrieved candidate, any aggrieved political group or party, anyone representing the committees of Congress, or any other interested members of the public could examine what had been broadcast by these stations and ascertain for themselves whether the news had been slanted or the commentary had been unfair.

I understand that the distinguished Senator from Rhode Island, who is so fair in all these matters, has indicated to the Senator from Michigan that he will hold hearings on the Senator's bill (S. 3277).

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

Mr. COTTON. I yield.

Mr. PASTORE. I certainly have made that promise, and I shall do so. It will not be before the Republican convention, but sometime after that.

Mr. COTTON. As far as I am concerned, I do not even care if the Senator waits until next January.

Mr. PASTORE. All right; that is even better for me.

Mr. COTTON. I do think it is something that should receive attention. I agree with the Senator from Connecticut and the Senator from New York that there is inherent in public broadcasting what potentially could be a grave danger and menace to this Republic. It is a news medium supported by public funds. It is in a position to become—and I neither say it ever will, nor do I claim it is now—a very serious problem with its potential power over the minds of our people.

I have confidence in the people who administer it now. Mr. Macy is a personal friend of mine. Before he came into Government, he was president of my alma mater. I knew him in that capacity. I hold him in high regard. I have great confidence in him.

But, I do feel that we should constantly bear this possibility in mind. I will say to my friend from Connecticut, even if he had his amendment adopted, providing that Federal funds would stop at the end of 5 years, it does not mean this would happen.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. Mr. President, will the Senator yield me 2 additional minutes?

Mr. PASTORE. I yield.

Mr. COTTON. During the 18 years I have been in the Senate, I recall that on at least three occasions when we passed the foreign aid bill, a provision was written into the bill that all foreign aid would cease in 2 years, 3 years, or 4 years. This has been going on for 18 years. The point is that you do not stop these things, because you say so in an amendment.

Mr. President, I merely wanted to make these observations as one who has supported public broadcasting from the beginning—but is very keenly aware of its inherent dangers.

As the ranking minority member of the Commerce Committee, I again commend the Senator from Rhode Island. His leadership in the field of communications all during the years I have known him has been superb.

I also wish to commend the Senator from Tennessee, the ranking minority member of our Subcommittee on Communications, for his diligent work on this measure.

I am glad we will not have to go to conference. But I am also glad that we are not sweeping some of these very important policy questions under the rug.

Mr. PASTORE. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to join in commending the leadership of the distinguished Senator from Rhode Island. I am pleased to express my strong support for H.R. 13918, the Public Broadcasting Act of 1972, intended to provide improved financing for the Corporation for Public Broadcasting.

I consider public and educational broadcasting among the more important and worthwhile activities receiving Government assistance. I commend the Committee on Commerce for its favorable consideration of this legislation and for recommending a 2-year authorization for the Corporation for Public Broadcasting and increasing the authorization of Federal funds to $65 million in fiscal 1973 and $90 million in fiscal 1974. Another important feature of this legislation is the authorization of increased Federal matching grants under the educational broadcasting facilities program.

The need for quality radio and television broadcasting in this country is clear. There are many gaps in the service provided by the commercial networks and stations. The public stations have begun to fill some of these gaps and with additional support should be able to do even more.

Public broadcasting has made a particular contribution in the area of children's programing, with "Sesame Street," "The Electric Company" and "Misterogers Neighborhood." There have also been outstanding accomplishments in public affairs and cultural programing. I refer to such programs as "The Advocates," "World Press," "American Dream Machine," "Film Odyssey," and "Masterpiece Theatre," which has offered some outstanding and popular productions from the British Broadcasting Corp.

I would also mention that public television has on occasion provided live coverage of Senate hearings. This provides the American people the opportunity to see the Congress at work, considering subjects of major importance to the Nation. National public radio has provided extensive coverage of important hearings of House and Senate committees, including, for example, the hearings of the Committee on Foreign Relations this week on the arms limitation agreements.

The record of public broadcasting thus far merits our further support and I believe there is great potential for service to the Nation. Although the funds authorized by this legislation would represent a considerable increase over past Federal funding, the sums are still meager in comparison with many of our foreign and military expenditures. I might also point out that the amounts authorized by this legislation are still considerably less than the total of tax funds allocated to the Voice of America, Radio in the American Section of Berlin—RIAS—Radio Free Europe, Radio Liberty, and the overseas Armed Forces Radio and Television Service.

Mr. President, I am particularly proud of the achievements of public radio and television in Arkansas. I am hopeful that the increased funding in this legislation will enable extended service in the State. KETS, the State's public educational station, serves only the central Arkansas area. Because this is the more heavily populated region, and because residents of many other communities in the State receive KETS through cable television, large numbers of Arkansas citizens are being served. However, there is a need to make this a truly statewide service, and I am hopeful that educational broadcasting facilities matching funds can be made available to assist in constructing additional transmitters. Gov. Dale Bumpers had indicated his support for such a move.

KETS recently joined the public broadcasting service network, thus receiving programs on a direct rather than delayed basis. KASU at Arkansas State University is a member of the national public radio network and for the past 3 years has benefited from community service grants of the Corporation for Public Broadcasting. KASU offers an outstanding and varied selection of programs, including classical and jazz music, public affairs, and news. Among these is NPR's "All Things Considered," an innovative daily news digest. KASU also carries numerous programs of special local interest.

Mr. President, public radio and television are making a strong contribution in Arkansas with their quality programing, in addition, of course, to the instructional services provided by KETS. Tonight, for example, Arkansas viewers can see programs such as "For the Love of Art," "Arkansas Game and Fish Highlights," "Thirty Minutes With . . .," "Net Playhouse," "World Press," and "Critic at Large," featuring singer Maria Callas.

I once again express my support for this legislation, and want to emphasize its importance to the people of this country. Finally, I want to indicate my agreement with the committee's recommended 2-year authorization. In this case I be-

lieve it is important to provide the Corporation with the stability needed for the planning inherent in television. Further, it is important to insulate public broadcasting from Government interference. Oversight is one thing, but interference is quite another. The efforts by some administration officials to undercut PBS public affairs programing make the need for this insulation all too clear.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles about public broadcasting in Arkansas and a letter from the president of the Southern Educational Communications Association who refers to the outstanding work of Mr. Lee Reaves, director of the Arkansas Educational Television Commission.

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

[From the Arkansas Gazette, March 30, 1972]

KETS TO JOIN PBS SUNDAY EVENING; MAJOR PROGRAM CHANGES WILL RESULT

KETS, Channel 2, the state's educational television station will join the Public Broadcasting Service network at 5 p.m. Sunday. This will bring some major changes in the station's evening programing.

The station hopefully will be able to begin color programing. Fred Schmutz, the station's program administrator, said the KETS transmitter has always been color-capable, but that since the network programs KETS has been showing were videotapes that were shipped to the station, they had been broadcast in black-and-white.

"We received a burst of color from the network this morning, so we're hopeful that we will be able to show network programs in color," Schmutz said Wednesday.

He said the station had no studio facilities for producing its own color shows, and that it would not be able to show color videotapes or slides. However, the network hookup will allow it to show the "live" PBS shows filmed in color.

The network link also will allow KETS to operate on Sundays.

Schmutz said program schedules would be "jumbled" after the network hookup, and advised viewers that their favorite programs may be shown at different times.

PBS programs on KETS have been seen on tape about a week late, since they must be shipped in. Beginning next week, most of these will be broadcast at the time they are shown nationally.

Also, many programs of a topical nature will be added to the schedule. PBS had refused to let the station show these programs since many of them would be out of date by the time they were received on tape. "This Week," "World Press," "Wall Street Week" and "Washington Week in Review" are some of the programs that will be added.

The network link was made possible by a microwave transmission system from Little Rock to Conway. A horn antenna atop the microwave platform of the Southwestern Bell Telephone Company Building at 120 West Eighth Street will beam the PBS signal to a relay station at High Point, north of Roland. The signal will then be strengthened and relayed to an 87-foot tower at Cadron Ridge, west of Conway, for relay to the KETS transmitter.

The installation of the equipment required in the network hookup cost Southwestern Bell $150,000.

The state legislature has appropriated funds for color transmission from the station, although not for originating programs in color at the station. Application has been made to the federal Health Education and Welfare Department for matching funds for new color transmission equipment, but the grant has not been approved. Schmutz said the federal grant application would be considered around the end of May.

"Androcles and the Lion," a children's Easter special, will begin the new PBS schedule at 5 p.m. Sunday. Other Sunday evening programs are "Zoom," a children's program; "The French Chef," William F. Buckley's "Firing Line" and "Masterpiece Theater."

Schmutz said "Sesame Street" and "Misterogers' Neighborhood", two of the station's most popular children's programs, would still be shown in black-and-white, since they are received in the morning, then videotaped for broadcasting in the afternoon.

[From the Arkansas Gazette, Apr. 2, 1972]

NETWORK ETV STARTS TODAY

(By Martha Douglas)

Live network shows and some colorcasts arrive on Channel 2 today. So does Sunday afternoon programming.

For TV fans the development is most welcome because commercial network offerings for Sunday have been declining season by season, except for occasional good movies and sports events.

Channel 2 listings now will provide an alternative to those of the other stations—from 5:30 to 10 p.m. (The station goes on the air earlier (3:30) today to present a pair of Easter programs.)

The network linkup was established with the installation of a $150,000 microwave system by Southwestern Bell Telephone Company. Finally Channel 2 at Conway has been hooked into the national Public Broadcasting System network of more than 100 educational TV stations. Arkansas viewers now will see PBS programs at the same time as persons elsewhere in the country. Gone will be the clumsy tape and film operation, via the mails, which forced delays of a week or more in showing the programs in Arkansas.

Limited color now is available, for shows which the station receives in color directly from PBS. From two and a half to three hours of colorcasts are planned each night. No equipment presently is available for originating programs in color.

A drastic schedule scramble results from the network linkup. You will find many favorite shows in new slots. The instructional schedule, however, is unchanged.

The switch to "live" telecasting means that some PBS programs will be missed, noticeably so if the shows are in sequence. For instance, the first chapter of the Masterpiece Theater's eight-part version of James Fenimore Cooper's "The Last of the Mohicans" will be lost. Under the old tape and delay arrangement Masterpiece Theater showed on Wednesdays what the network carried on Sunday. Thus, Chapter 1 of the Cooper classic was telecast last Sunday by PBS.

CHANNEL 2 TODAY

An hour-long version of the children's story, "Androcles and the Lion," is Channel 2's first live network show. The performance by the University of Alabama Children's Theater group will be seen at 5.

"The Last of the Mohicans," which follows the six-part "Elizabeth R" on Masterpiece Theater, is a romanticized version of the French and Indian War in which Cooper comments on the clash between savagery and civilization. Like "Elizabeth," the series first appeared on the BBC. It will be carried at 8 o'clock.

The schedule: 3:30 p.m., Arkansas Continuum, repeat of highlights of the recent all-state band clinic; 4 p.m., Oscar Brand's Easter; 4:30 p.m., Easter at Boys Town, concert by the 65-voice Boys Town Choir; 5 p.m., "Androcles and the Lion"; 6 p.m., Zoom; 6:30 p.m., The French Chef, repeat of "Spaghetti Dinner Flambe"; 7 p.m., Firing Line; 8 p.m., Masterpiece Theater; 9 p.m., "Self Defense for Women," first of 10 lessons, and 9:30 p.m., Guitar, Guitar, opener of a series, features jazz guitarist Jerry Hahn.

[From the Jonesboro Sun, April 30, 1972]

GRANT MADE TO STATION

The Corporation for Public Broadcasting has announced a $9,000 Community Service Grant to KASU, Arkansas State University's noncommercial, educational FM radio station. It was the third consecutive year for KASU to receive financial aid from the Corporation.

Only selected public radio stations which meet standards set by CPB are eligible to receive Community Service Grants from the Corporation. This grant brings to almost $30,000 the amount KASU has received in three years.

Charles Rasberry, ASU's Director of Broadcasting, said the grant money will be used to continue funding the salary for a full-time news director for KASU, to purchase special children's programs and to provide a small promotional budget for KASU programs.

SOUTHERN EDUCATIONAL COMMUNICATIONS ASSOCIATION,
Columbia, S.C., June 20, 1972.

Hon. J. W. FULBRIGHT,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As you are aware, the Public Broadcasting Act of 1972 is scheduled for your consideration, possibly by the end of this week. The Board of Directors and membership of the Southern Educational Association, a 14-state organization made up of educational television and radio stations, has gone on record in enthusiastic support of this measure. Passage of the bill will provide public broadcasting a strong base of financial support; and with the two-year authorization, public broadcasters will be able to more accurately project the level of service they can provide to their audiences.

As you know, the efforts in educational broadcasting at KETS, Conway, are making a dramatic impact on the lives of thousands of Arkansans. Under the leadership of SECA Board member Lee Reaves, the scope of service has grown to outstanding proportions; and the future looks brighter with the addition of new equipment. Passage of this legislation will enable Lee to make greater, more significant strides toward full service to everyone in the state. Your favorable consideration of the Public Broadcasting Act of 1972 is earnestly sought.

Sincerely,

WAYNE SEAL,
President.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my 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 second assistant legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Louisi-

ana (Mr. ELLENDER), the Senator from Iowa (Mr. HUGHES), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maine (Mr. MUSKIE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent.

If present and voting the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 82, nays 1, as follows:

[No. 240 Leg.]

YEAS—82

Aiken	Dominick	Nelson
Allen	Eagleton	Packwood
Allott	Eastland	Pastore
Anderson	Ervin	Pearson
Baker	Fannin	Pell
Bayh	Fong	Percy
Beall	Fulbright	Proxmire
Bellmon	Griffin	Randolph
Bennett	Gurney	Ribicoff
Bentsen	Hansen	Roth
Bible	Hart	Saxbe
Boggs	Hartke	Schweiker
Brock	Hollings	Scott
Brooke	Hruska	Smith
Burdick	Humphrey	Sparkman
Byrd, Harry F., Jr.	Jackson	Spong
Byrd, Robert C.	Javits	Stafford
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Talmadge
Cooper	Mathias	Thurmond
Cotton	McGee	Tower
Cranston	Miller	Tunney
Curtis	Mondale	Weicker
Dole	Montoya	Young
	Moss	

NAYS—1

Buckley

ANSWERED "PRESENT"—1

Taft

NOT VOTING—16

Ellender	Hughes	Metcalf
Gambrell	Inouye	Mundt
Goldwater	Mansfield	Muskie
Gravel	McClellan	Williams
Harris	McGovern	
Hatfield	McIntyre	

So the bill (H.R. 13918) was passed.

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SPARKMAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

ORDER FOR THE YEAS AND NAYS ON H.R. 15585

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on H.R. 15585, the Treasury-Postal Service appropriation bill.

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

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on that bill.

The yeas and nays were ordered.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. ROTH). Under the previous order, the Chair lays before the Senate S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized at this time for the purpose of calling up an amendment to the unfinished business, S. 3390, that there be a time limitation on that amendment of 20 minutes to be equally divided between the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Alabama (Mr. SPARKMAN); and that upon disposition of that amendment, the Senate return to the order already entered and, at that time, the Chair lay before the Senate S. 3001, the Federal Financing Bank bill. I have cleared this request with the distinguished Senator from Vermont (Mr. AIKEN), the distinguished Senator from Alabama (Mr. SPARKMAN), and the distinguished Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1264

Mr. KENNEDY. Mr. President, I call up my amendment No. 1264 to S. 3390.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

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

The amendment reads as follows:

On page 8, line 12, after "SEC. 5" insert the subsection designation "(a)".

On page 8, between lines 16 and 17, insert the following new subsection: "(b) Chapter 4 of part II of the Foreign Assistance Act of 1961, relating to security supporting assistance, is amended by adding at the end thereof the following new section:

"'SEC. 534. REFUGEE ASSISTANCE IN CAMBODIA.—The President is authorized to provide humanitarian assistance, on such terms and conditions as he considers appropriate, to refugees and war victims in Cambodia. Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $2,000,000 shall be available until expended solely to carry out this section.'."

Mr. KENNEDY. Mr. President, this is a very simple amendment. It provides an earmarking of the sum of $2 million in counterpart funds to be used for humanitarian purposes in Cambodia.

The PRESIDING OFFICER. Would the Senator suspend? The Senate will be in order.

The Senator may proceed.

Mr. KENNEDY. Mr. President, it will be used primarily for war victims, for civilian war casualties, and other health programs, and for refugees in Cambodia.

Cambodia is the only country in Southeast Asia that has not received U.S. funds for refugees. They have received certain kinds of foodstuffs, but, unlike South Vietnam or Laos, they have not participated in any kind of U.S. aid program for refugees.

The best estimate is that there are now 2 million refugees in Cambodia and tens of thousands of war victims. This is an amendment not to increase the authorization, but to take counterpart funds that would otherwise be expended and to earmark them for the war victims of Cambodia.

The need is apparent. The GAO reports and our own committee reports of the Subcommittee on Refugees show that there is a tremendous need for health assistance to refugees.

There has been a general reluctance on the part of the Government of Cambodia to meet these requests because they have felt—and the record shows this—that, if they made a request for civilian needs, perhaps their military aid would be reduced.

I believe that the amendment is worth while. I think it extends America's humanitarian concern for the people of Southeast Asia.

I think this is an extremely reasonable amendment. I would like to see one 10 times this amount. But even this will be helpful in alleviating much of the pain and suffering of the people of Cambodia.

I have had an opportunity to discuss this amendment with the distinguished Senator from Alabama (Mr. SPARKMAN), and with the ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN), to make them aware of the need for this amendment. I am hopeful that they will agree to take the amendment to conference. It is further my understanding that the House Foreign Affairs Committee agreed to this amendment.

I hope that the manager of the bill will accept it and take it to conference.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I have conferred with the Senator from Massachusetts. I thought there was merit in his proposal. I suggested that he discuss it with the Senator from Vermont (Mr. AIKEN).

As far as I am concerned, I am willing to accept the amendment. But I defer to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I think Cambodia is at least as much deserving of assistance in this field as most of the countries to which we already provide assistance.

The amount provided in the amendment offered by the Senator from Massachusetts is very small. I understand that if the President finds it advisable, he can take more than the $2 million of the very considerable sum which is allowed for all expenditures.

I think it is a very good and humanitarian amendment and I would be willing to accept it.

Mr. KENNEDY. Mr. President, I thank the Senators for their comments.

This amendment is supported by voluntary agencies and the representatives of religious groups which have performed so nobly in alleviating suffering in the past.

I appreciate the comments of the Senator from Alabama and the Senator from Vermont.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts (putting the question).

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7641. An act for the relief of Chun Chi Lee; and

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936.

The ACTING PRESIDENT pro tempore (Mr. HRUSKA) subsequently signed the enrolled bills:

FEDERAL FINANCING BANK ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 815 (S. 3001), a bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Financing Bank Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To ensure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities,

of obligations issued or sold by any Federal agency.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than one hundred and twenty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000 or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or offices thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct to its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PROGRAM REVIEW

SEC. 16. No Federal agency shall enter into any commitments to guarantee any obligation, except in accordance with a budget program submitted to the President. Such budget programs shall be submitted at such times and in such form as the President may deem essential. The President may limit such programs when, in view of the overall fiscal requirement and demands for credit, he finds such limitations necessary.

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 17. (a) Notwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 18. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 19. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 20. This Act becomes effective upon the date of its enactment, except that sections 7 and 16 become effective upon the expiration of thirty days after such date.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, debate on the bill will be limited to 2 hours and debate on any amendment in the first degree will be limited to 1 hour, and debate on any amendment to an amendment, debatable motion, or appeal related thereto will be limited to 30 minutes.

Mr. SPARKMAN. Mr. President, I shall make a very brief statement.

Mr. President, the purpose of the bill, S. 3001, which is presently pending before the Senate, is to assure coordination of Federal and federally assisted borrowing programs with the overall economic and fiscal policies of the Government, to reduce the cost of Federal and federally assisted borrowing from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

S. 3001, as amended by the committee, contains the following key provisions:

First, it provides for a Federal financing bank through which the marketing of Federal and federally assisted borrowing activities can be centralized.

Second, it provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of issues or sales of obligations by Federal agencies.

Third, it provides for submission to the President of Federal agency budget programs for loan guarantees and for limitation by the President of such programs if overall fiscal requirements and credit demands so warrant.

Our committee was informed that this legislation is urgently needed because the increase in Federal credit program activity in recent years has greatly expanded the total Federal impact on the credit markets. Borrowings for Federal credit programs have increased over the past decade at a pace more than twice the rate of increase in the total supply of the Nation's credit.

Many Federal agencies are now required to finance their programs directly in the securities markets. Similar financing arrangements have also been proposed for a number of new agencies. These agencies must develop their own financing staffs, and their abilities to cope with their principal program functions are lessened by the need also to deal with the complex debt management operations essential to minimizing their borrowing costs and avoiding cash flow problems which could disrupt their basic lending programs.

Borrowing costs of the various Federal agency financing methods normally exceed Treasury borrowing costs by substantial amounts, despite the fact that these issues are backed by the Federal Government. Borrowing costs are increased because of the sheer proliferation of competing issues crowding each other in the financing calendar, the cumbersome nature of many of the securities, and the limited markets in which they are sold. Underwriting costs are often a significant additional cost factor due to the method of marketing.

Under the proposed legislation these essentially debt management problems could be shifted from the program agencies to the Federal financing bank The Federal financing bank would be authorized to purchase obligations of Federal agencies and obligations guaranteed by Federal agencies. Agencies would be authorized to sell obligations to the bank. However, the legislation would not require the bank to lend to any agency nor require any agency to borrow from the bank. Many of the obligations which are now placed directly in the private market under numerous Federal programs would instead be financed by the bank. The bank in turn would issue its own securities. The bank would have the necessary expertise, flexibility, volume, and marketing power to minimize financing costs and to assure an effective flow of credit for programs established by the Congress.

While many of the agencies placing issues in the market are subject to coordination with Treasury's financial management advisers, others are not. Some of the coordination requirements are vague or incomplete, and none require advance submission of financing plans as would be required in the proposed legislation.

Under present arrangements there is little or no forward planning or coordination of Federal credit program financing with overall financial planning. The uncoordinated financing of these programs has the potential for serious adverse impacts on the programs, on financial markets, and on the Federal budget. Nor is there now any effective means of controlling the growth of Government assisted loans.

This legislation would provide that commitments to guarantee loans under Federal credit programs could be made only in accordance with budget programs submitted to the President. The President would be authorized to limit such programs when necessary in view of overall fiscal requirements and demands for credit.

Financing these programs through the bank would assure greater flexibility and a broader market for the securities as well as coordination and planning in light of overall credit availability. The proposed Federal financing bank would provide a focal point for explicit and early recognition of the volume and cost of the proposed level of Government assisted credit and its likely impact on financial markets.

The coverage of the bill is limited to entities established by the Congress which are owned in whole or in part by the United States. Thus the bill does not cover nor does the committee intend it to cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks, banks for cooperatives, Federal intermediate credit banks, Federal home loan banks—including the Federal home loan bank board and the Federal Home Loan Mortgage Corporation, and the Federal National Mortgage Association.

Mr. President, as I mentioned earlier, S. 3001 as introduced was amended by our committee. The committee rejected a proposal in section 7 of the legislation which would have given the Secretary of the Treasury extensive new authority over Federal loan guarantee programs. The Treasury wishes only to have coordinating authority over guaranteed obligations issued in large amounts and generally financed in the securities markets. On the other hand, there are those who are concerned about the potential Treasury authority over small individual guarantee transactions. I would hope that we can work out a solution which will meet the objectives of all concerned.

The other three amendments imposed on the bill by the committee were what are termed technical amendments which I will not describe today.

Mr. President, I would like to report for the benefit of the Senate that S. 3001 as amended by the committee was reported without objection.

I add that while the vote was unanimous to report the bill there were individual minority views expressed on some features of the bill. I ask unanimous consent that a section-by-section summary of the bill as reported by the committee be printed in the RECORD at this point.

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

FEDERAL FINANCING BANK (S. 3001)

SECTION-BY-SECTION SUMMARY

Sec. 1. Short title.—The act could be cited as the "Federal Financing Bank Act of 1972."

Sec. 2. Findings and declaration of purpose.—Findings: That demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit, and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies.

Purpose: To assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

Sec. 3. Definitions.—"Federal agency," "obligation," and "guarantee" would be defined in a manner which would include all debt obligations issued, guaranteed, insured or otherwise secured by an agency of the United States.

Sec. 4. Creation of bank.—A Federal Financing Bank would be established as an instrumentality of the U.S. Government subject to the general supervision and direction of the Secretary of the Treasury. The Bank would be authorized to maintain such offices as appropriate to carry out its purposes.

Sec. 5. Board of Directors.—The Board of Directors would determine the general policies of the Bank and would consist of five members, including the Secretary of the Treasury or his designee as Chairman and four other members appointed by the President from officers and employees of the United States.

Sec. 6. Functions.—The Bank would be authorized to purchase and sell any obligation issued, sold, or guaranteed by a Federal agency at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration current average yields on outstanding obligations of the United States or of the Bank of comparable maturity. The Bank would be authorized to charge fees to provide for expenses and reserves.

Sec. 7. Treasury approval.—Federal agencies issuing or selling obligations would be required to submit financing plans to the Secretary. The approval of the Secretary would be required of agency financing plans including the terms, conditions, timing, methods, and sources of financing. The Secretary's authority would be confined to dealing with the financing aspects of agency programs. The Secretary could not withhold his approval for more than 120 days unless he has submitted a detailed explanation to the Congress of his reasons for so doing.

Sec. 8. Initial capital.—The Secretary of the Treasury would be authorized to advance up to $100 million to the Bank which would bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding Treasury obligations of comparable maturity. Appropriations would be authorized for this purpose.

Sec. 9. Obligations of the Bank.—The Bank would be authorized, with the approval of the Secretary of the Treasury, to issue its obligations to the public in amounts not to exceed $15 billion outstanding at any one time.

The Bank would also be authorized to issue obligations to the Secretary of the Treasury, and the Secretary would be authorized to use the proceeds of public debt transactions to finance such purchases.

The Bank could require the Secretary of the Treasury to purchase its obligations in such amounts as will not cause the Secretary's holdings resulting from required purchases to exceed $5 billion at any one time.

Obligations of the Bank would be lawful investments for fiduciary, trust, and public funds under Federal control.

Sec. 10. General powers.—The Bank would have the usual corporate-type powers.

Sec. 11. Exemptions.—The Bank and its income would be exempt from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Bank, which would be taxed to the same extent as obligations of private corporations.

Obligations issued by the Bank would be exempt from SEC requirements.

The budget status of agencies selling obligations to the Bank would not be affected. Receipts and disbursements of the Bank would not be included in the budget of the U.S. Government and would be exempted from statutory limitations on expenditures and not lending (budget outlays) of the United States.

Sec. 12. Preparation of obligations.—The Secretary of the Treasury would be authorized to prepare, hold, and deliver obligations for the Bank on a reimbursable basis.

Sec. 13. Annual report.—The Bank would be required to transmit to the President and Congress an annual report of its operations and activities.

Sec. 14. Obligations eligible for purchase by national banks.—National banks would be permitted to invest in or deal in obligations of the Bank.

Sec. 15. Government Corporation Control Act.—The Bank would be subject to the budget and audit provisions of the Government Corporation Control Act in the same manner as they are applied to a wholly owned Government corporation.

Sec. 16. Program review.—No Federal agency would be permitted to enter into a commitment to guarantee any obligation, except in accordance with a budget program submitted to the President. Such budget programs could be limited by the President when he found such limitations necessary in view of the overall fiscal requirement and demands for credit.

Sec. 17. Payments on behalf of public bodies.—Federal agencies would be authorized to make payments to the Bank on behalf of a local public body or agency to avoid increasing net costs to any such body as a result of purchases of the Bank. Appropriations for such payments would be authorized.

Sec. 18. No impairment.—The act would not impair any authority of the President or Secretary of the Treasury under any other provision of law, nor would the act affect the right of Federal agencies to sell obligations to the Secretary of the Treasury or the authority or obligation of the Secretary of the Treasury to purchase such obligations.

Sec. 19. Separability.—The remaining provisions and validity of the act would not be affected if any provision is held invalid.

Sec. 20. Effective date.—Sections 7 and 16 of the act would become effective 30 days after enactment. Other sections would become effective immediately.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I am pleased to voice my strong support of S. 3001, the Federal Financing Bank Act. This measure has the unanimous approval of the Senate Banking Committee and enjoys broad bipartisan support in the Congress. The Financing Bank Act is a much needed and long overdue financial reform which will permit the savings of hunderds of millions of dollars in the borrowing activities of Federal agencies. In the course of 3 days of hearings on S. 3001, the committee received no testimony against the bill, and the bill was endorsed by representatives from the administration, from the private financial community, and from State and local government organizations.

While I am convinced that there is no essential disagreement over this legislation, I am concerned that a misunderstanding caused the committee to amend the bill in a way which would jeopardize the achievement of part of its objectives which I believe are shared by all. I refer to the committee's deletion of the provision in section 7 of S. 3001, as introduced, which would have required approval by the Secretary of the Treasury of the market financing aspects of obligations guaranteed by Federal agencies. At this point I want to emphasize that when I refer to Secretary of the Treasury approval over the financing aspects of agency obligations, I mean just that. There is no authority in this legislation giving Secretary of the Treasury any control over the programs of Federal agencies, only over the financing of these programs. This provision for Treasury approval of the financing aspects of guaranteed obligations would have assured the coordination of the market financing activities of all Federal agencies. As amended, the bill provides that only obligations issued or sold directly by a Federal agency may be required to be coordinated through the FFB. This legislation would have placed all agency financing activities whether direct issues or guaranteed issues on the same footing.

Excluding agency guaranteed issues from Treasury approval requirements will result in an uneven and inequitable coordinating mechanism. That is, many Federal credit agencies now have the authority both to sell blocks of guaranteed loans in the securities markets which would be subject to Treasury coordination and to guarantee blocks of loans sold by private dealers or agents which would not be subject to Treasury coordination under the bill as reported. The financing techniques and the impact on the financial markets are essentially the same regardless of whether the guaranteed obligations are sold directly by the Federal agency or by a private agent. Thus it just does not make sense to have the Secretary of the Treasury coordinate the one method of financing—direct sales—through the Federal Financing Bank but not the other—guarantees of private sales.

I would like to give just a few examples of financing techniques which are widely employed by Federal agencies to illustrate how the bill as reported would leave gaps in the coordinating mechanism.

First. The Small Business Administration is authorized both to make loans and to guarantee loans to small business investment companies. Under this authority SBA has in the past arranged for the financing of blocks of SBIC debentures in the securities markets by two methods. Under one method SBA acquired the SBIC debentures and sold them in the securities market through underwriters, and the financing aspects of such sales by SBA would be subject to approval by the Secretary of the Treasury under S. 3001 as reported. Under the other method employed by SBA, however, SBA arranges for the obligations to be acquired and sold by a private trustee, and such sales would not be subject to Treasury approval under the bill as reported. In both cases SBA negotiates the sale with the underwriters, and in both cases SBA provides a full guarantee of the obligations.

Second. The Government National Mortgage Association can now either guarantee or acquire and sell directly in the securities market obligations guaranteed by the Federal Housing Administration, including, for example, multimillion dollar subsidized project loans for a variety of low and moderate income housing programs. Direct sales of guaranteed obligations by GNMA would be subject to approval by the Secretary of the Treasury under S. 3001 as reported by the committee. Yet if the obligations were sold by FNMA or by a mortgage banker as mortgage-backed bonds or securities, which are guaranteed by GNMA to make them salable in the securities market, such sales would not be subject to approval by the Secretary of the Treasury under the bill as reported.

Third. The Export-Import Bank also has broad authority to make, sell, and guarantee loans. Eximbank frequently makes loans directly and finances them through direct Eximbank borrowings or sells the loans as guaranteed obligations in the securities market, such as the certificates of beneficial interest which have been sold by Eximbank, and all such financings, would be subject to Treasury approval under the bill as reported. Yet Eximbank also guarantees similar obligations sold in the securities markets by private sellers, including the recently established Private Export Funding Corporation, and such sales would not be subject to Treasury approval.

The point I am making is that there are many forms in which Federal agencies can arrange for direct securities market financing of obligations backed by the full faith and credit of the United States, and I believe that the Federal Financing Bank Act should be concerned with all of these financings.

The budget for the fiscal year 1973 estimates a net increase in guaranteed obligations of $27 billion and new guarantee commitments of $54 billion. Under existing law virtually all of these guaranteed obligations could conceivably be financed directly in the securities market by means of Federal guarantees of private sales of obligations. Thus the committee amendment could result in virtually no Treasury coordination of federally backed issues in the securities market.

The committee stated four reasons for deleting the requirement that the Secre-

tary of the Treasury approve the financing of guaranteed obligations.

First, the committee felt that the Secretary of the Treasury should not have control over the operational aspects of loan guarantee programs.

Second, the committee felt that there was no need for the Treasury to control the financing of individual loan guarantees which do not have the same impact on credit markets as the issuance or sale of securities by Federal agencies.

Third, the committee felt that Treasury control over Federal guarantee programs would not be administratively feasible because of the large number of individual loan guarantees.

Fourth, the committee felt that loan guarantee programs should not be subject to a system of double regulation, by the Secretary of the Treasury and by the President.

I fully concur in these four basic points stated by the committee. These same concerns were expressed to me and other members of the committee in a letter from the National Association of Home Builders, the U.S. Savings and Loan League, the Mortgage Bankers Association, and the National Association of Real Estate Boards. Yet section 7 of the bill as proposed by the administration, and as introduced, contained a number of restrictions on the powers of the Secretary of the Treasury which were intended to overcome the objections expressed by the committee. Thus, I do not think there is any basic disagreement between the administration and the committee. The problem, I believe, is simply a matter of legislative drafting. Since the action by the committee, we have been working with the Treasury and interested parties to redraft section 7 of the bill to lay to rest the concerns expressed by the committee and various groups involved in homebuilding and financing that the Secretary of the Treasury might become involved in program limitations but at the same time permit the necessary coordination by the Secretary of the Treasury of all market financing activities of Federal agencies.

The approach we have been working on would exempt from Treasury approval under section 7 all agency guaranteed obligations below a certain dollar level. Thus, it would be assured that the Secretary of the Treasury would have no authority over the hundreds of thousands of relatively small transactions not financed in the securities markets, such as individual home mortgages guaranteed by VA and FHA and originated and serviced by widely dispersed lending institutions. The Secretary would be authorized to coordinate only the financing of guaranteed obligations issued in large amounts which are typically financed in the securities markets, such as the tax-exempt public housing and urban renewal notes and bonds guaranteed by HUD, SBIC debentures guaranteed by SBA, new communities debentures guaranteed by HUD, hospital and other medical facility bonds guaranteed by HEW and HUD, mortgage-backed bonds guaranteed by GNMA merchant marine bonds guaranteed by the Commerce Department, Private Export Funding Corporation issues guaranteed by Export-Import Bank, Amtrak borrowings guaranteed by the Transportation Department, borrowings by the proposed new Student Loan Marketing Association guaranteed by HEW, and many other similar guaranteed issues in the securities market.

The Department of Housing and Urban Development is satisfied that the Secretary of the Treasury would not become involved in setting interest rates on mortgages or controlling housing programs, but some private groups affected by this legislation remain concerned about this. I believe that an agreement can be reached which will further assure the protection of Federal programs from Treasury interference, to the satisfaction of those who now question whether the original administration bill provided such protection. However, the Department of the Treasury is anxious to have the Congress take action on this legislation setting up the Federal financing bank as quickly as possible so that the bank can become operative and begin to coordinate and reduce the cost to the Federal Government of financing of issues by Federal agencies.

In order not to delay the consideration of this measure, I have agreed not to try to amend the bill at this time. I intend, however, to press for an agreement between the Treasury—which wishes only to have coordination authority over guaranteed obligations issued in large amounts and generally financed in the securities markets—and those who are concerned about the authority of the Treasury over small individual guarantee transactions. I hope that such an agreement will be forthcoming and that it will be accepted by the House—and in turn be acceptable to the Senate. Without such market coordination by the Secretary of the Treasury, we run the risk of chaotic competition among Federal agencies in the securities markets, excessive financing costs at the expense of the general taxpayer, and serious inequities among Federal credit assistance programs.

Of course, I urge speedy consideration and passage of the bill.

I would be remiss if I did not compliment and commend my distinguished colleague, the chairman of the committee, for his leadership and for the usual competent and able way he steered the bill through committee.

Mr. BROCK. Mr. President, will the Senator yield to me briefly?

Mr. TOWER. I yield to the Senator from Tennessee.

Mr. BROCK. Mr. President, the Federal financing bank legislation presently before the Senate will improve the management of Federal and federally related debt, saving the taxpayers of this country substantial sums in unnecessary interest costs and also smoothing out the frequently traumatic impact of uncoordinated Federal and federally related financing demand on the capital markets.

Yet, the bill does have a substantial defect which will impair its ability to save money for the taxpayer and to smooth out Federal credit demands. This defect is the absence of authority for the Treasury to control the timing of federally guaranteed obligations. There will be an estimated $27 billion in new guaranteed obligations in fiscal 1973, almost half the total of all new Federal and federally related borrowing in that year. Clearly, these guarantees have an enormous impact on the capital markets, which affects the stability of those markets and will contribute to unnecessarily higher interest rates, without the coordination originally provided for in this bill.

The concern of those who voted for the amendment in committee which removed guarantees from the coverage of the coordination authority seemed basically to be that Treasury might be able to utilize the authority to control the actual substantive programs involved, such as the various housing-assistance programs. It is rather obvious that this would not, in all practicality, actually occur, and certainly it is not the purpose of the coordinating authority for guarantee programs. However, to try to assure those concerned that particularly the housing programs and smaller guarantee programs would not be unduly affected by the authority in the bill, a compromise amendment to exclude smaller guarantees from the authority, but to leave in the authority over larger guaranteed obligations, is being worked on by Treasury, in consultation with interested Members of Congress and other concerned parties. It is important that we recognize here that an agreement acceptable to the Senators concerned with this question may be reached in the near future, and the question might be appropriately resolved in the House. In that event, the Senate conferees on this bill may, therefore, be bringing back a revised version of this bill for Senate approval later on this year; at least, I, for one, certainly hope so.

In the meantime, however, with the time remaining for legislative action in Congress drawing near a close, it is vital that the Federal financing bank legislation be moved on to the House for timely consideration, and hence I am in full support of the passage of the bill here today.

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

Mr. SPARKMAN. I yield to the Senator from Wyoming.

Mr. McGEE. Mr. President, I am strongly in support of this measure. I have had some misgivings about only one small portion of the pending legislation. I have had conversations with the manager of the bill and chairman of the committee, with members from the Treasury Department of the United States and the Postmaster General in regard to those misgivings. They stem from the action taken by the Committee on Post Office and Civil Service over 2 years ago in which we set up an independent Postal Service. In setting it up one of its basic features was the authorization to go into the open market and sell bonds up to $10 billion to cover construction of new post office facilities, whatever the new system required, and because the pending bill does enter into this area——

[Disturbance in the visitors' gallery.]

The PRESIDING OFFICER (Mr.

ROTH). Under the rules of the Senate, visitors in the galleries will please not demonstrate in any way.

The Senator from Wyoming may proceed.

Mr. McGEE. Mr. President, I wanted to make sure that all of the possibilities were clear in relation to each other on this bill.

Mr. President, although I support the enactment of S. 3001 to establish a Federal Financing Bank and improve coordination in the issuance of government obligations, I would like to make it clear that the authority vested in the Secretary of the Treasury to control issuances should not be construed to override the authority vested in the Postal Service to issue obligations under the financing provisions of the Postal Reorganization Act.

Getting the money to finance construction of modern postal facilities was a major reason for the enactment of the Postal Reorganization Act. As long ago as 1953 Congress attempted to establish an independent means of financing new construction in the post office without having to secure the blessings of the Bureau of the Budget and attain from the Congress annual appropriations to finance such projects. In my statement to the Senate on the Postal Reorganization Act, a little more than 2 years ago, I dwelled at some length on the problem of obtaining no-year money and the need for authorizing long-term borrowing at the post office. Chapter 20 of title 39, as enacted in the Postal Reorganization Act, authorizes the Postal Service to issue up to $10 billion in its own bonds outstanding at any one time.

The provisions of section 2006 of title 39 sets out in detail the procedure for bond issuance. Under that law the Postal Service is required to consult with the Secretary of the Treasury at least 15 days before it intends to issue a bond and the Secretary of the Treasury is empowered to recommend coordination of the time and place and conditions of the sale. However, the only control over the sale is that if he does not want the post office to go into the marketplace to sell its bonds he may preempt the issue, that is, buy it up himself. Otherwise, the Postal Service is free to go ahead and market the obligations if there are any buyers.

Section 410 of title 39 related to the applicability of Federal laws to the Postal Service. Among other things that section says that no law is applicable to the Postal Service unless it is set out in title 39 or unless the law is made specifically applicable to the Postal Service. One of the problems you encounter is that after the enactment of a law both the legislative and executive branches tend to forget what is or what is not applicable and might inadvertently make a provision applicable to an agency of the Government which is inappropriate. It is my conviction that the Congress, having authorized the Postal Service to handle its own financial affairs without a veto being vested in anyone else, including the President of the United States, would not now wish to impose the authority vested in the Secretary under S. 3001 to impair the authority of the Postal Service enacted just 2 years ago.

Let me point out that the Secretary has authority to control the Postal Service bonds. The Postmaster General is not free to deal as he wishes. He must consult with the Secretary before attempting to sell and the Secretary can, if he wishes, preempt the entire issue. Those provisions of law were very carefully thought out in 1970, and I believe they are quite workable.

Mr. President, under the terms of chapter 20 of title 39, as enacted by the Postal Reorganization Act of 1970, the Postal Service is authorized, within certain limitations and under certain conditions, all of which are carefully spelled out in law, to issue obligations on the market for postal modernization.

Does the Senator believe that that authority is impaired by the provisions of S. 3001?

Mr. SPARKMAN. No.

Mr. McGEE. Can the Postal Service itself stand, perhaps, to gain from this bill in the sense that it would be able to borrow money under this new Federal financing agency?

Mr. SPARKMAN. Yes. As a matter of fact, it gives the Postal System a new marketing area for its securities. It does not compel the system to use it, but it is its choice if it wants to use it.

Mr. McGEE. In the Postal Reorganization Act, we did specify that before it could go on the private bond market, it had to offer to the Treasury Department, should the Treasury prefer, those bonds for itself. So there was that limitation on it in that legislation.

There is a general rule of law that a specific statute, such as the Postal Reorganization Act, provides certain powers for a governmental agency, and a general statute seems to modify that power, the specific will be favored over the general, regardless of the sequence of enactment.

Does the Senator agree that the law included in the Postal Reorganization Act supersedes any general provisions of S. 3001?

Mr. SPARKMAN. Let me answer in this way: In the case of the Postal Reorganization Act, there are specific provisions relating to financing coordination by the Secretary of Treasury. In view of this, the more general law—the Federal Financing Bank—would merely modify the Secretary's authority to coordinate financing under the Postal Reorganization Act.

The exemptions under the bill are clearly spelled out in the committee report on page 3. The fourth paragraph states:

> The coverage of this bill is limited to entities established by the Congress which are owned in whole or in part by the United States. Thus the bill does not cover nor does the committee intend it to cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks, banks for cooperatives, Federal intermediate credit banks, Federal home loan banks (including the Federal Home Loan Bank Board and the Federal Home Loan Mortgage Corporation), and the Federal National Mortgage Association.

I make that statement in my presentation.

May I say to the distinguished Senator from Wyoming that I have a letter from the Secretary of the Treasury, a copy of which has been supplied to him, and I ask unanimous consent at this point to insert the letter in my remarks.

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

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 22, 1972.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that Senate floor action on S. 3001, the bill to establish a Federal Financing Bank is scheduled for Thursday, June 22. We appreciate the prompt favorable action by your Committee on this important legislation to improve efficiency in financing Federal agency programs.

It is my understanding that some confusion may exist regarding the position of the Administration on the question of the relationship of the Postal Service to the Federal Financing Bank. As you know, Mr. Chairman, the position of this Administration on this matter is that the Postal Service should not be excluded from obtaining the benefits of the financing efficiencies we expect to achieve through the Federal Financing Bank.

As the Treasury Department outlined in its transmittal letter of December 9, 1971, to Congress, the proposed legislation does not require or intend that the Treasury have any role in or any veto power over the programs of Federal agencies. Thus the legislation contemplates no involvement by the Treasury or the Federal Financing Bank which would affect the structure or scope of agency programs. The legislation does provide that the Treasury will coordinate the timing and nature of Federal agency borrowing activities. Effective coordination requires that all such agencies including the Postal Service be covered by the proposed legislation. Also, to exclude the Postal Service from this legislation might encourage other agencies to press for exemption.

We believe that coordination of Federal agency financing through the Federal Financing Bank will facilitate the smooth functioning of the private credit markets and will thus be advantageous to the Government's financing efforts in general as well as to the Postal Service. Such coordination will reduce borrowing costs and will shift many debt management problems to the Federal Financing Bank, relieving the agencies of this burden.

In the specific case of the Postal Service, it now has the authority to sell its securities in the market. The Secretary of the Treasury now has the authority to preemptively purchase the debt obligations of the Postal Service. Neither of these features of the Postal Reorganization Act will be changed by the Federal Financing Bank legislation. However, excluding the Postal Service from this legislation limits its financing options since it would not be able to sell its securities to the Federal Financing Bank. I assure you that the Federal Financing Bank is intended to facilitate and not to hinder agency programs.

Again, thank you for your support of the Federal Financing Bank. I hope it will be possible to obtain passage of this bill without excluding the Postal Service.

Sincerely yours,

(S) GEORGE P. SHULTZ.

Mr. McGEE. Mr. President, I want to thank the chairman for clarifying these questions, and I would like to add for the

RECORD the testimony before the Senate Post Office and Civil Service Committee during our hearings on postal reorganization that was submitted by the Under Secretary of the Treasury, Mr. Volcker, in regard to his understanding of what the financing capabilities and powers were in the new postal reorganization bill. It is rather long. I shall not read it, but ask unanimous consent to make it a part of the RECORD, along with a further statement from the Under Secretary that he submitted to the House hearings on the same measure.

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

STATEMENT OF HON. PAUL A. VOLCKER, UNDER SECRETARY OF THE TREASURY FOR MONETARY AFFAIRS; ACCOMPANIED BY EDWARD P. SNYDER, DIRECTOR, OFFICE OF DEBT ANALYSIS, DEPARTMENT OF THE TREASURY

Mr. VOLCKER. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you to present the Treasury Department's view on the financial provisions of the President's recommendations for postal reform.

The Treasury Department does not have specialized knowledge of the personnel, rate and ratemaking, rail transportation, and other matters involved in postal reform, and I expect that other witnesses will provide you with expert testimony on these questions.

However, the Treasury Department, not only because of our financial responsibilities, but also as a major user of postal services, has a direct interest in an efficient, effective, and economical postal system.

We strongly endorse the objective of creating an independent postal establishment which will be able to conduct its activities and to make decisions on a business-like basis.

The Treasury Department's primary area of competence is in the financial provisions contained in chapter 10 of the proposed "Postal Service Act of 1969."

These provisions were drafted in consultation with the Treasury Department. They provide a degree of financial independence and responsibility not now available to the Post Office Department but which will be necessary to achieve a truly business-like character for the proposed Postal Service.

The financial independence provided by chapter 10 however would be subject to continued congressional oversight, and the advice and assistance of the Treasury Department would be given in the issuance of debt obligations by the Postal Service.

Under a new section 1005 of title 39, United States Code, the proposed Postal Service would be authorized to borrow money and to issue and sell such obligations as it determines necessary to the efficient conduct of its business.

The aggregate amount of Postal Service obligations outstanding at any one time would be limited to $10 billion, and the annual net increase in outstanding obligations issued for capital improvements would be limited to $1.5 billion.

The legislation also would require the annual preparation, submission, and congressional consideration of a business-type budget.

Under new section 1006, the Postal Service would be required to consult with the Secretary of the Treasury at least 15 days before selling any issue as to the amount, proposed date of sale, maturities and terms and conditions, and expected maximum rates of interest.

The Secretary could elect to purchase such obligations on such terms, including rates of interest, as he and the Postal Service might agree upon, but at a yield not less than the current yield on outstanding marketable Treasury obligations of comparable maturity.

If the Secretary did not exercise his option to purchase the obligations, however, the Postal Service could proceed to sell them in the market, drawing on the assistance of the Secretary in finally fixing the date of sale, maximum interest rates, and other terms and conditions.

In addition to the provision giving the Secretary of the Treasury the option to purchase Postal Service obligations, new section 1006 would also permit the Service—at its own discretion—to sell up to $2 billion Postal Service obligations directly to the Treasury.

New section 1007 would authorize the Secretary to use proceeds from the sale of public debt securities to purchase Postal Service obligations.

The financing provisions which I have outlined are consistent with the overall intent that the debt obligations of the Postal Service meet the test of the market.

The language prescribing the minimum rate of interest on Treasury purchases of Postal Service obligations is designed to preclude a sizable hidden or disguised subsidy by assuring that any borrowings from the Treasury will be at rates not less than the current cost of money to the Government.

The Secretary of the Treasury's option to purchase Postal Service obligations—his right of first refusal—will enable the Secretary to assure the coordination of Postal Service borrowing operations with the financing of other Government activities without—and I would stress this point—interfering with the financing of essential Postal Service activities or arrogating to the Secretary any control over the operations of the Postal Service.

The provision granting the Postal Service authority to require the Secretary to purchase a limited amount of its obligations will help to assure private investors in Postal Service obligations of the timely payment of principal and interest and will thus help to minimize the cost of Postal Service borrowing in the transition stage until the Postal Service is firmly established on a businesslike basis.

We believe these provisions are preferable to the financial provisions in other postal reform legislation which has been introduced in the House. For example, H.R. 4, which I believe is now being considered for markup by the House Committee, would authorize the Postal Modernization Authority to borrow in the market with the approval of the Secretary of the Treasury, but the overall financing provisions of H.R. 4 would be less flexible than under the administration proposal, could add needlessly to the cost of postal service through higher interest rates, and would not assure coordination with the overall financial program of the Government.

In summary, it is the Treasury Department's view that the financial provisions contained in the President's recommendations for postal reform are appropriate for the proposed Postal Establishment.

Indeed, in working with the Post Office on this matter, we felt the financing provisions, in whole or in part, could well become a model for other business-type activities of the Government.

Let me conclude by making some brief comments on specific questions which arose during the House hearings on August 11. I understand that the Comptroller General wrote to the chairman of the House committee on August 1 along the following lines:

"We are concerned that the issuance of bonds to the public by the corporation would result in higher financing costs than would be incurred if the corporation used the financing facilities of the Treasury Department. Studies made by our office have disclosed that interest costs are generally higher when agencies obtain financing directly from the public rather than through the facilities of the Treasury Department."

We believe, if the objectives of the reform legislation are achieved and the postal service is put on a businesslike basis, that its obligations will sell in the market at rates of interest which are comparable to the rates of interest paid by other Government and Government-sponsored agencies.

These rates are only fractionally higher than the rates paid by the Treasury on its direct obligations and compare favorably with the rates which are paid on the highest quality private obligations.

Once of the ancillary purposes of the authority of the Secretary to purchase postal service obligations, however, is to provide the postal service with some protection against the chance that market terms on its borrowings might be unreasonable, particularly in the transition period before a solid record of operating performance is established.

Apart from this we feel the Postal Service should be capable of meeting the test of the market, including covering the cost of capital from its own resources, so that the Congress and the public will have an undistorted measure of the true costs of providing postal service.

Questions were also raised as to whether or not financing the Postal Establishment other than through the Treasury would not constitute an evasion of budgetary control and in particular, an evasion of the debt limit.

As I have already observed, the business-type budget of the Postal Service would be subject to congressional oversight. The next expenditures of the Postal Service would continue to be reflected in the unified budget expenditure total just as postal expenditures presently are so reflected. There would be no change in this treatment.

The debt obligations of the Postal Service would not themselves be included in the debt subject to limit, but this is a consequence of the narrow construction of the debt limit now embodied in law and does not reflect any intent to avoid the restraint of the debt limit.

In fact, in February of this year the President proposed that the definition of the debt subject to limit be broadened to include the net debt obligations of all Federal agencies.

This would have brought the debt limit coverage more closely into accordance with the concept of the unified budget, but the administration's proposal was rejected by the Ways and Means Committee at that time.

A question was also raised as to whether the obligations of the Postal Service would be general obligations, or full faith and credit obligations, of the United States.

In view of the intent that the Postal Service become self-supporting, apart from any subsidized operations which would be openly financed through direct appropriations by the Congress, we have visualized that the obligations issued by the Postal Service would be akin to revenue obligations or, perhaps in some cases, in the nature of mortgage bonds.

Specifically, it is our view that these obligations should stand on their own merits, and not be obligations of the United States. In order to clarify this objective we would certainly not object to the addition of language, such that which now applies to bonds issued by TVA. That language reads as follows:

"Bonds issued by the corporation hereunder shall not be obligations of, nor shall payment of the principal thereof or interest thereon, be guaranteed by, the United States."

Such an amendment, I believe, would be fully consistent with the general intent of the President's recommendations for postal reform.

In conclusion, the Treasury Department strongly supports both the broad recommendations for a new Postal Service and the specific financing provisions. We urge that this committee act favorably on the President's proposal.

MAY 8, 1972.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Postal Service on S. 3001, a bill to centralize certain federal and federally-assisted borrowing activities in a newly-created Government instrumentality, the Federal Financing Bank.

Under the Postal Reorganization Act, which established the new Postal Service and endowed it with broad operating authorities in many ways similar to the authorities under which enterprises in the private sector of the economy operate, the Postal Service is authorized to borrow money and to issue obligations up to a maximum outstanding amount of $10 billion. The relationship between the Department of the Treasury and the Postal Service in the issuance of Postal Service obligation is spelled out in some detail in the Act. That relationship includes the right in the Secretary of the Treasury to preempt all offerings of Postal Service obligations to the public by requiring the Postal Service to sell all obligations issued by the Postal Service to the Secretary. 39 U.S.C. 2001 *et seq.* (1970).

The Postal Reorganization Act also provides in part, with exceptions not here relevant, that "no federal law dealing with public or federal . . . budgets, or funds . . . shall apply to the exercise of the powers of the Postal Service." 39 U.S.C. 410(a), (1970). Since S. 3001, if enacted, would clearly be a federal law dealing with funds, it would not, in our opinion, apply to the Postal Service.

The provisions of S. 3001, if enacted, would be inconsistent both with the provisions authorizing the issuance of debt obligations by the Postal Service and with section 410(a), quoted above. An interpretation that S. 3001 extended to the Postal Service, therefore, would mean that S. 3001 constituted a *pro tanto* implied repealer of section 410(a) and various other provisions in the postal code. Under the ordinary rules of statutory construction, however, the presumption is against such repealers by implication. Section 410(a) is a unique provision of law, specifically applicable only to the Postal Service, which serves a critical function in the statutory reorganization mechanism established by the Postal Reorganization Act. It is "familiar law that a specific statute controls over a general one 'without regard to priority of enactment'." *Bulova Watch Co.* v. *United States*, 365 U.S. 753, 758 (1961). Accordingly, in the absence of language in the bill making it specifically applicable to the Postal Service, it is our opinion that enactment of the bill would have no legal effect upon the borrowing authority contained in the Postal Reorganization Act.

The borrowing authority contained in the Postal Reorganization Act, and the exclusion of the application of general federal laws relating to funds from application to the Postal Service, were provided in the Postal Reorganization Act in order to grant the Postal Service the legal authority necessary to finance the complete reform and modernization of the nation's mail system. At the same time, however, the need for coordination of Postal Service borrowings was recognized, and the Treasury was given blanket authority to preempt all Postal Service offerings of debt obligations, whenever market conditions required, as determined by the Treasury Department. The Treasury Department itself drafted the coordination provisions, and recommended their enactment. In discussing the coordination of Postal Service financings with the overall financing program of the Treasury during hearings on the provisions of the Administration's postal reform bill, Under Secretary of the Treasury Volcker testified as follows:

"What we want from the standpoint of the Treasury Department is not the authority to control the scale of operations of the Post Office Establishment but the opportunity to coordinate these financings with the overall financing program of the Treasury and the Government as a whole, *and we believe that this arrangement provides this*" (Emphasis added.) Hearings before the House Committee on Post Office and Civil Service, 91st Cong., 1st sess., Ser. No. 91-4(a), Pt. III, at 1165 (1969).

Since we understand the purpose of S. 3001 to be to permit improved coordination of agency financing and not to grant the Treasury Department control over the statutorily authorized levels of activities of the agencies subject to the Federal Financing Bank's jurisdiction, the stated purpose of the bill has already been accomplished—as to the Postal Service—by provisions of law already in effect. These provisions went into effect less than one year ago, and the first bond offering thereunder has already been completed successfully. There is no indication, to our knowledge, that the interests of the Treasury Department or the Government have been, or will be, prejudiced by the present arrangement. On the other hand, inclusion of the Postal Service within the ambit of the proposed legislation could be construed to reflect a step away from the generally independent, businesslike operating principles embodied in the Act which are governing the new Postal Service as it undertakes the modernization of the nation's mail system.

For the reasons set forth above, it seems abundantly clear that S. 3001 as presently drafted would not apply to the Postal Service. The Office of Management and Budget and the Treasury Department, however, have taken the view that the provision in the legislation for Treasury coordination of Federal borrowing activities contemplates that the Postal Service would be included among agencies covered by the proposed legislation, as reflected in the attached letter of April 8, 1972. In view of the OMB letter and since, if S. 3001 were enacted, even an insubstantial question about non-coverage of the Postal Service could impede the future marketability of Postal Service bond offerings under the Postal Reorganization Act, the Postal Service must oppose enactment of S. 3001 unless the question of non-coverage is definitely laid to rest either by explicit statutory provision or by unmistakable legislative history—as, for example, a specific statement in the Committee's report that the bill would not be applicable to the Postal Service.

If hearings are to be held on the bill, we request an opportunity to testify so as to explain more fully our objections to its application to the Postal Service.

Sincerely,

E. T. KLASSEN,
Postmaster General.

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

Mr. SPARKMAN. Yes, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I congratulate the chairman of the committee (Mr. SPARKMAN) for the position he has taken on the Postal Service. I know that there was considerable pressure to exempt the Postal Service. There were those who felt very strongly the service should be exempt.

I think the position taken by the Senator from Alabama is very wise, for two reasons. He pointed out and the Senator from Wyoming pointed out that the Postal Service is authorized to borrow $10 billion. There is no question that it will borrow $10 billion. It is going to borrow that much, because there is no question about the need. This will have a serious effect on housing and many other areas of our economy.

The whole purpose, it seems to me, of giving the Treasury an opportunity to exercise priority judgment is to do something that we have needed so badly in the past—to give housing an opportunity and a break, and to put the needs of the Federal agencies into proper perspective. This legislation does that.

We suffer in this body from "excluditis." Everybody wants to get out from something.

The second reason why I support the chairman of the Post Office and Civil Service Committee (Mr. MCGEE) and the chairman of the Banking, Housing and Urban Affairs Committee (Mr. SPARKMAN) is that this is in the great interest of the Postal Service. As I understand it, the Federal financing bank will enable the Postal Service—I think the Senator from Alabama pointed this out—to secure funds at a lower rate, in all probability. The Treasury has said this, and I think the Treasury is right. I think under those circumstances the user of the Postal Service will have lower costs. I think we should direct our credit operations as much as we can, especially when Federal agencies are involved.

Mr. SPARKMAN. Of course, the Senator referred to their getting a lower interest rate. That is not necessarily always true, but it does give the service a broader market in which to operate, and therefore a better chance to get a lower rate of interest.

Mr. PROXMIRE. I think under many circumstances their interest will be lower. As the Senator has pointed out, they have a choice. They have an option. It could be more. In many cases it will be less. Over the long run, it probably will cost less.

Mr. SPARKMAN. I think it is a good thing. I am glad we were able to work it out.

Mr. President, I should like to call attention to the fact that the Senator from Texas (Mr. TOWER) was a joint sponsor of this legislation and worked very diligently in getting it through, as did all members of the committee, and I want to express my appreciation to each for the very fine way that was done.

Mr. TOWER. Mr. President, I thank the chairman.

I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The committee amendment is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engagement and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3001) was passed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will now proceed to the consideration of S. 3010, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, 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 this Act may be cited as the "Economic Opportunity Amendments of 1972".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(b) Section 523 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) (1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, three are authorized to be appropriated $900,000,000 for the fiscal year ending June 30, 1972, and $950,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there are further authorized to be appropriated $500,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years. No State shall, with respect to any such fiscal year, receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts so appropriated, whichever is less.

(b) (1) For the purposes of carrying out the Project Headstart program described in section 222(a)(1) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $500,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years.

(2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 per centum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

(3) For the purpose of carrying out the Follow Through program described in section 222(a)(2) of such Act, there are authorized to be appropriated $100,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years.

(c) (1) For the purpose of carrying out titles II, III, VI, VII, IX, and X of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 for the fiscal year ending June 30, 1972, and $1,000,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for the fiscal year ending June 30, 1973, and for the succeeding fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 and not less than $71,500,000 for Legal Services programs under section 222(a)(3) and title IX of such Act.

(3) The Director shall allocate and make available the remainder of the amounts appropriated for carrying out the Economic Opportunity Act of 1964 for each fiscal year pursuant to paragraph (1) of this subsection (after funds are reserved for the purposes specified in paragraph (2) of this subsection) in such a manner, subject to the provisions of subsection (d) of this section, that with respect to each fiscal year—

(A) $394,900,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying and the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a)(5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a)(6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a)(7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a)(8), $18,000,000 shall be for the purpose of carrying out the Drug Rehabilitation program described in section 222(a)(9), $5,000,000 shall be for the purpose of carrying out the Environmental Action program described in section 222(a)(10), $10,000,000 shall be for the purpose of carrying out the Rural Housing Development and Rehabilitation program described in section 222(a)(11), $10,000,000 shall be for the purpose of carrying out the Design and Planning Assistance program described in section 226, $6,000,000 shall be for the purpose of carrying out the Youth Recreation and Sports program described in section 227, and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination) and title X (relating to evaluation); and

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development).

(d) Adjustments in allocations for the specific purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) of this section shall be made by the Director as follows:

(1) If the amounts appropriated pursuant to paragraph (1) of subsection (c) for any fiscal year are not sufficient to assure that the full amount of the allocation specified for each of the purposes set forth in clauses (A) through (D) of paragraph (3) of subsection (c) will be provided for such fiscal year—

(A) the Director shall first allocate (i) not less than $18,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years, to be used for the Alcoholic Counseling and Recovery program, and (ii) not less than $30,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Emergency Food and Medical Services program; and

(B) the Director shall then determine the amount by which particular allocations (except for allocations under subparagraph (A) of this paragraph) are to be reduced, the sum of which reductions shall be equal to the total amount by which the appropriations are not sufficient to fund fully all such allocations.

(2) Any further adjustments increasing or decreasing such allocations (after any adjustments in such allocations as may be made under paragraph (1) of this subsection) shall be made by the Director in accordance with section 616 of the Economic Opportunity Act of 1964.

The Director shall promptly report to the Congress adjustments in allocations resulting from his determinations under this subsection.

(e) For the purpose of carrying out full-time volunteer programs under part A of title VIII of the Economic Opportunity Act of 1964, there is authorized to be appropriated $37,000,000 for the fiscal year ending June 30, 1972.

(f) In addition to the amounts authorized to be appropriated and allocated pursuant to subsection (c) and (e) of this section, there are further authorized to be appropriated for carrying out the Economic Opportunity Act the following sums:

(1) $62,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Community Economic Development program under title VII;

(2) $100,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Legal Services program under title IX;

(3) $5,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Rural Housing Development and Rehabilitation program described in section 222(a)(11);

(4) $16,000,000 for the fiscal year ending June 30, 1972, to be used for Domestic Volunteer Service programs under title VIII, of which $8,000,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII and $8,000,000 shall remain available for expenditure in accordance with the provisions of such title during the fiscal year ending June 30, 1973.

(g) There are authorized to be appropriated $53,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, of which with respect to each such fiscal year (1) the amount of $44,500,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII, and (2) the

amount of $8,500,000 shall be available (notwithstanding the 10 per centum limitation set forth in the second sentence of section 821 of such Act) for carrying out part B of such title VIII. If the sums authorized to be appropriated under this subsection are not appropriated and made available in full, then such sums as are so appropriated and made available for each such fiscal year shall be used for the purpose specified in clause (1) of the preceding sentence except that 50 per centum of any such sums in excess of $37,000,000 shall be available for the purpose specified in clause (2) of the preceding sentence.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting: "for the fiscal year ending June 30, 1971, and not to exceed 25 per centum" immediately before the words "for fiscal years ending thereafter".

(b) Section 616 of such Act is further amended by striking out the semicolon the first time it appears therein and all matter thereafter through "$10,000,000" the second time it appears in such section.

COMPREHENSIVE HEALTH SERVICES CHARGES

SEC. 5. Section 222(a)(4)(A)(ii) of the Economic Opportunity Act of 1964 is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

DRUG REHABILITATION PROGRAM

SEC. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hard-core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process."

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations and cooperatives serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses; revolving development funds; nonrevolving land, land development and construction writedowns; rehabilitation or repair of substandard housing; and loans to low-income families. In the construction, rehabilitation, and repair of housing for low-income families, the services of persons enrolled in Mainstream programs may be utilized. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish except that (1) no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum and (2) any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly.

COMMUNITY ACTION BOARDS

SEC. 8. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "six" and by striking out "six" and inserting in lieu thereof "twelve".

NON-FEDERAL CONTRIBUTION CEILING

SEC. 9. Section 225(c) of the Economic Opportunity Act of 1964 is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

TERMINATION OF ASSISTANCE

SEC. 10. Section 231 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) is applicable files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall forthwith terminate further assistance under this title to such agency until he has received assurances satisfactory to him that further violations will not occur."

SPECIAL ASSISTANCE

SEC. 11. Part C of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 234. (a) The Director may provide financial assistance for projects conducted by public or private nonprofit agencies which are designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. In administering this section, the Director shall give special consideration to programs designed to assist older persons who are not being effectively served by other programs under this title.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated (in addition to amounts otherwise authorized to be appropriated for carrying out the Economic Opportunity Act of 1964) $50,000,000 annually for the fiscal year ending June 30, 1972, and the two succeeding fiscal years."

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 12. Section 244 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

SEC. 13. Section 312(b)(3) of the Economic Opportunity Act of 1964 is amended by inserting after the word "Government" the words "employment or".

PLAN REPORTING DATE

SEC. 14. Paragraph (3) of section 632 of the Economic Opportunity Act of 1964 is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than August 1, 1972, and the documents updating such plan shall be presented to the Congress no later than January 31 of each succeeding calendar year."

GUIDELINES

SEC. 15. Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 623. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date."

NONDISCRIMINATION

SEC. 16. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new section:

"NONDISCRIMINATION PROVISIONS

"SEC. 624. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be

denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act."

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 17. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community corporations and related nonprofit agencies, including cooperatives, or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration, and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to cooperatives and other nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122 (e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b)(10) thereof.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterpises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical asistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferral basis) to community development corporations and to cooperatives eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives eligible for financial assistance under section 722(b) for business, housing, and community development projects who the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c)(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund and the revolving fund previously established under section 306 of this Act, the assets and liabilities of which shall be transferred to the Rural Development Loan Fund, effective July 1, 1972, and (B) such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations not less than $60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investgate the feasibility and most appropriate manner of establishing development banks and similiar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the three succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

(c) Effective after June 30, 1972, part A of title III of the Economic Opportunity Act of 1964 is repealed.

LEGAL SERVICES PROGRAM

SEC. 18. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate

institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change; and

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter in this title referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of at least six months following the date of enactment of the Economic Opportunity Amendments of 1972 for the process of incorporation and initial organization of the Corporation.

"(b) The Director of the Office of Economic Opportunity shall serve as the incorporating trustee for the purposes of this section and shall carry out his responsibilities under this section in consultation with the National Advisory Committee for Legal Services as constituted on April 15, 1972, pursuant to Executive Order 11007 (February 26, 1962) and appropriate Office of Economic Opportunity regulations. The Director shall use, and make available to the Committee in connection with its consultative responsibilities under this section, such administrative services and other resources as are necessary to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(a)(2), from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1972, the incorporating trustee, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorneys Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trustee which meet the requirements of section 905(b)(2), from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1972, all recommendations as provided in section 904(a)(2) for persons to serve on the initial board of directors shall be submitted to the President.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trustee shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) The responsibilities of the incorporating trustee shall terminate upon the first meeting of the board of directors, such meeting to occur following appointment of all members of such board.

"(g) During the ninety-day period immediately following the meeting referred to in subsection (f) of this section, the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation pursuant to section 906 of this Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of nineteen individuals appointed by the President, by and with the advice and consent of the Senate, one of whom shall be elected to serve as chairman annually by vote of an absolute majority of such board. Members of the board shall be appointed as follows:

"(1) Ten members shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State.

"(2) Nine members shall be appointed as follows—

"(A) five members, (i) one of whom shall be appointed from recommendations made by the American Bar Association, (ii) one of whom shall be appointed from recommendations made by the Association of American Law Schools, (iii) one of whom shall be appointed from recommendations made by the National Bar Association, (iv) one of whom shall be appointed from recommendations made by the National Legal Aid and Defender Association, and (v) one of whom shall be appointed from recommendations made by the American Trial Lawyers Association;

"(B) two members who are representative of individuals eligible for assistance under this title, at least one of which members shall be an individual eligible for such assistance, from recommendations made by the Clients Advisory Council;

"(C) two members from among former legal services project attorneys from recommendations made by the Project Attorneys Advisory Council.

At least one director shall represent and be chosen from the population within the Nation of persons who speak a language other than English as their predominant language.

"(b) The directors appointed under subsection (a) shall be appointed for terms of three years except that—

"(1) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1972;

"(2) the terms of the directors first taking office shall expire, as designated by the President at the time of appointment, as follows—

"(A) in the case of directors appointed under paragraph (1) of section 904(a), three at the end of three years, four at the end of two years, and three at the end of one year;

"(B) in the case of directors appointed under paragraph (2)(A) of section 904(a), the term of the director appointed under clause (i) shall expire at the end of three years, the term of director appointed under clause (ii) shall expire at the end of three years, the term of the director appointed under clause (iii) shall expire at the end of two years, the term of the director appointed under clause (iv) shall expire at the end of one year, and the term of the director appointed under clause (v) shall expire at the end of one year;

"(C) in the case of directors appointed under paragraph (2)(B) of section 904(a), one at the end of three years and one at the end of one year;

"(D) in the case of directors appointed under paragraph (2)(C) of section 904(a), one at the end of three years and one at the end of two years; and

"(3) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committe of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) The board shall, in consultation with the respective advisory councils, provide for rules with respect to meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a)(1) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualification, and method of selection and appointment, from among individuals who are eligible for assistance under this title.

"(2) Procedures for selecting members of the Clients Advisory Council must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such Council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the

needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council shall submit to the President the recommendations as provided in section 904(a)(2)(B) for persons to serve on the board of directors.

"(b)(1) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title.

"(2) Procedures for selecting members of the Project Attorneys Advisory Council must insure that all areas of the country are represented, and in no event may more than one representative on such Council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council shall submit to the President the recommendations as provided in section 904(a)(2)(C) for persons to serve on the board of directors.

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of not less than five members nor more than seven members which shall include the chairman of the board, at least one director appointed pursuant to paragraph (1) of section 904(a), one director appointed pursuant to paragraph (2)(A) of section 904(a), and one director appointed pursuant to paragraph (2)(B), and one director appointed pursuant to paragraph (2)(B) or (2)(C) of section 904(a).

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, in order to carry out the purposes of this title the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs, and special emphasis programs to provide services to migrant or seasonal farmworkers, Indians, and the elderly poor;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community or assisted by the Federal Government including—

"(A) reveiwing all grants and contracts for the provision of legal services to the client community made under the provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys adhere to the same Code of Professional Responsibility and Canons of Ethics of the American Bar Association as are applicable to other attorneys;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would futher the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1972, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services, otherwise authorized, are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committee's request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any members of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation. For the purpose of this subsection, solicitation does not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community, and does not include any conduct or activity which is permissable under the Code of Professional Responsibility and Canons of Ethics of the American Bar Association governing solicitation and advertising.

"(g) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Coroporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

(h) At a reasonable time prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute

to or otherwise support any political party or candidate for elective public office.

"(d) The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls. Employees of the Corporation or of programs assisted by the Corporation shall not at any time identify the Corporation or the program assisted by the Corporation with any partisan or nonpartisan political activity associated with a candidate for public or party office. The Board of Directors of the Corporation shall set appropriate guidelines for the private political activities of full-time employees of the Corporation or of programs assisted by the Corporation.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 908(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including, in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(6) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States; and

"(7) 'nonprofit', as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to ensure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, effective ninety days after the date of the meeting referred to in section 903(f) of this Act, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222 (a) (3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, all personnel (except personnel under schedule A of the excepted service), and all assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a)(3) of this Act, shall be transferred to the Corporation. Personnel transferred under this subsection shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to seek suitable employment for personnel who would otherwise be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collective bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1972 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law."

(b)(1) The Director of the Office of Economic Opportunity shall take such action as may be necessary in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such Corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

(2) Effective ninety days after the date of the meeting referred to in section 903(f) of this Act, section 222(a)(3) of Economic Opportunity Act of 1964 is repealed.

(3) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out this title, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the National Legal Services Corporation and in carrying out its activities.

(4) Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 625. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

EVALUATION

SEC. 19. (a) The Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new title:

"TITLE X—EVALUATION

"COMPREHENSIVE EVALUATION OF PROGRAMS

"SEC. 1001. (a) The Director shall provide for the continuing evaluation of programs under this Act and of programs authorized under related Acts, including evaluations that describe and measure, with appropriate means and to the extent feasible, the impact of such programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. The Director may, for such purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall to the extent feasible develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act.

"(c) In carrying out this title, the Director may require community action agencies to provide independent evaluations.

"COOPERATION OF OTHER AGENCIES

"SEC. 1002. Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he deems appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials, as they collect and compile on program operations, beneficiaries, and effectiveness.

"CONSULTATION

"SEC. 1003. (a) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"(b) The Director may consult, when appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"PUBLICATION OF EVALUATION RESULTS

"SEC. 1004. (a) The Director shall publish summaries of the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(b) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(c) The Director shall publish summaries of the results of activities carried out pursuant to this title in the report required by section 608 of this Act."

(b)(1) Subsection (a) of section 113, subsections (b) and (c) of section 132, section 154, section 233, and section 314(b) of the Economic Opportunity Act of 1964 are repealed.

(2) Section 632(2) of such Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(3) Sections 132 and 314 of such Act are each amended by striking out "(a)".

SPECIAL PROGRAMS AUTHORIZED

SEC. 20. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE GRANTS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development;

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area;

"(2) has a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community; and

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual youth recreation and sports program concentrated in the summer months and with continued activities

throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that (1) not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation and (2) all significant segments of the low-income population of the community to be served will be served on an equitable basis in terms of participating youths and instructional and other support personnel.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in the community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources."

FUNCTIONS OF DIRECTOR

SEC. 21. Notwithstanding the provisions of section 602(d) of the Economic Opportunity Act of 1964, the Director of the Office of Economic Opportunity shall not delegate his functions under section 221 and title VII of such Act to any other agency.

PUERTO RICO

SEC. 22. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 225(a) of the Economic Opportunity Act of 1964, not more than 4 per centum of the appropriated sums for the fiscal year ending June 30, 1972, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico.".

(c) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

SEC. 23. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this Act. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

ACADEMIC CREDIT IN VOLUNTEER PROGRAMS

SEC. 24. Section 821 of the Economic Opportunity Act of 1964 is amended, effective July 1, 1972, by inserting before the period at the end thereof a comma and the following: "which shall include any program, project, or activity otherwise authorized under the provisions of this title for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training)".

POVERTY LINE

SEC. 25. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting the following new section at the end thereof:

"POVERTY LINE

"SEC. 626. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

Mr. JAVITS. Mr. President, what is the time limitation on the bill?

The PRESIDING OFFICER. There is no time limitation.

Mr. JAVITS. 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, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

TIME LIMITATION ON TOWER AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I have discussed with the Senator from Wisconsin (Mr. NELSON), the Senator from New York (Mr. JAVITS), and the Senator from Texas (Mr. TOWER) two amendments which Mr. TOWER proposes to offer to the pending bill. It is agreeable with those parties that there be a time limitation on each of those two amendments of 1 hour, the time to be equally divided between the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Wisconsin (Mr. NELSON); and that the time on any amendment to an amendment, debatable motion, or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. NELSON). I so ask unanimous consent.

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

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent—and this, again, is with the approval of the author of the amendments—that the Senator from Texas (Mr. TOWER) be recognized on tomorrow for the purpose of calling up his two amendments in succession immediately upon the laying down of S. 3010, the Economic Opportunity Act, and its assumption of the second track at that time.

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

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. NELSON. 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. NELSON. Mr. President, the pending legislation is S. 3010, the Economic Opportunity Amendments of 1972. This bill represents an attempt to reach a bipartisan compromise with the administration's objections to the Economic Opportunity Amendments of 1971.

Senators will recall that after some 12 days of hearings last year the Senate voted 49 to 12 in support of the Economic Opportunity Act extension, and on December 2 voted 63 to 17 for acceptance of the conference report. However, the legislation was deemed unacceptable by the administration. This year, the Labor and Public Welfare Committee decided not to hold additional hearings but rather to seek reasonable compromises with the administration so that the extension of the Economic Opportunity Act could go forward.

What were the objections the President raised and what has been our response? In his veto message of December 9, 1971, the President objected to the fact that S. 2007 prohibited further delegation of programs; earmarked funds for

specific programs; established a Legal Services Corporation Board and procedures for administering the program while the incorporation process went forward with which he disagreed. At the same time the President indicated his support of the Office of Economic Opportunity "as the principal pioneer in the Nation's efforts to combat poverty." Sharing the President's concern that the Office of Economic Opportunity continue in its role as a pioneering agency, the committee has sought reasonable compromise with each of the President's objections.

ON CHILD CARE

It was decided to separate child care legislation from the extension of the Economic Opportunity Act.

ON EARMARKING

In the committee reported bill, earmarking is limited to four programs in contrast to the 15 programs for which funds were earmarked in last year's bill. The four programs are: Local initiative, $328.9 million; legal services, $71.5 million; emergency food and medical services, $30 million; and alcoholic counseling and recovery, $18 million. It should be noted that in the cases of alcoholic counseling and emergency food only has the committee earmarked more funds than the administration has budgeted.

ON SPINOFF

The vetoed bill contained a provision prohibiting the Director of OED from taking administrative action to delegate or "spinoff" OEO programs to other agencies. As Senators know, in the past, a number of manpower programs such as the Job Corps and the Headstart program have been spun off to the Department of Labor or to the Department of Health, Education, and Welfare. Last year Congress expressed its determination that the remaining operational programs not be delegated. It is our conviction that the Office of Economic Opportunity cannot remain "the principal pioneer in the Nation's efforts to combat poverty," that the President wishes it to be, without maintaining its responsibility for the funding and operation of the programs central to the war on poverty. But in view of the President's strong objection to the broad prohibition in last year's bill the committee has provided in this year's bill that spinoffs be prohibited in the case of only two programs: Local initiative, the network of 900 local community action agencies that give the war on poverty its local impact and provide funds for local experimentation and demonstration of new program concepts, and the new comunity economic development program, title VII. However, these two programs are subject to delegation pursuant to the Reorganization act. The community economic development program is an innovative effort to organize poor rural and urban residents for community development across the traditional division between economic and social concerns. Community development corporations—or CDC's as they are called—have been in operation for some years in Bedford-Stuyvesant in Brooklyn, in the Hough area in Cleveland, in Boston, Mass., in Hancock County, Ga., and in scores of other locations around the country.

ON LEGAL SERVICES CORPORATION

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

The committee-reported bill's legal services title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the legal services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators TAFT and JAVITS of the committee minority and Senators MONDALE and CRANSTON of the committee majority.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current legal services program in a Presidential "Message Relative to Providing Legal Services to Americans Otherwise Unable to Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the legal services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed on an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

> After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's Board of Governors adopted a resolution stating—

> * * * (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained. * * *

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his message of May 5, 1971. The President then stated:

> Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

On the same day, the President's message on legal services was sent to Congress, the administration's bill was introduced. Senator COOK introduced the bill in the Senate (S. 1769) on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that legal services attorneys who are employed full-time and while engaged in legal services activity refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth, the administration bill required that full-time attorneys, and part-time attorneys while engaged in legal services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made available by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the board of directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. This year the committee drastically altered the composition of the board so that the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations from the legal organizations and advisory councils. The committee bill, therefore, gives absolute policymaking control to the persons the President wishes to appoint. And he still appoints the remaining nine from recommendations. So no one can be appointed to the board whom the President does not approve. The minority will be heard but a majority of the board will make the policies, governing the Corporation's role in providing legal services to the poor.

The other objection to last year's bill was that it provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the legal services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

In addition to the compromises made to gain the support of the administration for this legislation, I believe the Senators should be told of several other features of the legislation.

First, the legislation authorizes an additional $500 million for the Neighborhood Youth Corps. Unemployment among black 16- and 17-year-olds in this Nation is well over 40 percent. Meanwhile, the number of positions available in the NYC out-of-school program, our number one program to provide jobs and training for unemployed youths, have dropped from 98,600 slots in 1966 to only 36,800 slots for 1972. We need a major program to assure employment and meaningful training opportunities to become useful citizens for all our young people. The Neighborhood Youth Corps authorization in this bill would provide a start.

The bill includes other new language to authorize an expansion of community design and planning programs which involve the architectural profession in volunteer services to poverty communities; a youth recreation and sports program which would provide a specific authorization for the national summer youth sports program which has been in operation as a demonstration program since 1969; additional funding of $50 million for elderly poor and other groups that are left out of current OEO programs; assurances that at least 10 percent of the children served by Headstart shall be drawn from among the handicapped; an environmental action program included in last year's OEO bill; and a rural housing program also included by the House in last year's legislation.

In the Senate committee we added a provision to the rural housing program to make it explicit that Mainstream workers may be used to build new housing or to repair old housing for the rural poor.

The bill authorizes a 3-year extension of the Economic Opportunity Act, through fiscal year 1974. For 1972, it authorizes $950 million for programs administered by the Office of Economic Opportunity and $1 billion for those programs in 1973 and 1974. The bill also authorizes $500 million for Headstart and $100 million for Follow Through in each of these years. It authorizes $53 million for Action including the Vista program for each year. Work and training programs operated by the Department of Labor under the Economic Opportunity Act are authorized $900 million for fiscal year 1972 and $950 million for each of the years 1973 and 1974. The totals are $3,053 million for 1972, and $3,320 million for 1973 and 1974.

Mr. President, no one has ever suggested that the service programs operated by the Office of Economic Opportunity are able by themselves to end poverty in the United States. In fact, during the last few years the number of people living in poverty has actually increased for the first time in a decade due to rising unemployment and the cost of living. However, the community action agencies and the Office of Economic Opportunity have written a record of which we can be proud—a record which is often overlooked by its critics. The Headstart program, the legal services program, the community development corporations around the country are all doing extraordinarily good work. And the local community action agencies including those in rural areas are performing invaluable services for poor people and for the larger community.

As then Director Frank Carlucci pointed out in testimony before this committee in 1971:

> The agency's range of programs reach some 11 million of the 24 million Americans whose income places them below the poverty line.

Indians and migrant workers in recent years have benefited especially from Office of Economic Opportunity programs. There are some 67 Indian community action agencies now in operation. While controversial in its early days, the community action program can now boast extraordinarily wide support.

May 5, 1971, some 90 major national organizations joined in a statement to this committee which concluded:

> We believe that the Office of Economic Opportunity must be permitted to build on this impressive record. It must continue to focus national attention on the needs of the poor. The lessons of the past should be used to give OEO a new vitality.

Mr. President, I believe that the Office of Economic Opportunity represents an invaluable asset not only to the poor and disadvantaged in this Nation but to all of us. If we are ever to deal effectively with the problems that plague the poor it is essential that there should be a federally funded organization both at the national and local levels which represents the poor in their struggle to deal with these problems. We are very fortunate to have the Office of Economic Opportunity. This legislation will continue its existence for another 3 years. I ask all Senators to join with me in supporting its passage.

Mr. President, I ask unanimous consent that a section-by-section analysis of bill S. 3010 be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Economic Opportunity Amendments of 1972."

SECTION 2. EXTENSION OF ECONOMIC OPPORTUNITY ACT

This section extends the provisions of the Economic Opportunity Act for three years.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a)(1) of this section authorizes $900 million for fiscal year 1972, and $950 million annually for fiscal years 1973 and 1974, for carrying out the provisions of title I (parts A, B, and E) of the Economic Opportunity Act relating to work and training (and which are administered by the Department of Labor).

Subsection (a)(2) further authorizes an additional appropriation for Neighborhood Youth Corps programs under section 123(a)(1) and (2) of such act of $500 million annually for fiscal year 1972 and the next two fiscal years, and provides that no State shall receive less than $3 million (in the event that the full amount is appropriated) or six-tenths of 1 percent of the amounts appropiated for this purpose.

Subsection (b)(1) authorizes appropriations of $500 million annually for fiscal year 1972 and for the next two fiscal years for carrying out the Headstart program (administered by the Department of Health, Education, and Welfare) under paragraph (1) of section 222(a) of the Economic Opportunity Act.

Subsection (b)(2) provides that the Secretary of Health, Education, and Welfare shall establish policies and procedures to assure that at least 10 percent of the Nationwide enrollment opportunities in the Headstart program shall be available for handicapped children and that services shall be provided to meet their special needs.

Subsection (b)(3) authorizes appropriations of $100 million annually for fiscal year 1972 and for the next two fiscal years for carrying out the Follow Through program under paragraph (2) of section 222(a) of the Economic Opportunity Act.

Subsection (c)(1) authorizes appropriations for other Economic Opportunity Act programs (titles II, III, VI, VII, and X) of $950,000,000 for fiscal year 1972 and $1,000,000,000 annually for fiscal years 1973 and 1974.

Subsection (c)(2) earmarks funds out of each fiscal year's appropriation for programs under the Act as follows:

Not less than $328,900,000 shall be reserved for section 221 (local initiative programs).

Not less than $71,500,000 shall be reserved for legal services programs under section 222(a)(3) and under the new title IX.

In addition to such reserved funds, the amount of $394,900,000 shall be used for title II of which $114 million is for Comprehensive Health Services, $62,500,000 for Emergency Food and Medical Services, $25 million for Family Planning, $8,800,000 for Senior Opportunities and Services, $18 million for Alcoholic Counseling and Recovery, $18 million for Drug Rehabilitation, $5,000,000 for Environmental Action, $10,000,444 for Rural Housing Development and Rehabilitation, $10,000,000 for Design and Planning Assistance, $6,000,000 for Youth Recreation and Sports, and $117,600,000 for technical assistance and training, State agency assistance, research and pilot programs, and evaluation.

The amount of $38 million shall be used for programs for migrant and seasonal farmworkers under title III–B.

The amount of $18 million shall be used for administration and coordination under title VI and evaluation under title X.

The amount of $58 million shall be for community economic development programs under the new title VII contained in this bill (consolidating the old titles I–D and III–A).

Subsection (d) provides that if appropriations are insufficient to fund fully all of the above amounts, after the full amounts specified above are reserved for Local Initiative and Legal Services, the remaining funds are first made available as follows: $18,000,000 for Alcoholic Counseling and Recovery for each of fiscal years 1972 through 1974; and $30,000,000 for Emergency Food and Medical Services for each of fiscal years 1973 and 1974.

Subsection (e) authorizes the appropriation of $37,000,000 for fiscal year 1972 for carrying out full-time volunteer programs under title VIII–A of the Act.

Subsection (f) authorizes further appropriations, as add-ons to the amounts otherwise appropriated and allocated, of $62 million annually for fiscal years 1973 and 1974 for the Community Economic Development program under title VII, $100,000,000 annually for fiscal years 1973 and 1974 for the Legal Services program under the new title IX, $5,000,000 annually for fiscal years 1973 and 1974 for the new Rural Housing Development and Rehabilitation program under section 222(a)(11), and $16,000,000 for fiscal year 1972 for Domestic Volunteer Service programs under title VIII (of which $8,000,000 is for full-time volunteer programs under part A of such title and $8,000,000 is to remain available for expenditure under the title during fiscal year 1973).

Subsection (g) authorizes the appropriation of $53,000,000 annually for fiscal years 1973 and 1974 to be used for Domestic Volunteer Service programs under title VIII of the Act. Of such authorized amount, $44,500,000 is for full-time volunteer programs under part A of such title and $8,500,000 is for part B of such title.

SECTION 4. TRANSFER OF FUNDS

This section amends section 616 of the Economic Opportunity Act to provide increased flexibility to enable the Director to transfer funds from one program to another.

Subsection (a) amends such section 616 to increase the percentage of an allocation which may be transferred out of one program to increase the allocation for another program from the current 15 percent to 25 percent.

Subsection (b) further amends such section 616 by deleting the limitation which places a ceiling on the amount that may be transferred into a program when funds are taken away from other programs under the flexibility described in the preceding paragraph. (The existing law provides that such transfers may not result in increasing by more than 100 percent any program for which amounts otherwise available are $10 million or less, or increasing by more than 35 percent any program for which the amounts otherwise available exceed $10 million.)

SECTION 5. COMPREHENSIVE SERVICES CHARGES

This section authorizes the Director of the Office of Economic Opportunity to require, with respect to medical services provided the near or non-poor under the Comprehensive Health Services program, that payment be made in whole or in part for such assistance, pursuant to regulations.

SECTION 6. DRUG REHABILITATION PROGRAM

This section deletes two sentences in the Economic Opportunity Act which required dollar reservations for fiscal years 1970 and 1971 for the Alcoholic Counseling and Recovery program and the Drug Rehabilitation program—these reservations having, by their terms, become inoperative.

Section 222(a)(9) of the Act is further amended relating to the Drug Rehabilitation program to authorize the Director to undertake special programs promoting employment opportunities for drug dependent individuals. Special priority is required for programs serving veterans and employers of significant numbers of veterans with priority to those areas within States having the highest percentages of addicts. In addition, the course of rehabilitation may be completed even though the drug dependent individual has ceased to be "low-income" by virtue of his participation in an employment program.

SECTION 7. NEW SPECIAL EMPHASIS PROGRAMS

This section adds to section 222(a) of the Act a new national emphasis program known as "Environmental Action" to provide payment for low-income persons working on projects combating pollution and improving the environment.

This section also adds another new national emphasis program known as "Rural Housing Development and Rehabilitation" to assist in the alleviation of housing problems of low-income families in rural areas.

SECTION 8. COMMUNITY ACTION BOARDS

This section amends the existing law's limitation on the length of time a person may serve on a community action board from 3 consecutive years under the present provision to 6 consecutive years, and also extends the total number of years which such a person may serve from 6 years under the present provision to 12 years.

SECTION 9. NON-FEDERAL CONTRIBUTION CEILING

This section provides that the Director of OEO shall not require non-Federal contributions of more than 20 percent of the program costs.

SECTION 10. TERMINATION OF ASSISTANCE

This section establishes a procedure under which a community action board member could request the Director to investigate allegations that a State Economic Opportunity office was not observing the requirements of the Act or regulations promulgated under it. Where reasonable cause is found, the Director is required to hold hearings and is authorized to cut off funds until satisfactory assurances are provided that such violations would be prevented.

SECTION 11. SPECIAL ASSISTANCE

This section authorizes the Director of OEO to provide financial assistance for projects designed to serve low-income groups not effectively served by other programs under title II of the Act, with special consideration for such programs for older persons. A special authorization of $50,000,000 is included for this purpose.

SECTION 12. DISTRIBUTION OF FINANCIAL ASSISTANCE

This section provides that the Director shall assure that community action funds are distributed on an equitable basis in any community so that all segments of the low-income population are being served.

SECTION 13. AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

This section amends section 312(b)(3) of the Act to authorize the Director to conduct programs to enable migrant and seasonal farmworkers to take advantage of the opportunities available to them in "employment" as well as "training" programs.

SECTION 14. PLAN REPORTING DATE

This section provides that the 5-year national poverty plan, required to be presented on an annual basis to the Congress by Sec. 622, must be presented by August 1, 1972, and updated no later than January 31 of each succeeding year.

SECTION 15. GUIDELINES

This section requires that all rules, regulations, guidelines, instructions, application forms, etc., promulgated pursuant to this Act be published in the Federal Register thirty days prior to their effective date.

SECTION 16. NONDISCRIMINATION

This section prohibits the Secretary from providing financial assistance unless the recipient provides specific nondiscrimination assurances.

This section further provides that no person shall be discriminated against on the ground of sex in any program under this legislation, to be enforced under title VI of the Civil Rights Act.

SECTION 17. COMMUNITY ECONOMIC DEVELOPMENT

Subsection (a) of this section inserts in the Economic Opportunity Act a new title headed:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT"

The new title consolidates the old title I–D and III–A programs.

SECTION 701. STATEMENT OF PURPOSE

This section states that the purpose of this title is to encourage special urban and rural programs of economic and social improvement.

PART A—SPECIAL IMPACT PROGRAMS

SECTION 711. STATEMENT OF PURPOSE

This section restates the statement of purpose in section 150 of the existing law except that it deletes "out-migration" as the sole criteria for rural programs, adds "duration" to size and scope as program characteristics, and adds "community determination" to the list of problems to which the program is addressed.

SECTION 712. ESTABLISHMENT OF PROGRAMS

The section restates the language in section 151 of the existing law except that it expressly identifies community development corporations and nonprofit agencies in conjunction with community development corporations as the delivery vehicles for programs, and adds housing to the list of supportable programs and activities.

SECTION 713. REQUIREMENTS FOR FINANCIAL ASSISTANCE

This section is substantially the same as section 152 of the existing law except that clause (1) assures that community development corporations be responsive to residents of the area under guidelines established by the Director of the Office of Economic Opportunity.

SECTION 714. APPLICATION OF OTHER FEDERAL RESOURCES

Subsection (a) permits community development corporations to use funds granted under this part as private paid-in capital for small business investment company and local development corporation programs of the Small Business Administration. This subsection also provides that the Small Business Administration prescribe regulations to insure that its programs assist community development corporations.

Subsection (b) restates section 153(b) of the existing law with changes making areas assisted under this new part eligible redevelopment areas for purposes of the Public Works and Economic Development Act. This subsection also provides that the Secretary of Commerce prescribed regulations to insure that its programs assist community development corporations.

Subsection (c) restates section 153(a) of the existing law with additional provisions qualifying community development corporations as sponsors under the following programs: Section 106 of the Housing and Urban Development Act of 1968 which provides technical and financial assistance to nonprofit sponsors of FHA housing programs; sections 221 and 236 of the National Housing Act which provides financial assistance for construction of rental housing for low- and moderate-income families; and section 235 of the National Housing Act which provides financial assistance for low- and moderate-income homeownership programs.

Subsection (d) provides that the Director shall take steps to assure that contracts and deposits by the Federal Government are placed in such a way as to further the purposes of this part.

Subsection (e) requires the Director to report to Congress on efforts to have other Federal resources made available to community development corporations.

SECTION 715. FEDERAL SHARE

This section provides for a Federal share of 90 percent of program costs unless the Director approves a higher percentage. This section also provides that capital investments made with funds under this part shall not be considered Federal property.

PART B—RURAL PROGRAMS

SECTION 721. STATEMENT OF PURPOSE

This section states that the purpose of this part is to support self-help programs in rural communities or areas.

SECTION 722. FINANCIAL ASSISTANCE

Subsection (a) authorizes financial assistance, including loans, to low-income rural families for improvements of real property and of operation of family-sized farms.

Subsection (b) authorizes financial assistance to rural cooperatives engaged in farming, purchasing, marketing, and processing programs. Costs which may be defrayed include administrative, planning, and technical assistance costs.

SECTION 723. LIMITATIONS ON ASSISTANCE

This section sets minimum requirements for assistance. Cooperatives must have a minimum of 15 active members, a majority of whom must be low-income rural persons.

PART C—SUPPORT PROGRAMS

SECTION 731. TRAINING AND TECHNICAL ASSISTANCE

This section requires Director to provide technical assistance and training of personnel required to effectively implement the purposes of this title.

SECTION 732. DEVELOPMENT LOAN FUND

This section authorizes the Director to make or guarantee loans under parts A and B of this title. To carry out such lending and guarantee functions, a development loan fund is to be established, consisting of two revolving funds: a rural development loan fund and a community development loan fund. The rural development loan fund would incorporate the loan fund under section 306 of the existing law. The community development loan fund would not be activated until grants for community development corporations exceed $60 million in any year.

SECTION 733. EVALUATION AND RESEARCH

This section authorizes evaluation and research to suggest new programs and policies to achieve the purposes of this title to provide opportunities for employment, ownership, and a better quality of life for low-income residents.

PART D—GENERAL AUTHORITY

SECTION 741. PROGRAM DURATION AND AUTHORITY

This section provides that the Director shall carry out programs under this title during fiscal year 1972 and the three succeeding fiscal years.

Section 17(b) repeals part D of title I of the Economic Opportunity Act.

Section 17(c) repeals part A of title III of the Economic Opportunity Act, effective after June 30, 1972.

Section 18. Legal Services Program

Subsection (a) of this section adds to the Economic Opportunity Act a new title headed:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION"

SECTION 901. DECLARATION OF POLICY

This section sets forth the congressional findings and declaration of policy to provide greater access to legal services and to create a private nonprofit corporation free from extraneous interfence and control.

SECTION 902. ESTABLISHMENT OF CORPORATION

This section establishes a nonprofit corporation known as the "National Legal Services Corporation."

SECTION 903. PROCESS OF INCORPORATION AND ORGANIZATION

This section provides that, during a transition period of at least six months, the Director of the Office of Economic Opportunity shall serve as the incorporating trustee to undertake the process of incorporation and initial organization of the National Legal Services Corporation. The Director shall carry out his responsibilities as incorporating trustee in consultation with the National Advisory Committee for Legal Services. Within 60 days after enactment of this legislation, the incorporating trustee must establish the initial Clients Advisory Council and the initial Project Attorneys Advisory Council, each of which shall submit its recommendations for persons to serve on the initial board of directors.

SECTION 904. DIRECTORS AND OFFICERS

This section provides that the corporation shall have a board of directors consisting of nineteen individuals, appointed by the President, with the advice and consent of the Senate, ten of whom are to be appointed from the general public, five individuals, one each from the following legal organizations: American Bar Association, American Association of Law Schools, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association, two from recommendations made by the Clients Advisory Council, and two from recommendations made by the Project Attorneys Advisory Council.

Terms of members of the board may not exceed 3 years. The terms of the public members of initial board are staggered.

The corporation is to have an executive director who must be an attorney and may not serve more than 6 years. The executive director serves as an ex officio member of the board without a vote.

Officers and employees of the corporation shall not receive any salary from any other source while employed by the corporation.

SECTION 905. ADVISORY COUNCILS: EXECUTIVE COMMITTEE

This section provides that the board of directors shall provide for the selection of a Clients Advisory Council and of a Project Attorneys Advisory Council subsequent to the initial councils established by the incorporating trusteeship under section 903(c).

The board may establish an executive committee of from five to seven members, consisting of the chairman of the board, the executive director of the corporation, one of the directors appointed by the President from the general public, one of the directors appointed from those recommended by the clients advisory council and the project attorneys advisory council, and one director from those representing the national legal organizations.

SECTION 906. ACTIVITIES AND POWERS OF THE CORPORATION

This section sets forth the authority of the corporation to provide financial assistance for legal services programs, research, training, technical assistance, experimental, and legal education programs.

The corporation must ensure that attorneys employed full time in programs funded by the corporation refrain from outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the corporation.

The corporation shall ensure that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the corporation, from lobbying legislative bodies unless requested to testify, and that no funds shall be utilized for any disruptive activity, or demonstration, or advertising campaign, to influence the passage or defeat of legislation.

No funds shall be used to provide legal services with respect to any criminal proceeding.

SECTION 907. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

This section provides that the corporation is nonprofit and that it may not contribute

to or otherwise support any political party or candidate. The corporation must ensure that all employees of legal services programs funded by the corporation, while engaged in activities carried on by legal services programs, refrain from partisan political activity and from any voter registration activity (other than legal representation) or any voter transportation.

SECTION 908. ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

This section provides that copies of all records and documents pertinent to grants and of all evaluation reports shall be maintained at the principal office of the corporation for public inspection. The corporation must afford notice and opportunity for comment to interested parties prior to issuing regulations and guidelines and must publish in the Federal Register all its bylaws, regulations, and guidelines. This section provides that the corporation shall be subject to the provisions of the Freedom of Information Act.

SECTION 909. FINANCING OF THE CORPORATION

This section provides that, in addition to any funds reserved and made available for payment to the corporation from appropriations for carrying out the Economic Opportunity Act for any fiscal year, there are further authorized to be appropriated such sums as may be necessary for any fiscal year. Funds remain available until expended.

SECTION 910. RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

This section provides that the accounts of the corporation shall be audited annually by a certified public accountant, and authorizes the General Accounting Office to audit the financial transactions of the corporation, making a report of each such audit to Congress.

This section also provides that the corporation and the General Accounting Office shall have access to the pertinent records of any recipient of assistance under this title.

SECTION 911. REPORTS TO CONGRESS

This section provides for annual reports to the President and the Congress on the activities of the National Legal Service Corporation and any recommendations it deems appropriate.

SECTION 912. DEFINITIONS

This section sets forth definitions of terms used in this title.

SECTION 913. PROHIBITION ON FEDERAL CONTROL

This section provides that nothing contained in this title shall be deemed to authorize any department, agency officer, or employee of the United States to exercise any direction, supervision, or control over the corporation or its activities.

SECTION 914. SPECIAL LIMITATIONS

This section provides that the board of directors shall prescribe procedures providing notice and opportunity to be heard before financial assistance may be suspended or terminated.

SECTION 915. COORDINATION

This section provides that the President direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities be utilized by the corporation.

SECTION 916. TRANSFER MATTERS

This section sets forth certain provisions to facilitate the transfer of personnel and of property and obligations from the Office of Economic Opportunity to the National Legal Services Corporation.

Section 18(b)(1) requires the Director of OEO and the executive director of the National Legal Services Corporation to take necessary action to arrange for the orderly continuation of financial assistance for legal services programs until obligations are assured by the Corporation.

Section 18(b)(2) repeals paragraph (3) (the existing legal services language) of section 222(a) of the Economic Opportunity Act, effective 6 months after the enactment of this legislation.

Section 18(b)(3) requires the Director of the Office of Economic Opportunity to assist in meeting the organizational expenses of the corporation.

Section 18(b)(4) amends title VI of the Economic Opportunity Act to make clear that references to that act do not affect the National Legal Services Corporation unless specific reference is made to this title IX.

Section 19. Evaluation

This section adds a new title to the Economic Opportunity Act consolidating existing authorities for conducting evaluation activities. The Director is required to develop and publish standards for evaluation of program effectiveness. Independence evaluations may be required of Community Action Agencies. Federal agencies administering related programs are required to cooperate with the Director and to provide statistical data and reports consistent with their collection process. The poor are to be consulted in the evaluation process, as are the State agencies. Evaluation results are to be published within 60 days of completion. All such studies and evaluations are to be the property of the United States.

Section 20. Special programs authorized

This section amends title II–B of the Economic Opportunity Act to add two new sections. Section 226 provides for a program of "Design and Planning Assistance Grants." Section 227 provides for a "Youth Recreation and Sports Program."

Section 21. Functions of director

This section provides that the Director shall not utilize his authority under the Economic Opportunity Act to delegate to any other agency the Local Initiative program under section 221 or the Community Economic Development program under the new title VII of the Act.

Section 22. Puerto Rico

This section provides that, in the allotment of funds under title II of the Economic Opportunity Act, there will be a set-aside of 2 percent for Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands and amends the Economic Opportunity Act as that Puerto Rico is treated as a State for such purpose, effective July 1, 1972.

Section 23. Amendment to the Older Americans Act of 1965

This section corrects an oversight that occurred when the Foster Grandparents Program was transferred out of the Economic Opportunity Act. It gives the Director of ACTION authority to approve assistance in excess of 90% of costs where he determines such action is required.

Section 24. Academic credit in volunteer programs

This section amends section 821 of the Act (authorizing special volunteer programs) to cover any program for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training).

Section 25. Poverty line

This section provides that every agency administering programs authorized by the Economic Opportunity Act which utilize the poverty line as a criterion of eligibility shall revise the poverty line at annual or shorter intervals and that such revisions shall reflect changes in the consumer price index.

Mr. NELSON. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I, too, wish to make an opening statement, as this is a completely bipartisan bill, in which I have joined with the Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Employment, Manpower, and Poverty, in an effort to redeem what I feel the country was in danger of losing as a result of the Presidential veto of the previous bill in 1971.

Mr. President, I urge Members of the Senate to support the committee's bill, S. 3010, the Economic Opportunity Amendments Act of 1972.

This is a bipartisan bill, introduced by Senator NELSON, chairman of the Subcommittee on Employment, Manpower and Poverty, and myself immediately after the Presidential veto of S. 2007, the Economic Opportunity Amendments of 1971.

It has been carefully tailored to meet each of the administration's concerns expressed with respect to the previously vetoed measure.

It is absolutely essential if we are to continue to cut into the syndrome of poverty, which now embraces 26 million of our citizens—nearly 13 percent of our population.

Mr. President, I shall now indicate in respect to each of its major elements why I believe the bill deserves the support of the Members of the Senate and of the administration.

First, it does not include, as did last year's measure, a new title for child development. This element, to which the President objected so strongly last year has, at the urging of myself and other Republican members of the committee, been considered separately. S. 3617, the Comprehensive Headstart, Child Development and Family Service Act, which the Senate approved this past Tuesday, will provide that element.

Second, the bill provides for a 3-year extension of the poverty program, through fiscal year 1974. As introduced, the bill provided only for a 2-year extension, as has been the practice since the inception of the program.

I am pleased that the committee adopted my amendment for a 3-year extension, so that the poverty program—which has proven itself over and over again as an effective effort—will not be undermined by the failure to provide the secure tenure which it deserves.

This element should be a great assurance to the persons who live daily with the problems of the poor that the program is no longer on probation and that the Congress believes in what they are trying to do.

Third, the bill provides for a total of approximately $9 billion over a 3-year period for a wide range of activities, including migrant, manpower, Headstart, Senior Citizens, volunteer programs and others which are important antipoverty efforts.

The annual amount of $3 billion represents a minimum which should be applied.

We spend approximately $32 billion for all poverty-related programs of the Federal Government.

But the poverty program—which represents annually less than 10 percent of that total—is the most essential element because it involves the poor in the effort, thus insuring relevancy; it lifts the spirit of the poor.

A major concession to the administration in this bill is that only four of these programs—legal services, local initiative, alcoholic counseling, and emergency food and medical are subject to earmarking in contrast to the vetoed bill which earmarked 15 programs.

Fourth, the bill contains a new title for the establishment of a new independent nonprofit corporation for the conduct of the legal services program.

Mr. President, I am a lawyer of long experience, and I say advisedly that I know of no antipoverty effort more effective than the legal services program. I know of nothing in the whole antipoverty program more essential than the legal services program. My reason is this: We have learned from experience that the poor, in terms of their own rehabilitation, value the dignity of having a lawyer who can represent them in a case which is their case. Above everything else, above even food, clothing, and shelter, is this question of dignity, which is represented by the legal services aspect of this bill. So we did our utmost to forge a bipartisan consensus on this question.

Mr. President, I know of no antipoverty effort more effective than the legal services program and nothing in S. 3010 more essential than this provision.

The committee bill reflects a recognition of these efforts, and a bipartisan consensus on the desirability of expanding them in a context which will insure their independence.

As President Nixon stated, in his message to the Congress on May 5, 1971, proposing the establishment of such a corporation:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

The key obstacle to establishing such a corporation has been the failure to agree on the composition of its Board of Directors. I think, with all humility, that we have arrived at a really good solution.

With respect to last year's measure, the President stated in his veto message:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions, the President has full discretion to appoint only six of the 17 directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

Mr. President, as the result of an amendment which I and other members of the minority proposed, the committee bill now provides for a 19-member Board, consisting of 10 public members appointed by the President, and nine members appointed by the President "from recommendations made by" various national bar, clients, and project attorney groups.

Giving the President untrammeled authority to appoint 10 out of 19. This should provide the accountability which the President urged, while maintaining the involvement of various key groups which have contributed so much to the development of the current Legal Services program.

Additionally, it should be noted also that section 903(b) of the proposed Legal Services title the Director of OEO will serve as the incorporating trustee thus responding to the administration's objections to the previous provision, which relied heavily upon outside groups.

Finally, I note that section 904(e) of the proposed Legal Services title specifically states that no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

Mr. President, as the bill is considered I intend to strongly oppose any amendment or action which would in any way prevent or impede the establishment of the Corporation or violate the right of any Legal Services attorney serving through the existing or the proposed program to do what he or she deems to be in the best interest of the client.

As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained. We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. . . . If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

The very key to the program's continued effectiveness is this credibility.

And we cannot afford by any contrary action here to tamper with that credibility or the rights of the poor.

This program and the proposal to establish such a corporation enjoys not only the support of the clients—but the overwhelming support of the organized bar as well.

The committee's report documents this support in detail, beginning on page 28.

It includes the American Bar Association, and State and local bar associations across the country; for example, a number of bar associations in my own State, the Michigan Bar Association, the Ohio Bar Association, the Philadelphia Bar Association, and many others.

Mr. President, the basis for the support of the organized bar and many attorneys individually goes beyond belief in legal services per se to the larger concern of increasing the ability of the so-called establishment to provide an alternative to the politics of violence.

As John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defenders, told members of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare on November 14, 1970:

> I think this is terribly important. I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institutions, in lawyers, in the law, in the court system, and as a result, when their own rights are not honored it is not too surprising, I think, that they riot in the streets and that there is violence on our campuses. What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife-torn campuses, in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can be aired, where their position can be set forth and where nobody can interfere with that lawyer's sole obligation to represent his client.

Mr. Robb feels, and I agree with him, that this is one of the greatest incentives to stop the riots in ghettos and slums, the kinds of riots and unrest which have been such a deplorable feature of our society in recent few years.

The American Bar Association continues to support the enactment of legislation establishing a National Legal Services Corporation and urges that any amendments to S. 3010 seeking to strike the new title be resisted.

The substantial support of these organized groups will become even more apparent as we debate this bill.

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

Mr. JAVITS. I yield.

Mr. NELSON. Mr. President, this modification was a response, of course, to the administration objection to the way the board was composed in the bill last year.

I commend the Senator from New York, the Senator from Ohio (Mr. TAFT), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Minnesota (Mr. MONDALE) who worked out this compromise, which gives the President an absolute majority and much more than that—because, quite obviously, the President will be able to select, from the recommendations that are made to him, appointees who are satisfactory to him. In fact, he does not have to accept any one of the recommendations or particular ones or groups that are sent to him. Is that correct?

Mr. JAVITS. That is correct. As a matter of fact, he could have a working board with 10 out of 19; and then we, the drafters of the legislation, would be the sufferers, in a sense. This is important to note. He has a working board. He has a quorum. He has a majority, if he simply does not like any of the recommendations submitted to him.

So the impact would be on the bodies which need to submit recommendations, to submit as many as are required until the President is suited. I think that preserves their participation in a meaningful way and deprives the President of absolutely nothing.

Mr. NELSON. I am sure the Senator also knows that the American Bar Association has notified us that they thought this was a satisfactory method of composing the board.

Mr. JAVITS. That is correct. Indeed, I was going to offer for the record—I will do it now—the American Bar Association telegram, dated June 15, 1972, signed by Leon Jaworski, president.

Mr. President, I ask unanimous consent to have the telegram printed at this point in the RECORD.

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

AMERICAN BAR ASSOCIATION,
June 15, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building, Washington, D.C.

The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

Mr. JAVITS. Mr. President, fifth, the bill contains a new title for community economic development, coauthored by myself and Senator KENNEDY which would authorize grants to urban and rural community development corporations and their nonprofit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of Federal and other sources.

This title builds upon the special impact program under title 1–D of the Economic Opportunity Act, which was included in the law in 1967 by the late Senator Robert Kennedy and myself.

The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country, such corporations have demonstrated—

Unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

Sixth, the bill contains important new provisions for rural housing, drug rehabilitation, environmental action, and other new activities which should greatly advance our antipoverty efforts.

I am particularly pleased with the inclusion of provisions which I sponsored for the treatment of Puerto Rico as a State for the purposes of financial assistance and to provide more adequately for groups who often do not receive full benefits under the programs, such as the aged.

Seventh, the bill, unlike the vetoed bill does not contain a blanket prohibition against delegation or transfer of OEO programs to other agencies. The committee bill applies that prohibition to only two programs, local initiative and community economic development, which are at the very heart of the antipoverty efforts.

This, too, is a major concession to the administration, which many of us made quite reluctantly.

Mr. President, the antipoverty program remains the best insurance policy we can have against the escalating uncontrollable welfare expenditures and our best assurance that a commitment to a Federal floor under welfare, as proposed in H.R. 1, will not be a costly one.

For all of these reasons, I believe the bill should be adopted and should be signed into law by the President. I have no official word from the President in that respect, but they should regard this as a substantial movement into their position as expressed in the veto message, and I hope that the bill—which emerges from conference with the House—which adopted a 2-year extension some time ago—will be signed into law.

Before I conclude, Mr. President, I should like to pay tribute to the distinguished Senator from Wisconsin (Mr. NELSON), the chairman of the subcommittee, for his unfailing, not just cooperation, but partnership in trying to fashion a bill which would meet the approval of our colleagues and the approval of the President.

It has been a terribly difficult labor. He had every right to be discouraged when the President vetoed the previous bill. On the contrary, he took it as a goal and incentive to try to meet the President's views. He and I introduced this new bill quite soon after the veto. For that reason, it is a matter of the greatest satisfaction to me to have worked with him so closely.

I believe everything that I have said goes equally for the other members of the minority—to Senator TAFT of Ohio who did some creative work in respect of the Legal Services Corporation, and to the other members of the minority on Senator NELSON's subcommittee, and on the full committee.

I am very hopeful that the Senate will find our bill to be agreeable to it and that it will go to conference and be speedily enacted into law.

QUORUM CALL

Mr. JAVITS. 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.

AUTHORIZATION TO RECEIVE AND REFER H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATION BILL DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive the message from the House of Representatives on H.R. 15585, making appropriations for the U.S. Treasury-Postal Service, and for the Executive Office of the President, and that the bill be referred to the Appropriations Committee during the adjournment of the Senate.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute for the bill S. 3010.

FOREIGN ASSISTANCE ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of H.R. 15585, the Treasury-Postal Service appropriation bill, under a time limitation. There will be at least one rollcall vote on that bill, the yeas and nays having already been ordered on the final passage thereof.

Next, the Senate will return to the consideration of the unfinished business, S. 3390. The amendment (No. 1265) of the Senator from Pennsylvania (Mr. SCOTT), will be called up under a time limitation, and a rollcall vote will occur thereon.

Following the disposition of the amendment by Mr. SCOTT, the Dominick amendment—the so-called third country amendment to S. 3390—will be called up and disposed of, and there undoubtedly will be a rollcall vote on that amendment.

The Senate will then return to the consideration of the second-track item,

S. 3010, the Economic Opportunity Act, and at that time the distinguished Senator from Texas (Mr. TOWER) will be recognized for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

I would imagine that the Senator from Texas would want a rollcall vote on each of those amendments. Therefore, Mr. President, I would suggest to Senators that they might be prepared for a reasonably long day tomorrow, even though it is Friday, and I think we can expect from three to a half dozen yea-and-nay votes. I see at least three yea-and-nay votes assured as I look at the program for tomorrow, and I should think that there would probably be at least two additional ones, as I have already indicated, on the amendments by Mr. TOWER, making a total, in all likelihood, of at least five rollcall votes tomorrow.

Does the distinguished assistant Republican leader wish to be recognized before the motion to recess is made?

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m. the Senate took a recess until tomorrow, Friday, June 23, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22 (legislative day of June 19), 1972:

U.S. AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Kenneth W. Schultz, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8992, title 10 of the United States Code:

To be brigadier general

Col. Robert S. Corbett, Sr., [redacted] FG, South Carolina Air National Guard.

Col. Cleveland J. Perkins, Jr., [redacted] FG, Georgia Air National Guard.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, [redacted], Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. James Madison Lee, [redacted], Army of the United States (major, U.S. Army).

Col. John Winn McEnery, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eivind Herbert Johansen, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, [redacted], U.S. Army.

Col. Lee Eli Surut, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Joseph Tallman, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Maurer [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady [redacted], Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, [redacted], United States Army.

Col. George Macon Shuffer, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, [redacted] 0471, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, [redacted] Army of the United States (major, U.S. Army).

Col. John Franklin Forrest [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III [redacted], Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, [redacted], Army of the United States (major U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II [redacted], U.S. Army Reserve.

Col. John Carter Faith [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Lafiin Kelly, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, [redacted], Army of the United States (major U.S. Army).

Col. Wilfrid King Grover Smith, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Latham, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, [redacted] U.S. Army.

Col. Lloyd Joseph Faul, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Edward Fix III [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col John Wesley Currier [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Earl Turnmeyer, [redacted], U.S. Army.

Col. Paul Traylor Smith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Jacob Koehler, Junior, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

U.S. NAVY

The following named Reserve Officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

LINE

Chester C. Hosmer Paul C. Huelsenbeck
Samuel W. Van Court Ira D. Putnam

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe, Jr.

U.S. MARINE CORPS

Lt. Gen William G. Thrash, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Robert P. Keller, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

DEPARTMENT OF AGRICULTURE

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture.

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation.

NATIONAL MEDIATION BOARD

George S. Ives, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1975.

IN THE AIR FORCE

Air Force nominations beginning Clayton H. Schmidt, to be colonel, and ending Henry J. Wright, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972; and

Air Force nominations beginning John R. Abbott, to be colonel, and ending Robert W. Kleinhelter, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972.

IN THE ARMY

Army nominations beginning Paul T. McDonald, to be captain, and ending Craig A. Winkel, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972;

Army nominations beginning Robert W. Sherwood, to be colonel, and ending Bonnie E. Sweeney, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972;

Army nominations beginning Ludvig J. Aamodt, to be major, and ending Hilda L. Walker, to be major, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972; and

Army nominations beginning Joe A. Alexander, to be second lieutenant, and ending Myron E. Whitehead, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 13, 1972.

IN THE NAVY

Navy nominations beginning Richard B. Porterfield, to be ensign, and ending Brad S. Smith, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972; and

Navy nominations beginning John H. Blake, Jr., to be ensign, and ending CWO Robert J. Schoonover, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the Congressional Record on June 13, 1972.

IN THE MARINE CORPS

Marine Corps nominations beginning Charles W. Adams, to be first lieutenant, and ending Paul M. Young, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1972.

HOUSE OF REPRESENTATIVES—*Thursday, June 22, 1972*

The House met at 12 o'clock noon.

Dr. John W. Tresch, Jr., First Baptist Church, Greeneville, Tenn., offered the following prayer:

Our Father, because Thou art the Lord of our lives and because Thou hast made this day for us, we pause now to give Thee thanks.

We rejoice in the knowledge that Thou didst work through the minds and hearts of our forefathers to lead them to create this form of self-government. Keep always before us the fact that Thou art the author of the institutions of government; and that, accordingly, all governments must give an account unto Thee for the stewardship of their powers and abilities.

Grant to these honorable men who serve in the Halls of Congress a singleness of purpose.

We ask not that Thou wouldst approve what they do; but rather lead them to do those things which Thou wouldst approve.

Help each one of us to so live this day that we will be living monuments unto the glory of our Lord Jesus Christ, in whose name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 465. An act for the relief of Mrs. Hang Kiu Wah;

S. 1950. An act for the relief of Mrs. Josefita Esther Worley;

S. 2270. An act for the relief of Magnus David Forrester;

S. 2489. An act for the relief of Judy A. Carbonell;

S. 2562. An act for the relief of Guido Bellanca;

S. 2575. An act for the relief of William John West;

S. 2591. An act for the relief of Dr. Constante S. Avecilla;

S. 2625. An act for the relief of Giuseppe Paul Pinton;

S. 2704. An act for the relief of Rita Rosella Valleriani; and

S. 2937. An act for the relief of Slobodan Babic.

REV. JOHN TRESCH, JR.

(Mr. FULTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON. Mr. Speaker, it is my privilege today to sponsor Rev. John Tresch, Jr. as our Chaplain to open this session of the U.S. House of Representatives with prayer.

Reverend Tresch currently is pastor of the First Baptist Church of Greeneville, Tenn.

He is a native of my community, Nashville, Tenn., and spent 5 years as a minister there at Parkway Baptist Church.

Reverend Tresch attended Nashville Central High School and received his BA degree at Belmont College in Nashville.

He attended Southwestern Baptist Theological Seminary at Fort Worth, Tex., where he received his M.V.D. He received his M.A. degree from Texas Christian University at Fort Worth and received his Ph. D. at Vanderbilt University in the history of American Christianity.

Reverend Tresch also has had published by Broadman Press a book, "A Prayer for All Seasons."

He is married to the former Beverly Gillian of Columbia, Tenn., and they have two sons, John David, age 12, and William Kyle, age 8.

He is a 32d degree Scottish Rite Mason, a member of the Greeneville Exchange Club, and a member of two honor societies.

Mr. Speaker, I am extremely pleased to have Reverend Tresch here today and very much appreciate his taking of his time to come here for the purpose of opening the June 22, 1972, session of the U.S. House of Representatives with a prayer.