

Mr. Philbin exemplified the kind of thoughtful, dignified qualities which produce respect and prestige for the Congress of the United States.

In my personal contacts with Mr. Philbin, as well as with my official contacts with him as a member of the House Armed Services Committee, I found him both knowledgeable and straightforward. He defended the position of the House of Representatives and supported faithfully the interests of the Nation in the course of his long service in this body.

Mr. Speaker, it was with a sense of personal loss that I read of his recent passing, and I express to Congressman Philbin's two daughters my affection and respect for their father, and extend to them my deepest sympathy.

HON. RICHARD H. POFF

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DENNIS. Mr. Speaker, I have now served almost two terms in this body with our distinguished colleague, the gentleman from Virginia (Mr. POFF). During that period I have been privileged to be a member of the Committee on the Judiciary, of which the gentleman from Virginia is one of the senior members.

It has not been my good fortune to serve as long in this body with our colleague from Virginia as some of you have been privileged to do; but during those years it was my privilege to practice actively at the bar and, while a junior in service in this honorable body, I claim, by reason of that experience, the ability to quickly recognize an able lawyer when I see one.

I was not here many days, Mr. Speaker, before I recognized such a lawyer in the person of our friend and colleague Mr. POFF. It was my privilege, indeed, during the 91st Congress, to gain my legislative initiation in this body—largely under his tutelage and leadership—in the debate regarding amendment of the Constitution of the United States in respect to the matter of electoral reform—a subject on which Mr. POFF and I held similar constitutional views.

Such was, and is, my respect for the gentleman from Virginia, that I was pleased to recommend to the President his appointment to the Supreme Court of the United States. Mr. POFF elected, to my personal regret, to withdraw himself from consideration for that appointment; but I am most happy and pleased that he has now received a most appropriate appointment—for which he is eminently qualified—as a member of the supreme court of his native State.

The bar and bench of Virginia, from the days of George Wythe, Thomas Jefferson, Patrick Henry, and John Marshall to the present time of Mr. Justice Lewis F. Powell has been, and is, a distinguished one; and our colleague Mr. POFF belongs in, and will measure up to, that proud tradition.

We shall miss him—and the Nation will miss him—in this House where he has exerted a distinguished leadership over many years; but it is my sincere pleasure, as colleague, coworker, and friend, to bid him an affectionate farewell, and to wish him many years of fruitful and distinguished service as a member of the high court of the proud Commonwealth of Virginia.

A SALUTE TO EDUCATION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, June has long been the traditional month during which we honor the graduates of our educational system. As many of our young people reach this important crossroads it behooves us to pause and reflect on the importance of our great educational system to the future of America.

Our most pressing responsibility to the continued strength of free society rests in the field of education. As our national insurance policy, we are committed to maintaining the high standards of education that in the past have made this country great. Every effort should be made to make the best use of the Nation's tremendous pool of resources in

this field. The achievement of this goal is an end toward which all in Government must be dedicated.

In reaffirming our commitment to education, the role that the teacher plays must not be overlooked. The Nation as a whole owes these selfless men and women a heartfelt sense of gratitude for the inestimable contribution they make in shaping a better America. Whatever rewards the classroom holds out to these dedicated people, they are richly deserved. Pride in America reflects the degree of pride we place in education.

SALUTE TO EDUCATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. CONTE. Mr. Speaker, today marks the national salute to education observance and I wish to join with my colleagues in commending the teachers throughout our country for their dedication and proficiency.

I am sure that all of us can recall particular teachers during our school years who have made a significant impact upon us in terms of career choice and character development. Often their influence has dramatically changed the course of our lives. Other than caring for one's own children, there can be no more solemn and fulfilling responsibility than challenging and nurturing the minds of our youth in the classroom.

For their patience and perseverance, our Nation's teachers deserve our undying respect and gratitude. For too many years, this noble profession has labored for long hours under adverse working conditions without the recognition and recompense that it so rightly deserves. Fortunately this situation has improved somewhat over the last decade. But much remains to be done.

As a member of the Labor-HEW Appropriations Subcommittee and as one who has championed the cause of education throughout his entire public life, I pledge my continuing support for our country's educators and for their noble endeavors.

SENATE—Friday, June 23, 1972

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Almighty God, whose providential care has been over this Nation and its people from generation unto generation, we beseech Thee to guide us through the un-

certainties and perils of this age. While we work step by step and day by day on the vexing problems of the present, keep ever before us the distant scene when men study war no more and all men are drawn together in a fraternity of peace and goodwill in Thy kingdom.

Come near to those who suffer from storm and flood, from sickness and hunger, and strengthen those who serve them in the ministries of rescue and healing.

We pray in His name, who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 23, 1972.

To the Senate:

Being temporarily absent from the Senate, on official duties, I appoint Hon. JAMES B.

ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of the Senate of June 22, 1972, the Secretary of the Senate, on June 22, 1972, received the following message from the House of Representatives:

That the House had passed the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

HOUSE BILL REFERRED

Under authority of the order of the Senate of June 22, 1972, the bill (H.R. 15585) making appropriations for Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, was referred to the Committee on Appropriations.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under authority of the order of the Senate of May 14, 1971, Mr. MONTANA, from the Committee on Appropriations, reported favorably, with amendments, on June 22, 1972, the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, and submitted a report (No. 92-919) thereon, which report was printed.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, June 22, 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14989) making appropriations for the Departments of

State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROONEY of New York, Mr. SIKES, Mr. SLACK, Mr. SMITH of Iowa, Mr. FLYNT, Mr. MAHON, Mr. BOW, Mr. CEDERBERG, and Mr. ANDREWS of North Dakota were appointed managers on the part of the House at the conference.

FEDERAL EMPLOYEES HEALTH INSURANCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 822, H.R. 12202.

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

The legislative clerk read as follows:

H.R. 12202, to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

That (a) section 8906(a) of title 5, United States Code, is amended by striking out the number "40" and inserting in lieu thereof the number "50".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period commencing after December 31, 1973.

(c) Notwithstanding the provisions of section 8906(a) of title 5, United States Code, as in effect immediately prior to the date of enactment of this Act, the Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under chapter 89 of title 5, United States Code, shall be 45 percent of the average subscription charges determined under such section from the beginning of the first day of the first applicable pay period commencing after December 31, 1972, through the last day of the last applicable pay period commencing in 1973.

SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to benefits under such chapter 89.

SEC. 3. (a) Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract."

(b) This section shall become effective

with respect to any contract entered into or renewed on or after the date of enactment of this Act.

Mr. McGEE. Mr. President, H.R. 12202 will increase the Government contribution toward the cost of health insurance carried by Federal employees under the Federal Employees Health Benefits Act of 1959.

There is ample justification for the enactment of this legislation. In hearings before our committee and more extensive hearings before the House committee, testimony proved beyond reasonable doubt that in the field of health insurance the Federal Government does not pay as large a share of the cost as do major employers in private enterprise. Under the current program the Government pays 40 percent of the average cost of the five largest health insurance programs. Currently, under the Blue Cross-Blue Shield policy, an employee selecting family coverage, high option pays \$29.65 every 2 weeks, while the Government pays only \$9.78. About 90 percent of all employees choose high-option coverage, and something more than half of all employees choose Blue Cross-Blue Shield. In private enterprise, major employers pay at least half and in many cases all of the cost of health insurance.

It is fair to say that those figures alone do not entirely describe the situation, because in order to compare fairly the Government insurance program with private enterprise programs, one would have to analyze very carefully the coverage of the insurance plans themselves. Certainly Blue Cross-Blue Shield, Aetna, and other plans available to Federal employees are among the very best in the Nation. It is far better to have an employer who pays 40 percent of a very comprehensive program than to have an employer who pays 100 percent of a very limited program.

The committee unanimously recommended this bill to increase the Government's share of the cost. As the bill passed the House of Representatives the Government will pay—

Fifty-five percent of health insurance beginning 30 days after enactment; 60 percent beginning January 1, 1973; 65 percent beginning January 1, 1974; 70 percent beginning January 1, 1975; 75 percent beginning January 1, 1976, and thereafter.

The House bill also provides that—

Employees retired prior to July 1, 1960, who are now covered by a separate health insurance act, will be eligible to enroll in the program used for employees and post-1960 retirees. There are about 221,000 people in this group, who were intentionally excluded from the 1959 act because of the principle of retroactivity and the cost of blanketing in so many elderly retired employees.

Children of Federal employees, now covered in a family plan up to age 22 if unmarried, will be covered to age 25 if they are unmarried and students.

Employees in the Postal Service will be covered by the provisions of the bill increasing the agency contribution.

The additional cost of the bill as passed by the House is estimated to be:

Fiscal 1973—\$268 million.

Fiscal 1974—\$425.5 million.

Fiscal 1975—\$623.0 million.

Fiscal 1976—\$862.9 million.

Fiscal 1977—\$1,063.8 million.

The cost of the retired employees' provision is \$1.7 million a year.

The cost of the children's amendment is \$1 million a year.

The administration is opposed to the enactment of the House bill.

As a compromise and an effort to get a bill enacted to improve the program for Federal employees and their families, the committee has amended the bill to provide the following:

First. Increase the Government contribution to 45 percent effective January 1, 1973;

Second. Increase the Government contribution to 50 percent effective January 1, 1974;

Third. Include the pre-1960 retirees within the active employee program, effective January 1, 1973;

Fourth. Exclude children beyond age 22;

Fifth. Exclude Postal Service employees;

Sixth. Authorize the Commission to make binding judgments with insurers on the coverage of contracts for health expenses and services.

The cost of the committee amendment would be \$39.6 million for fiscal year 1973—6 months only—\$130.3 million for fiscal year 1974, and \$207 million for fiscal year 1975.

These cost estimates are based on a "dynamic" cost basis which assumes actuarial increases in health services and costs, Federal employee and retiree population, and a reasonable rate of inflation.

The question of whether employees of the U.S. Postal Service should be included within the provisions of this bill has been a significant issue for several months. Representatives of the postal workers have argued vehemently and effectively that as Federal employees they should be included in any legislation generally affecting Federal employees. The committee naturally is quite sympathetic to their argument and, were it merely an issue of recommending legislation to improve the pay and fringe benefits for postal workers, the committee would vote unanimously to include them. However, the principal involved far transcends the simple issue of more pay for our 740,000 deserving postal employees.

In 1970, the seven AFL-CIO affiliated postal unions signed an agreement with Postmaster General Winton M. Blount giving their wholehearted support to the enactment of the Postal Reorganization Act, which included significant reformation of the postal system and provided for a 17-percent pay increase for postal workers. When Congress acted upon that agreement and passed Public Law 91-375, the specific language of the agreement reached between the Postmaster General and the postal unions regarding pay and fringe benefits was included. Section 1005 of title 39, United States Code, spells out the intention of the Congress. The law reads as follows:

§ 1005(f) Compensation, benefits, and other terms and conditions of employment

in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

On July 20, 1971, representatives of postal workers including the National Association of Letter Carriers and the American Postal Workers Union signed a labor-management collective bargaining agreement with the Postmaster General which included a series of across-the-board pay increases effective at different times over the 2-year life of the contract. In exchange for wage increases which the employee unions apparently considered fair and equitable, the demands of postal unions for increased employer contribution to fringe benefit programs were withdrawn. The contract is binding except insofar as it may be amended by legislative action. To so legislate, in the opinion of the committee, would vitiate all that has been accomplished to establish effective collective bargaining in the Federal Government.

Let me say to my colleagues that this is a very difficult issue to consider. I have never voted against any legislation to benefit postal employees in 14 years in the Senate. I have the honor to serve as the chairman of the committee which created the Federal employees health insurance program and many other beneficial programs which have improved the pay and working conditions of postal employees. At home, I count them among my good friends and loyal supporters; and so it is only because of my firm conviction that the policy established by the Postal Reorganization Act must be fulfilled that I recommend that the benefits of this legislation not be extended to include postal employees.

If we do so, collective bargaining in the Postal Service will come to an end. There just will not be any. If the postal union representatives know that they can come running to the Congress every time they lose an argument, or seem on the verge of losing an argument, at the bargaining table, and know that the Congress in its compassion and its political motivation will legislate what they cannot gain through bargaining, the system will be wrecked.

Some of the postal union representatives have said that collective bargaining without the right to strike is meaningless. I seriously doubt that that statement is true. Collective bargaining in the Postal Service is subject to binding arbitration,

which is a solution that not only is increasingly common but was the solution which the postal unions themselves advocated, supported, and specifically agreed to just two years ago. These labor-management provisions in the Postal Reorganization Act were hammered out at the bargaining table between Postmaster General Blount and the postal unions during the postal strike in March of 1970. They were not imposed upon the helpless postal worker. They were agreed to. They were bought and paid for by the Post Office Department, the Congress, the mail user, and the American people at the cost of a 17 percent pay hike and the necessity of an 8 cent stamp. They must be given a chance to work. I think it is our duty to insure that chance by telling postal management and postal labor to sit down at the bargaining table and work out their problems.

Finally, I believe that we have worked out a pretty good bill here. From a fiscal standpoint, it reduces the cost of the bill as it passed the House of Representatives by more than \$800 million a year when fully effective. It postpones the effective date of the increased contribution by about 6 months, providing additional savings to the government.

I would hope that our colleagues in the House of Representatives would look upon this effort to get a bill signed by the President, rather than vetoed by the President, with the same careful thought and fair consideration that is characteristic of the House Committee on Post Office and Civil Service. I would hope that the temptation to make a grandstand play that will result in disappointment for all concerned will be resisted.

Mr. MOSS. Mr. President, 6 months ago, the Senate overturned the President's arbitrary plan to deny Federal employees their 1972 pay comparability adjustments. The issue then, as it is now as we discuss health benefits, is one of simple equity: Should Government workers receive second-class status with employees in private industry or should all wage earners regardless of their employment, receive the same progressive treatment?

As a member of the Senate Post Office and Civil Service Committee, I have had good opportunity to see the trend of administration policy regarding the 3 million Federal employees. All too often it is one of the double standard. One standard for the private sector worker and another for the man or woman who happens to be employed in the public service. The administration's position on H.R. 12202 is no exception.

The White House opposes any increase in the Government contribution to the Federal employee health premium. It supports the continuation of the Government share at the 40-percent level, thus leaving Federal employees to bear the full weight of recent increases in the Nation's insurance rates.

At the same time, however, the administration has put itself on record in favor of a much higher level of employer contributions in the private sector of the economy. On February 18, of last year, President Nixon, himself, proposed that private industry be asked to pay at least 65 percent to their workers'

insurance premiums during the next 2½ years and a minimum of 75 percent thereafter. What happens to this national standard when it comes to the Government's own employees?

Mr. President, what is a good criterion for the private sector employee is a good criterion for the public servant. Surely, no one can argue that their health needs are any different. Nor are the burdens they have had to carry as insurance premiums continue their record rise.

The Senate report on H.R. 12202 would increase the employee Government contribution to 50 percent over the next 2 years. Such an increase is hardly extravagant. It is in fact, considerably less than that called for in the original House version of H.R. 12202 and less than many of us believe to be the appropriate level. Nonetheless, I support the bill, because I believe the Federal employee is in dire need of immediate relief.

Last December the Price Commission approved a whopping 22-percent hike in the Blue Cross-Blue Shield premiums for Federal employees. To the workers themselves this meant an increase of almost 30 percent in their payroll deductions. While recent evidence indicates these hikes have been vastly out of line, a rollback does not appear imminent. I have written to the Price Commission personally on this matter and have been informed that a consideration of the premium increase must await further data. Employees will have to wait until next year for a review of the Blue Cross rates.

I ask unanimous consent that my correspondence with the Price Commission regarding the Federal employee Blue Cross rates appear in the RECORD at this point.

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

APRIL 13, 1972.

C. JACKSON GRAYSON,
Chairman, Price Commission,
Washington, D.C.

DEAR MR. GRAYSON: On April 6, a representative of the Blue Cross-Blue Shield program wrote to you explaining the new cost information regarding their Federal Employees Program's 1971 experience. From their letter, it now appears that Blue Cross sustained a 1971 loss, not of \$60 million, as had been predicted in the fall, but of \$8 million. (The actual figures comes to 1% of claims, as opposed to the 9% figures which had previously been estimated.)

Since those same projections, which have proved to be so grossly pessimistic in 1971 were used to support Blue Cross's cost situation in 1972, I believe the Price Commission should reconsider its December 23rd ruling which allowed the 22% increase in premium.

I do not think it unreasonable to believe that the same figures which resulted in a 8% over-estimate in 1971 might do the same thing in 1972. I believe it's entirely possible that, given the current more optimistic data, Blue Cross could turn the 22% premium hike into a substantial surplus in 1972.

While Blue Cross-Blue Shield is a not-for-profit organization, I believe there could be no useful purpose in allowing these shifting cost trends to add millions of dollars to their reserves. I believe, moreover, it is our responsibility to exert the maximum downward pressure on the price of this truly vital service.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT,
PRICE COMMISSION,
Washington, D.C., May 3, 1972.

HON. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Chairman Grayson has asked me to thank you for your recent letter requesting that the Price Commission reconsider its initial decision in the Blue Cross-Blue Shield Federal Employees Program in view of the fact that the carrier suffered an actual loss in 1971 of \$16 million rather than the \$68 million that had originally been projected.

The Price Commission does not consider that the wide variance between actual and estimated loss for 1971 is grounds for reopening this case since our original order of 22% specifically did not allow the carrier to recoup the then estimated \$68 million in losses. The 22% figure was based solely on projected costs for 1972, adjusted for the estimated effect of the economic stabilization program.

Additionally, to try to predict the outcome of the entire experience period on the basis of three months of data is not sound rate-making procedure. From an actuarial standpoint a three month experience period is far too short and a finding that the present favorable experience will continue would be premature at this time. However, if the present trend continues it will certainly be a major factor in adjusting the rate for next year.

On April 26, 1972, the Price Commission testified before the House Post Office and Civil Service Subcommittee on Retirement, Insurance and Health Benefits. At that hearing we informed the subcommittee that the only basis on which we could consider reopening this case would be if the information furnished by the carrier, on which the original decision was based, could be shown to be substantially inaccurate or misleading. Chairman Waldie indicated that he intended to furnish such evidence to the Price Commission.

Thank you for your interest in the economic stabilization program.

Sincerely,

JAMES H. HOGUE,
Director Congressional Relations.

Mr. MOSS. Mr. President, in addition to the increase in the Federal contribution to the employee health benefits, the committee report includes two provisions which are also of great importance to those involved.

One of these would permit former Federal employees who retired previous to July 1, 1960, to enroll in the same health benefits program as current employees and post-1960 retirees.

Today there are over 200,000 elderly Americans who having served their country are being intentionally denied access to this progressive health insurance program. We cannot allow this injustice to be continued.

Another provision in this bill is one which I introduced during the course of committee hearings. It authorizes the Civil Service Commission to make binding decisions regarding the coverage of health insurance contracts.

Many Federal employees have testified as to the need for such a measure. There have been numerous cases in recent months where employees have complained to the Commission and also to the Senate Post Office Committee regarding the practices of Blue Cross-Blue Shield in narrowing coverage under its contract. In these cases, employees have

been denied payments for reasons, which to them seem to be without merit.

I submit one such letter as an indication of the employee frustration which the current situation allows. H.R. 12202 would provide that in all future contracts between the Civil Service Commission and the insurance carriers will give the Commission authority to determine where individual employee claims should be covered. At present the Commission has only the power of persuasion this bill would give them the power to actually overrule the Commission. I ask that this letter be printed at this point.

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

MAY 23, 1972.

Senator FRANK MOSS,
Senior Member of Senate Civil Service Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: Enclosed are copies of letters—one from my Government Insurance Company (Aetna) and my reply.

We are having trouble, like so many, getting our just benefits paid. No one seems to have had any trouble, myself included, till this year and then the insurance company came up with the "non-allowable" business when they paid their benefits. It is "too much" when they make the insured accept what they choose to call "non-allowable".

I, like others here at the Rocky Mountain Laboratory, feel that since the government is paying a share of the insurance, the article that is in Issue No. 39 of the Weekly Employees News Digest under "No Health Benefits Guarantee" is "fantastic". What is the matter with the Federal Government? They have an investment of millions of dollars and can't stand behind it and protect it. I'm sure that Aetna and the other companies (ITT) don't run their investments so loosely.

We feel that the Federal Government (Civil Service Commission), the physicians, hospitals, and insurance companies should get together and decide what the just payments on claims should be—not leave it till a claim is to be processed and lower the "boom" on a non-suspecting insured.

This lack of disregard for just payment of benefits is deplorable. The situation is really "steam-rolling" and it must be stopped.

We hope you can get some action. Thank you for reading this letter and taking you away from your many other duties.

With kind regards,

Mrs. RICHARD MONK.

Mr. MOSS. Mr. President, these various provisions of H.R. 12202 are grounded in fairness—to all concerned. They deserve our fullest support.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIE M. RIDGELY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 855, S. 2147.

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

The legislative clerk read as follows: S. 2147, for the relief of Marie M. Ridgely.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Marie M. Ridgely, of Suitland, Maryland, is relieved of liability to the United States in the amount of \$2,201.75, representing amounts received by her as a civil service annuitant while she was employed by the District of Columbia Board of Education for the period beginning June 1, 1965, and ending November 30, 1967. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie M. Ridgely an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, with respect to the indebtedness of the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-895), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to relieve Marie M. Ridgely of liability to the United States in the amount of \$2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an overpayment to her while she was employed by the District of Columbia Board of Education as a temporary teacher.

STATEMENT

A similar bill for this claimant, S. 876 of the 91st Congress, was approved by the committee and was passed by the Senate, but no action was taken by the House of Representatives.

The facts in the case have been set forth in a letter from the Government of the District of Columbia as follows:

"This bill would relieve Marie M. Ridgely of Suitland, Md., of liability to the United States in the amount of \$2,201.75. This sum represents a debt Mrs. Ridgely owes to the United States as a result of an overpayment to her while she was employed by the District of Columbia Board of Education as a temporary teacher. When Mrs. Ridgely changed her teaching status from that of a substitute teacher to that of a temporary teacher, an error in administration resulted in a failure to reduce her new salary by the amount of her civil service annuity. This resulted in an overpayment of \$2,201.75 from June 1, 1965, through November 30, 1967.

"The District of Columbia is seeking legislation which would allow the District government to waive claims against a person which arise out of an erroneous overpayment by the government when the collection of such a claim would be against equity and

good conscience. Although the Commission believes it is generally undesirable to provide special legislative relief to one person when others may be in a similar situation, the circumstances in Mrs. Ridgely's case are unusual and the District does not, therefore, oppose S. 876."

The committee believes that the bill is meritorious and recommends it favorably.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 857, 858, 859, and 860.

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

JOHN C. MAYOROS

The Senate proceeded to consider the bill (S. 2753) for the relief of John C. Mayoros which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "of", strike out "\$761.85" and insert "\$529.84"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Mayoros of Middletown, Connecticut, the sum of \$529.84, representing the amount the said John C. Mayoros would have received for hospitalization and medical care expenses incurred by him after his separation from active duty in the United States Air Force under a policy of health care insurance but for an administrative error on the part of United States Air Force personnel who failed to notify the said John C. Mayoros, at the time of his separation from active duty, that there were insufficient pay and allowances due him to cover the required premium on the health care insurance requested by him but not issued.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor and shall be fined in any amount not to exceed \$1,000.

The amendment was agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-897), explaining the purposes of the measure.

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

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to adjust the amount payable to Mr. Mayoros after deducting (1) the cost of what the insurance premium would have been had it been paid, and (2) the amount Mr. Mayoros received as a result of an erroneous overpayment for accrued leave when he was discharged from the Air Force.

PURPOSE OF THE BILL, AS AMENDED

The purpose of the bill, as amended, is to authorize the Secretary of the Treasury to pay John C. Mayoros \$529.84 for hospital expenses he incurred immediately following his

separation from active duty in the Air Force. These expenses would have been paid under a health care insurance policy requested by him had the premium on the policy been paid. However, he was not notified that he had insufficient pay and allowances due him upon his separation to cover the required premium, so it was not paid.

STATEMENT

The facts of this case as reported to the committee by the Department of the Air Force are as follows:

"Mr. Mayoros enlisted in the Air Force at New Haven, Conn., on April 12, 1966. He was discharged from this enlistment at Mountain Home Air Force Base, Idaho, November 12, 1969. When he was discharged, he was entitled to travel and transportation allowances, totaling approximately \$160, for travel from Idaho to Connecticut. His records also reflected that on the date of discharge, he was credited with 14 days accrued leave and was paid pay and allowances, totaling \$186.55, for the period from November 1 through November 15, 1969. His account was then referred to Nellis Air Force Base, Nev., which maintained his master file under centralized personnel procedures, for final settlement, including payment for accrued leave.

"A member of the uniformed services and his dependents lose entitlement to military medical care or civilian medical care at military expense as of midnight of the day the member is discharged. The Department of Defense has arranged for members who are being discharged to purchase medical care and health insurance from designated insurers to provide coverage for 90 days following discharge. Various plans are explained to members being discharged and it is emphasized that the member must purchase the insurance either by deduction from final pay or by cash. His separation orders show that Mr. Mayoros elected coverage under the insurance provided by Blue Cross-Blue Shield and that the premium of \$90 was to be deducted from the payment due him for accrued leave.

"Early in 1970, Mountain Home Air Force Base notified the Air Force Accounting and Finance Center (AFAFC) that when he was discharged, Mr. Mayoros was entitled to 3 days accrued leave rather than the 14 days shown on his separation order. As a result of this erroneous credit, AFAFC determined he had received overpayments totaling \$142.01. Several letters requesting that these overpayments be repaid were sent to the address Mr. Mayoros provided when he was discharged. The letters were returned by the Postal Service because the address was incorrect. Collection action on this debt was terminated under the Federal Claims Collection Act late in November 1970 due to inability to locate Mr. Mayoros.

"On April 18, 1971, Mr. Mayoros telephoned AFAFC requesting verification that the premium on the health care insurance he requested when he was discharged from the Air Force had been processed to Blue Cross-Blue Shield. An audit of his pay account showed that in the settlement of his account, it was determined he was entitled to a lump-sum payment for 14 days accrued leave, computed at \$180.74. However, it was necessary to deduct from this payment amounts due the Air Force for allotments paid on his behalf for the month of November 1969, and pay and allowances for November 13, 14, and 15 which he received in the payment made November 12, 1969, when he was discharged. A payment of \$79.90 was mailed to him in December 1969 by Nellis Air Force Base. In the settlement of his account, Air Force personnel failed to notify him that the amount due him (\$79.90) was insufficient to pay the \$90 premium for his health care insurance. Later, of course, his pay account became more confused when an audit of his leave showed that during his tour of duty, he earned a total of 108 days leave and took 105 days leave.

"An attorney in Middletown, Conn., referred Mr. Mayoros' case to Senator Ribicoff. The attorney pointed out that when he was discharged, Mr. Mayoros was led to believe he would have Blue Cross-Blue Shield coverage and the premium would be deducted from his final pay and allowances. However, the premium was not paid and Mr. Mayoros had not been notified until recently that his final pay and allowances were not sufficient to pay the premium. The attorney also reported that Mr. Mayoros had incurred medical and hospital bills totaling \$761.85 in connection with the birth of his son November 24, 1969. He concluded that had Mr. Mayoros known he did not have sufficient pay and allowances, he would have paid the premium from other funds available to him.

"On the date of his discharge, Mr. Mayoros' orders erroneously stated he was entitled to credit for 14 days accrued leave (which could be roughly estimated as at least \$150). Under existing procedures, the \$90 premium for the health care insurance would have been deducted from this payment and, with his application for insurance, been processed to Blue Cross-Blue Shield. There is nothing on file to indicate that personnel who counseled Mr. Mayoros, prior to his discharge, were aware he would have insufficient final pay due from which the premium could be paid. Likewise, there is no indication that Mr. Mayoros was aware at the time of his discharge that amounts he owed the Air Force would reduce the lump-sum payment for the 14 days accrued leave so it would be insufficient to pay the premium on the insurance. Inasmuch as his son was born within 2 weeks of his discharge, it is logical to assume he would have made other arrangements to pay the premium on the health care insurance, if he had any reason to believe his final pay would be insufficient to pay the premium on the health care insurance.

"The Air Force regrets the administrative error which resulted in not promptly notifying Mr. Mayoros that he did not have sufficient final pay to pay the premium on his health care insurance. When he was discharged, he had reason to believe he would have sufficient pay from which the premium would be deducted and his application for insurance would be properly processed. Had he been notified promptly that such was not the case, he would probably have arranged to pay the premium and he and his family would have had hospital and medical care insurance from November 13, 1969, through February 10, 1970.

"In view of the foregoing, the Department of the Air Force would interpose no objection to enactment of S. 2753 provided the amount authorized to be paid to Mr. Mayoros does not exceed the amount which would have been paid by Blue Cross-Blue Shield had the premium on the policy been paid provided it is reduced by \$232.01 representing the \$90 he would have paid as a premium on the insurance and the \$142.01 which he received as a result of the erroneous payment for 1 days' accrued leave."

In view of the foregoing, the committee believes that legislative relief is appropriate and recommends that the bill, as amended, be favorably considered.

VILLAGE OF RIVER FOREST, ILL.

The bill (H.R. 632) for the relief of the village of River Forest, Ill., was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-898), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay the village of River Forest the sum of \$3,228.12 in full settlement of its claims for payment of civil defense matching funds for an emergency generator for the village of River Forest. The bill further notes the fact that, through administrative error, the payment of civil defense matching funds was not made and cannot now be made because regulations prohibit the retroactive payment of such funds.

STATEMENT

The Department of the Army in its report to the House Judiciary Committee stated that it is not opposed to the legislation. In that report, the Department noted that the bill H.R. 632 is a companion bill to H.R. 631, which was also a subject of a report from the Army. Noting that the circumstances surrounding the two bills are identical, the Department stated:

"The Department of the Army is of the opinion that the village of River Forest, Ill., is entitled to relief for the same reasons stated in the report on H.R. 631."

In the report on the other bill, the Department of the Army stated that River Forest, Ill., is a small village with a population of approximately 12,695 ("1970 Commercial Atlas and Marketing Guide," Rand McNally & Co.). The civil defense establishment of the village relied heavily on volunteer personnel who were not conversant with the complexities of Government procurement. In 1962, the Federal Government was encouraging municipalities to participate in a nationwide civil defense program. Communities were urged to develop civil defense facilities on a "50-50" matching fund basis. This was a period of national danger and concern because of the Berlin and Cuban missile crises.

The Department further stated that in 1962, the regional director, Office of Civil Defense, then under the Office of Secretary of Defense (now under Office, Secretary of the Army) approved the River Forest grant for installation of a siren and generator for an approved public warning system. Newspaper advertisement was accomplished, sealed bids were received, and public bid openings were conducted. In November 1962 contracts were duly awarded, and the siren and equipment were procured and installed. On January 25, 1965, the village submitted its request for contribution under the Federal civil defense program (60 U.S.C., app. 2281), and submitted a billing under approved project application OCD No. I 11,600-27(65) to the State civil defense office in the amount of \$5,096.50 for the Federal share. The State civil defense office refused to process the billing for payment submitted by the village under the approved application because the equipment had been installed prior to the application. The (Federal) Office of Civil Defense required the submission and approval of a project application prior to the procurement of the equipment, and prohibited retroactive Federal payments to local governments for obligations incurred prior to the beginning date of the Federal appropriation available for obligation (32 CFR 1801.8(a); 31 Comptroller General 308; 32 CFR 180128 (b)).

In order to further explain the background and the circumstances surrounding the difficulties encountered by the village, the Department of the Army quoted from a letter of the sponsor of the bills. This letter referred to the difficulties encountered by the village in filing the project application forms, including the fact that apparently a set of application forms had become lost and a new set had to be prepared. Unfortunately the village was unable to complete and file the application form when it was received because by that time the equipment had been installed.

The Department of the Army further noted

that on October 7, 1969, a review of the same claims was conducted, by the (Federal) Office of Civil Defense, in connection with H.R. 389 and 389, 91st Congress. That office noted the unauthorized procurement prior to approval, and the fact that the wage scale paid to electricians was equal to the local wage (\$4.75 per hour) but was less than \$5 per hour determined by the Department of Labor to be the prevailing rate. The agency concluded that the procurement was proper in all other respects. On June 21, 1971, (Federal) Office of Civil Defense reported that insofar as claims of this nature are concerned, they have steadily decreased in number. None was enacted in the last Congress, and the present claims are the only ones introduced in the present Congress.

Indicating that it had no objection to relief in this situation, the Department of the Army stated in its report on the companion bill H.R. 631:

"In view of the apparent reliance of the village officials on the 1962 approval of the River Forest grant by the regional director, Office of Civil Defense, the Department of the Army is not opposed to the enactment of the bill. No prejudice or detriment was suffered by the Federal Government. In fact, the civil defense program received the full value of the property and the additional benefit of a timely installation of equipment in a period of national crisis. The Department of the Army is of the opinion that it would be inequitable to deny relief to a small community which acted in good faith not only due to reliance on the statements of responsible Federal officials but also because of the inexperience of its volunteer staff and the then existing emergency conditions, proceeded with a premature procurement. Although River Forest later lost or misplaced the project application forms, it clearly appears that the State director knew of the project and the delay in submission as early as July 1963. There is no indication that the grant of relief would result in an influx of similar bills."

In view of the circumstances of the case and the statement of the Department indicating that it has no objection to relief, it is recommended that the bill be considered favorably.

S. SGT. J. C. BELL, JR.,
U.S. AIR FORCE

The bill (H.R. 3227) for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-899), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay \$3,992.80 to S. Sgt. J. C. Bell, Jr., of Las Vegas, Nev., in full settlement of his claim against the United States for reimbursement for medical and hospital expenses incurred by him in 1968 in Wichita, Kans., on behalf of his dependent mother as the result of erroneous information given him by Air Force personnel concerning the availability of facilities for the treatment of his mother at Government medical facilities.

STATEMENT

The Department of the Air Force in its report to the House Committee on the Judiciary on this bill has stated that it favors its enactment:

"Sergeant Bell was stationed at Bien Hoa

Air Force Base, Vietnam, when his mother, Mrs. Bernice Bell, became acutely ill January 3, 1968. Mrs. Bell was living in Wichita, Kans. She was a bona fide dependent of Sergeant Bell, so recognized by the Air Force, and could have been admitted, by reason of such dependency, to the McConnell Air Force Base Hospital in Wichita. She was taken instead to a civilian medical facility, Wesley Medical Center, Wichita, and admitted to the hospital there on January 3, 1968, apparently without any notice to McConnell Air Force Base Hospital or any request to be admitted there. It is assumed that Mrs. Bell sought admittance to Wesley Medical Center Hospital, rather than the McConnell Air Force Base Hospital, because the former was the hospital nearest to her home.

"The Air Force report notes that the Uniformed Services Dependents' Medical Care Act (now chapter 55, title 10, United States Code) does not provide for Government payment toward the cost of medical or hospital care furnished from civilian sources to any dependents other than the spouse and children of military personnel. Dependent parents of such personnel are entitled to treatment at Government expense from uniformed services medical facilities only.

"Sergeant Bell returned to Wichita on emergency leave on January 6, 1968. He was concerned because his mother had been admitted to Wesley instead of the McConnell Air Force Base Hospital, and he, therefore, promptly contacted medical personnel at McConnell and requested transfer of his mother to McConnell. The request appears to have been made to both an Air Force physician (chief, internal medicine) and a master sergeant on duty in the registrar's office of the hospital. Upon being informed, by Sergeant Bell, that Mrs. Bell's illness had been described as an "aneurysm" (later more completely identified as an anterior communicating aneurysm with cerebral vascular accident), the medical personnel advised Sergeant Bell that the facilities at McConnell were inadequate for proper treatment of such illness. It would have been appropriate for the medical personnel at that time to have at least investigated the possibility of having Mrs. Bell transferred from the Wesley Medical Center and admitted to McConnell Air Force Base Hospital with a view to further transfer of the patient, by aeromedical transportation, to an Air Force or other uniformed service hospital where Mrs. Bell could receive the required medical care. However, this possibility was not mentioned. In fact, the master sergeant in the registrar's office advised Sergeant Bell that if his mother was brought to McConnell, they would only have to send her back "down" (presumably to Wesley).

"About January 13, 1968, Sergeant Bell again sought help from medical personnel at McConnell Air Force Base. Sergeant Bell specifically asked whether his mother could be transferred to the McConnell Air Force Base Hospital and from there to an Air Force hospital which could properly care for her. At this time, he was advised that, while such procedure could be followed, aeromedical transportation would not be available until January 19. In the meantime, Wesley Medical Center was reluctant to furnish continued care because it became apparent that Mrs. Bell did not have funds for payment. Having been advised that an operation should be performed promptly, and in view of the advice from the McConnell Air Force Base Hospital, Sergeant Bell had his mother moved to Kansas University January 14, 1968. She was operated on January 16, and remained in that hospital until January 28, at which time she died."

The House Judiciary Committee concluded that the facts outlined above provide a firm basis for legislative relief. Sergeant Bell made timely requests that his mother be transferred to service facilities for the medical at-

tention she most clearly required. The Air Force in recommending favorable action on the bill outlined the equities as follows:

"It appears from the foregoing that the Air Force hospital officials with whom Sergeant Bell dealt were either inadequately informed as to the proper procedures to follow in cases of this nature or else lacked interest in Sergeant Bell's problem. They should have inquired further in an effort to find out the procedures to be followed.

"In view of the above, the Department of the Air Force favors enactment of H.R. 3227."

This committee is in agreement with the views of the Department of the Air Force and the House Judiciary Committee that the equities of the situation are such that the claim is meritorious. Accordingly, the committee recommends favorable consideration of H.R. 3227, without amendment.

THOMAS WILLIAM GREENE AND JILL A. GREENE

The bill (H.R. 4083) for the relief of Thomas William Greene and Jill A. Greene, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-900), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation, H.R. 4083, is to pay Thomas William Greene and his wife, Jill A. Greene, of San Diego, Calif., \$109.50 in full settlement of all their claims against the United States for the proceeds of a Treasury check issued November 27, 1961, to them as an income tax refund which they never received.

STATEMENT

The facts of this case, as contained in the House Report 92-595, are as follows:

"The Department of the Treasury in its report to the committee on the bill states that it would have no objection to its enactment.

"The refund check which is referred to in the bill was originally issued in payment of an income tax refund and was drawn to the order of T. W. and J. A. Greene. It was dated November 27, 1961, and provided for the payment of \$109.50. In the report to the committee the Treasury Department stated that the file on this matter in the Office of the Treasurer of the United States consists of two parts. The larger part is a January 25, 1970, letter to the Treasurer's Office from Thomas W. Greene with 14 enclosures which indicate that since June 1960 he has corresponded with the Los Angeles Office of the Internal Revenue Service regarding the tax refund which he alleges he and his wife never received.

"The remainder of the Treasurer's Office file shows that the first notice received by that Office of an inquiry or claim with respect to the refund check was a January 27, 1969, request for stop payment from the disbursing officer who drew the check, to which was attached a statement of nonreceipt of the check signed apparently in December 1967 by Thomas William Greene and Jill A. Greene, and addressed to the District Director, Internal Revenue Service, Los Angeles. On the basis of that request the Treasurer's Office determined that the check had been paid and destroyed. On December 31, 1969, the Treasurer's Office wrote to Mr. Greene, in reply to his October 13, 1969, inquiry, advising him that the check had been paid, and

that, since his claim had not been presented to the General Accounting Office or the Treasurer within 6 years of the date of issuance, 31 U.S.C. 122 barred recovery of the amount of the check. Similar advice was offered by the Treasury Department to the sponsor of the bill by letters dated January 23 and February 5, 1970.

"The Treasury Department in its report to the committee states that there is no record that the check in question is still outstanding. The check is presumed, therefore, to have been paid on the basis of Mr. and Mrs. Greene's endorsements or under their authority, and then destroyed. All Treasurer's checks are destroyed approximately 7 years after the date of issuance in accord with longstanding procedures established by the Treasury Department with the concurrence of the General Accounting Office, under the provisions of 44 U.S.C. chapter 33. This serves to compound the difficulties because it is now impossible to say what endorsements appeared on the check.

"The Treasury Department in indicating that it has no objection to relief in this instance recognized that Mr. and Mrs. Greene made repeated efforts well within the limitations period to bring to the attention of the Government that they had not received the check. Unfortunately they directed the inquiries to the Los Angeles Office of the Internal Revenue Service rather than the Treasurer's Office or the General Accounting Office. In this connection, the Treasury Department stated:

"The act of June 22, 1926, as amended (31 U.S.C. 122), bars all claims against the United States on account of any check appearing from the records of the General Accounting Office or of this Department to have been paid if the claim is not presented to the General Accounting Office or the Treasurer within 6 years after the date of issuance of the check. Mr. and Mrs. Greene's notice to the IRS of their tax refund nonreceipt was neither notice to the Treasurer nor notice to the General Accounting Office as called for in 31 U.S.C. 122. The check was issued in November of 1961. The claimant alleges that twice in each of the years 1962, 1963, once in each of the years 1964, 1965, twice in 1967 and at least once in 1968 he inquired of the Los Angeles Office of the Internal Revenue Service about his claim. Any one of these inquiries, if properly acted upon, would have stopped the running of the statute. The expense of investigating and tracing all of this correspondence, under the circumstances of this case, is wholly unwarranted.

"Accordingly, we interpose no objection to the enactment of H.R. 4083."

"The committee agrees that this is a proper subject for legislative relief. It is understandable that a taxpayer would assume that a notice directed to the Internal Revenue Service is a notice to the Government. The facts outlined in this report established that unfortunately this was not the case. In view of the particular circumstances of this matter and the position of the Department, it is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives, the committee recommends that the proposed legislation be favorably considered.

FEDERAL EXECUTIVE SERVICE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 825, S. 1682.

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

The legislative clerk read as follows:

A bill (S. 1682) to amend title 5, United States Code, to establish and govern the

Federal Executive Service, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Executive Service Act".

SEC. 2. Title 5, United States Code, is amended as follows:

(1) Section 1305 is amended by inserting "3141(c)." immediately after "3105."

(2) Section 1308 is amended by inserting the following new subsection after subsection (e):

"(f) (1) The Commission shall make an annual report to Congress on the Federal Executive Service. The report shall be submitted before April 1 of each year and shall include comprehensive information for each agency in which members of the Federal Executive Service are serving and for the Government-wide operation of the Service showing—

"(A) the current authorized number of appointments in the Federal Executive Service and the projected number of such appointments to be authorized in the next fiscal year;

"(B) the current authorized percentages of career and noncareer appointments in the Federal Executive Service and the projected percentages to be authorized in the next fiscal year;

"(C) any adjustment in the number of such appointments or the percentages made under section 3134(e) of this title with the reasons therefor; and

"(D) any exceptions to the average pay rate limitation of section 3139(b) of this title approved by the Commission under such section with the reasons therefor;

"(E) the name and biography, for the 5 years preceding the date of appointment, of each individual appointed during the preceding fiscal year as a career or noncareer executive under sections 3135 and 3136 of this title (other than each such individual performing professional, engineering duties primarily concerned with research and development or professional, physical, or natural science or professional, medical duties); and

"(F) such other information on the overall program for the management of the Federal Executive Service as the Commission considers appropriate.

In the case of any agency or component thereof excluded from the Federal Executive Service by the President under section 3133 (b) of this title (other than an agency or component excluded from that service for reasons of security of the United States), the report shall also include the current authorized number of individuals of such excluded agency or component making appointments at pay rates received by executives and the projected number of such appointments to be authorized in the next fiscal year.

"(2) The projected number of appointments in the Federal Executive Service, the projected percentages of career and noncareer appointments, any exceptions to the average pay rate limitation, and the projected number of such appointments by each excluded agency or component reported under paragraph (1) of this subsection are effective on that July 1 which occurs after the submission of the report for that year."

(3) Chapter 31 is amended—

(A) by amending the chapter analysis to read as follows:

"Chapter 31—AUTHORITY FOR EMPLOYMENT"

"SUBCHAPTER I—EMPLOYMENT AUTHORITIES"

"Sec.

"3101. General authority to employ.

"3102. Employment of readers for blind employees.

"3103. Employment at seat of Government only for services rendered.

"3105. Appointment of hearing examiners.

"3106. Employment of attorneys; restrictions.

"3107. Employment of publicity experts; restrictions.

"3108. Employment of detective agencies; restrictions.

"3109. Employment of experts and consultants; temporary or intermittent.

"3110. Employment of relatives; restrictions.

"SUBCHAPTER II—THE FEDERAL EXECUTIVE SERVICE"

"3131. Purpose.

"3132. Definitions.

"3133. The Federal Executive Service.

"3134. Authorization of executive appointments and percentages.

"3135. General authority to appoint executives; characteristics of career and noncareer appointments.

"3136. Career appointments.

"3137. Career executive employment conditions.

"3138. Qualification Boards.

"3139. Pay.

"3140. Regulations.

"3141. Executive management outside the Federal Executive Service."

(B) by inserting the following immediately before section 3101:

"SUBCHAPTER I—EMPLOYMENT AUTHORITIES";

(C) by striking out section 3104;

(D) by striking out of section 3109 "5332" and inserting "3139" in place thereof; and

(E) by inserting the following new subchapter immediately after section 3110:

"SUBCHAPTER II—THE FEDERAL EXECUTIVE SERVICE"

"§ 3131. Purpose

"It is the purpose of this subchapter to establish and provide for a Federal Executive Service in order to insure that the executive management of the Government of the United States is of the highest quality and is responsive to the needs, policies, and goals of the Nation it serves.

"§ 3132. Definitions

"For the purpose of this subchapter, except section 3141—

"(1) 'agency' means—

"(A) an Executive agency;

"(B) a military department; and

"(C) the government of the District of Columbia;

but does not include—

"(i) the General Accounting Office;

"(ii) the United Postal Service;

"(iii) the Federal Reserve System; or

"(iv) any agency or component thereof excluded from the Federal Executive Service by the President under section 3133(b) of this title; and

"(2) 'executive' means an employee of an agency whose pay is fixed under section 3139 of this title and not under the General Schedule in section 5332(a) of this title nor under the Executive Schedule in subchapter II of chapter 43 of this title, but does not include—

"(A) a United States Attorney or Assistant United States Attorney in the Department of Justice;

"(B) an employee paid from—

"(i) appropriations for the Executive Office of the President under the heading 'Special Projects'; or

"(ii) funds appropriated to the President

under the heading 'Emergency Fund for the President' by the Treasury, Post Office, and Executive Office Appropriation Act, 1971, or a later statute making appropriations for the same purpose;

"(C) a Foreign Service information officer in the United States Information Agency;

"(D) a hearing examiner appointed under section 3105 of this title;

"(E) an employee in the Foreign Service of the United States paid under chapter 41 of title 22;

"(F) a physician, dentist, nurse, or other employee in the Department of Medicine and Surgery, Veterans' Administration, paid under chapter 73 of title 38; or

"(G) an expert or consultant employed temporarily or intermittently under section 3109 of this title.

§ 3133. The Federal Executive Service

"(a) The Federal Executive Service consists of the executives the Civil Service Commission authorizes agencies to appoint under section 3134 of this title. The executives the Commission authorizes agencies to appoint under section 3134 are members of the Federal Executive Service.

"(b) An agency may file with the Commission an application, with reasons, that it, or a component of that agency, be excluded from the Federal Executive Service. The Commission shall review the application and reasons and undertake such other investigation as it considers appropriate to determine whether the agency or component should be excluded. Upon completion of its review and investigation, the Commission shall recommend to the President whether the agency or component should be so excluded. The agency or component shall be excluded upon written determination by the President, and a copy of such determination shall be filed with the Commission. A component of an agency may be excluded under this subsection only if the President determines that such exclusion is required for reasons of the security of the United States.

"§ 3134. Authorization of executive appointments and percentages

"(a) Each agency shall examine its executive manpower needs and submit to the Civil Service Commission, in accordance with regulation prescribed by the Commission, a written request for authority to appoint a specific number of executives in the agency. A request shall be based on the following factors:

"(1) the current level of budget and program activity in the agency;

"(2) the current level of executive staffing in the agency;

"(3) the anticipated agency program activity and agency budget requests;

"(4) pending legislation;

"(5) the level of work to be done in the agency; and

"(6) such other factors as may be prescribed from time to time by the Commission.

"(b) The request required by subsection (a) of this section shall state the number of executives requested which the agency desires to appoint by career appointments and by noncareer appointments. Within the entire Federal Executive Service not less than 75 percent of the executives shall be career executives. However, within a single agency, and subject to the Government-wide restrictions, the Commission may authorize a percentage of career executives most appropriate to the needs of the agency.

"(c) The request required by subsection (a) of this section shall be submitted annually at such time and in such form as the Commission prescribes.

"(d) The Commission, subject to section 1308(f) of this title, shall authorize—

"(1) the appointment of a specific number of executives in the agency; and

"(2) specific percentages of career executives and noncareer executives in the agency.

"(e) The number of executive appointments and the percentages authorized in any agency under subsection (d) of this section may be adjusted by the Commission during the fiscal year in which they are effective only for emergency purposes that were not anticipated when they were authorized. An adjustment in the number of executive appointments under this subsection may not enlarge the Federal Executive Service by more than 1 percent in a fiscal year. If an adjustment is made under this subsection the Commission shall include information justifying the adjustment in the next annual report required under section 1308(f) (1) of this title.

"§ 3135. General authority to appoint executives; characteristics of career and noncareer appointments

"(a) With the percentages established by the Civil Service Commission for an agency, the head of the agency may appoint an executive by either a career or a noncareer appointment. The decision whether an appointment will be career or noncareer is exclusively that of the head of the agency based on the following considerations:

"(1) A career appointment is made on the basis of merit and fitness under section 3136 of this title and is appropriate for the executive whose future service is Government-oriented.

"(2) A noncareer appointment is (A) made on the basis of political agreement, program philosophy, or personal confidence, or (B) made for project service that does not entail a long-term career commitment.

"(b) An executive given a career appointment under section 3136 of this title does not serve a probationary or trial period. An executive given a career appointment—

"(1) is in the competitive service;

"(2) acquires a competitive status by that appointment; and

"(3) if he is a preference eligible as defined by section 2108(3) of this title, is entitled to the benefits of subchapter II of chapter 75 and section 7701 of this title without the completion of a probationary or trial period.

"(c) The head of an agency may appoint an individual as an executive with a noncareer appointment if the Commission determines that such individual possess appropriate experience and training for the duties he is to perform as an executive. An executive given a noncareer appointment—

"(1) is not in the competitive service;

"(2) does not acquire a competitive status by that appointment;

"(3) does not have a fixed tenure; and

"(4) serves at the will of the appointing authority without a continued employment guarantee.

"§ 3136. Career appointments

"(a) Each agency shall recruit and select candidates for career appointments in the Federal Executive Service on the basis of merit, capability, and fitness. The Civil Service Commission shall assist each agency in recruiting and selecting candidates for career appointment to insure—

"(1) that candidates of high quality having the best talent available are considered; and

"(2) that recruitment is carried out on as broad a base as is reasonable and extends to qualified individuals both within and outside the civil service.

"(b) When an agency selects a candidate for career appointment, the name of the candidate together with documentation of his qualifications and of the recruitment effort made shall be submitted to a Qualifications Board established under section 3138 of this title. Except as provided in subsection (c) of this section, an agency may

make a career appointment in the Federal Executive Service only with the prior approval of a Qualifications Board.

"(c) An agency may make a career appointment in the Federal Executive Service without the prior approval of a Qualifications Board when the appointment—

"(1) is by transfer from another career appointment in the Federal Executive Service; or

"(2) is made within one year after the expiration of, or the separation of an executive from, a previous career appointment.

"§ 3137. Career executive employment conditions

"(a) An executive with a career appointment shall—

"(1) be assigned only to duties and responsibilities properly within the scope and purpose of the Federal Executive Service;

"(2) be provided with and participate in such training and career development activities as will enhance the proficiency of the executive and promote the program needs of the agency;

"(3) not have his pay reduced as long as he is an executive;

"(4) not be separated from service as an executive, except for such cause as will promote the efficiency of the service, on the basis of a finding by the Civil Service Commission under section 8337 of this title that he has become disabled, or as otherwise provided in subsection (b) or (c) of this section;

"(5) be entitled to resign from the agency, transfer to employment not within the Federal Executive Service, transfer to another appointment in the Federal Executive Service in another agency, or make application for optional retirement under section 8336 of this title or disability retirement under section 8337 and, if eligible therefor, be separated; and

"(6) except as otherwise provided in subsection (b) of this section, accept any assignment of duties and responsibilities, at any geographical location, that is properly within the scope, and consistent with the purposes, of the Federal Executive Service.

"(b) (1) If the reassignment of an executive with a career appointment to a different geographical location would result in undue personal hardship and the agency has no further need for his services as an executive at the place of employment, the agency shall offer him a GS-15 position, at the place of employment, in the competitive service for which he is qualified and which may be filled without displacing or reducing in grade any employee in the agency serving in a GS-15 position. If the executive accepts the offer, previous service in GS-15 not used for step increase purposes and all service as a member of the Federal Executive Service is creditable service and shall be used in determining the step of GS-15 into which he is entitled to be placed. However, if the rate of annual pay he last received as an executive is greater than the basic pay determined under this paragraph, he is entitled to basic pay in GS-15 at the annual rate of basic pay he was receiving as such an executive (including any increase equivalent to any statutory increase in the minimum rate of pay provided by section 3139(a) of this title, for a period of two years from the effective date of his appointment at grade GS-15, so long as he—

"(A) continues in the same agency without a break in service of one workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of subchapter III of chapter 53 of this title; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force caused by lack of funds or curtailment of work.

"(2) If the executive declines an offer of his agency, he is, if otherwise eligible, en-

titled to an annuity as the result of an involuntary separation under subchapter III of chapter 83 of this title or to severance pay under section 5595 of this title.

"(c) A career executive may be separated from service as a career executive through reduction in force. The Commission shall prescribe regulations for the release of competing career executives, to the extent applicable, in accordance with section 3502 of this title. Any career executive so separated is, if otherwise eligible, entitled to an annuity as the result of an involuntary separation under subchapter III of chapter 83 of this title or to severance pay under section 5595 of this title.

"§ 3138. Qualification Boards

"(a) The Civil Service Commission shall establish Qualifications Boards which, acting as agents of the Commission, shall review the qualifications of candidates for career appointment in the Federal Executive Service and the scope and nature of the recruitment effort made to locate the candidates. A Qualifications Board may approve a candidate for career appointment only when the Board determines that the recruitment effort was consistent with the principles in section 3136(a) of this title, and that the candidate is one of the most highly qualified candidates considered.

"(b) Each Qualifications Board shall be composed of highly qualified experts with the ability to judge the qualifications of the candidates reviewed. The Commission may appoint the members of a Qualifications Board from individuals both within and outside the civil service. A member who is an employee of an Executive agency other than the Commission may serve on a reimbursable detail under section 686 of title 31. A member selected from a State or territory or political subdivision thereof, or from the private sector, serves as an expert or consultant and his service may be obtained under section 3109 of this title at a rate of pay not in excess of the daily equivalent that may be paid an executive under section 3139 of this title. The Commission may reimburse the government of the District of Columbia for the services of a member employed by that government.

"§ 3139. Pay

"(a) (1) Subject to paragraph (2) of this subsection, an agency may fix the pay of an executive at any one of the following pay rates: \$29,678, \$30,667, \$31,656, \$32,645, \$33,634, \$34,623, \$35,612, \$36,625, \$37,770, \$38,915, or \$39,693. Each such pay rate shall be increased automatically by the same percentage that the sixth rate of GS-15 is increased by or under statute, and such increased pay rates shall be effective on the same day that the increased sixth rate of GS-15 is effective. Commencing on such effective date, each executive shall be paid at one of those pay rates as increased. An executive appointed prior to such effective date shall be paid, commencing on such effective date, all the corresponding pay rate in effect on and after such date.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, an executive shall not be paid at a rate higher than the rate of level V of the Executive Schedule.

"(b) An agency shall establish the initial rate of pay for each executive, and adjust that rate to a higher rate authorized under this section at any time, in accordance with such factors as—

"(1) the value of the executive to the agency;

"(2) the duties and responsibilities of the executive; and

"(3) the performance of the executive.

However, the average rate of pay of all executives with career appointments within an agency and such average rate of all executives with noncareer appointments within such agency may each not exceed the fifth

highest pay rate in effect under subsection (a) of this section, except with the prior approval of the Commission and when the Commission determines that special executive staffing circumstances justify a higher average rate of pay for executives with career or noncareer appointments, as the case may be, of that agency, in determining the average rate of pay of all executives with career and noncareer appointments within an agency, the rate of pay of each executive shall be the pay rate fixed and in effect under subsection (a)(1) of this section and not the rate paid the executive as the result of subsection (a)(2) of this section, and any advance pay under subsection (c) of this section shall be excluded in determining the pay rate of such executive. Each agency shall report to the Commission the pay rates of the executives of that agency so that the Commission may determine whether the agency is complying with this section.

"(c) An executive shall be advanced in pay successively to the next higher pay rate in effect under subsection (a)(1) of this section at the beginning of the next pay period following the completion of each 156 calendar weeks of service at any such pay rate if the executive did not receive an equivalent increase in pay from any cause during that period. An increase in pay granted an executive under subsection (a) of this section is not an equivalent increase in pay within the meaning of this subsection.

"§ 3140. Regulations

"The Civil Service Commission may prescribe regulations necessary to carry out the purposes of this subchapter, except to the extent otherwise provided in section 3141 of this title.

"§ 3141. Executive management outside the Federal Executive Service

"(a)(1) In the case of an agency or component thereof excluded from the Federal Executive Service under section 3133(b) of this title, the head of that agency shall prescribe regulations which establish within that agency or component a program of executive management as nearly like the program prescribed under this subchapter for the Federal Executive Service as conditions of good administration warrant. Any such program shall provide that individuals appointed under the program shall have their pay fixed and paid in accordance with section 3139(a) of this title and shall be advanced in pay in accordance with section 3139(c) of this title.

"(2)(A) Any such agency or component thereof so excluded, unless excluded for reasons of security of the United States, shall submit to the Civil Service Commission a written request to appoint a specific number of employees in the agency to be paid at rates in effect under section 3139(a) of this title. The request shall be based on the factors referred to in section 3134(a) of this title. The request shall be submitted annually at such time and in such form as the Commission prescribes.

"(B) The Commission, after reviewing the agency request, shall authorize the appointment of a specific number of such employees for the agency. The number of such appointments may be adjusted by the Commission during the fiscal year in which they are effective only for emergency purposes that were not anticipated when they were authorized. An adjustment in such number for an agency may not enlarge the number by more than 1 percent in a fiscal year. The Commission shall include information about any such adjustment in the next annual report required under section 1308(f)(1) of this title.

"(3) On and after the effective date of this section, in the case of any such component of an agency excluded for reasons of security of the United States, the agency is authorized to fix the pay of, and pay, at those pay rates

in effect under section 3139(a) of this title, the number of employees of the component, which does not exceed the number of employees of the component serving in GS-16, 17, or 18, being paid at a rate of GS-16, 17, or 18, or whose pay was being fixed by administrative action between the first rate of GS-16 and the rate for GS-18, immediately prior to such effective date.

"(b) The Commission, on request, shall give advice and assistance to the head of each agency establishing a program of executive management under subsection (a) of this section. The assistance given by the Commission under this subsection may include the use of a Qualifications Board established under section 3138 of this title and the use of the executive inventory maintained in the Commission.

"(c)(1) Each hearing examiner appointed under section 3105 of this title to a position not under the General Schedule in section 5332 of this title is entitled to pay prescribed by the Commission independently of agency recommendations or ratings in accordance with this subsection.

"(2) The Commission shall fix the pay of a hearing examiner paid under this subsection at a rate that is not less than the sixth rate for GS-15 nor more than the rate for level V of the Executive Schedule.

"(3) The Commission shall prescribe regulations necessary to carry out this subsection which shall include—

"(A) the bases for determining the rate of pay for each hearing examiner position based on the difficulty and responsibility of work in keeping with the purpose expressed in section 5101 of this title; and

"(B) provisions governing the rate for new appointments, the rate on change in position or type of appointment, periodic increases, and pay saving which shall be consistent with sections 5105, 5106, 5333, 5334, 5335, and 5337 of this title.

"(d) Each agency which has employees excluded by section 3132(2) of this title—

"(1) is encouraged to adopt such features on the program prescribed under this subchapter as conditions of good administration warrant; and

"(2) is entitled, on request, to receive advice and assistance from the Commission under subsection (b) of this section.

"(e) Each agency of the executive and legislative branches of the Government of the United States, the Administrative Office of the United States Courts, the Federal Judicial Center (with respect to secretarial and clerical positions), and the United States Tax Court (other than an agency included under section 3132(1) of this title, an agency or component thereof excluded under section 3133(b) of this title, and any office, agency, or establishment referred to in section 2107 of this title) having immediately prior to the effective date of this section an employee serving in GS-16, 17, or 18, who was paid at a rate of GS-16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS-16 and the rate of GS-18, shall, on and after such date, fix the pay of each such employee at one of the pay rates in effect under section 3139(a) of this title which is not less than the rate he is receiving immediately prior to such date. On and after the effective date of this section, such agency, the Administrative Office, the Center (with respect to such positions), and the Tax Court are each authorized to fix the pay of, and pay, in accordance with such section 3139(a), that number of employees of the agency, the Administrative Office, the Center (with respect to such positions), and the Tax Court, as the case may be, which does not exceed the greater of the number of positions authorized to be filled or of its number of its employees serving in GS-16, 17, or 18, being paid at a rate of GS-16, 17, or 18, or whose pay was being fixed by administrative action between the first rate of

GS-16 and the rate for GS-18, immediately prior to such effective date."

(4) Chapter 33 is amended—

(A) by amending section 3302—

(i) by striking out "and" at the end of paragraph (1);

(ii) by striking out the period at the end of paragraph (2) and inserting "; and" in place thereof; and

(iii) by inserting the following new paragraph after paragraph (2):

"(3) necessary exceptions from sections 2951, 3304, 3305, 3306, 3308, 3309, 3311, 3313, 3314, 3315, 3315a, 3316, 3317, 3318, 3320, 3321, 3322, 3341, and 3361 to carry out subchapter II of chapter 31 of this title,"

(B) by striking out sections 3324 and 3325; and

(C) by striking out items 3324 and 3325 in the chapter analysis.

(5) Section 4301(2) is amended—

(A) by striking "or" after subparagraph (D);

(B) by striking the period after subparagraph (E) and inserting "; or" in place thereof; and

(C) by inserting the following new subparagraph after subparagraph (E):

"(F) a member of the Federal Executive Service or an employee under an agency program of executive management established under section 3141(a) of this title."

(6) Chapter 51 is amended—

(A) by amending section 5102(c)(25) to read as follows:

"(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by a statute other than this chapter, at or in excess of the maximum rate for GS-15;"

(B) by amending section 5104—

(i) by striking out "18" immediately before the words "grades of difficulty" and inserting "15" in place thereof; and

(ii) by striking out paragraphs (16), (17), and (18);

(C) by striking out section 5108;

(D) by amending section 5109—

(i) by striking out the subsection designation "(a)"; and

(ii) by striking out subsection (b);

(E) by striking out section 5114;

(F) by striking out items 5108 and 5114 in the chapter analysis; and

(G) by amending section 5115 by striking out "sections 5109 and 5114" and inserting "section 5109" in place thereof.

(7) Chapter 53 is amended—

(A) by amending section 5304 by striking out "chapter 51 of this title" and inserting "chapter 51 and subchapter II of chapter 31 of this title" in place thereof;

(B) by striking out the last three lines of the General Schedule contained in section 5332(a), relating to GS-16, GS-17, and GS-18;

(C) by striking out section 5361;

(D) by amending section 5362 by inserting "to positions paid under the General Schedule in section 5332 of this title" immediately after "3105 of this title";

(E) by amending section 5363 by striking out "for GS-18" and inserting "that may be paid under section 3139 of this title" in place thereof;

(F) by amending section 5364 by striking out "equal to the pay rate of a grade and step of the General Schedule set forth in section 5332 of this title" and inserting "that is not more than the maximum rate that may be paid under section 3139 of this title" in place thereof; and

(G) by striking out item 5361 in the chapter analysis.

(8) Section 5595(a)(2) is amended—

(A) by amending clause (i) by striking out "for GS-18" and inserting "that may be paid under section 3139 of this title" in place thereof; and

(B) by amending clause (ii) by inserting

"or a member of the Federal Executive Service" immediately before the semicolon.

(9) Section 7154 is amended by—

(A) inserting "subchapter II or chapter 31," immediately after "In the administration of"; and

(B) striking out "sections 305 and 3324" and inserting "section 305" in place thereof.

SEC. 3. (a) An employee who immediately prior to the effective date of this Act was serving under a career or career-conditional appointment in a position in the competitive service in GS-16, 17, or 18, or who was paid at a rate of GS-16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS-16, and GS-18, inclusive, and who is not excluded from subchapter II of chapter 31 of title 5, United States Code, under section 3132 of that title, is entitled to receive a career appointment under section 3136 of such title 5 in the Federal Executive Service in his employing agency without a review of his qualifications, or the approval of his career appointment by a qualification.

(b) (1) An employee who immediately before the effective date of this Act was serving in GS-16, 17, or 18 under an excepted appointment in a position in schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations or in a position filled by noncareer executive assignment under subpart F of part 305 of title 5 of the Code of Federal Regulations, and who is not excluded from subchapter II of chapter 31 of title 5, United States Code, under section 3132 of that title, entitled to a noncareer appointment in the Federal Executive Service without a determination by the Civil Service Commission that the employee possesses appropriate experience and training for the duties he is to perform as an executive.

(2) If immediately prior to the effective date of this Act an employee in the excepted service, other than an employee subject to paragraph (1) of this subsection or so excluded from such subchapter II, was serving in a position of GS-16, 17, and 18, was paid at a rate of GS-16, 17, or 18, or had his pay fixed by administrative action at or between the first rate of GS-16 and GS-18—

(A) the head of the agency may give that employee a career appointment in the Federal Executive Service without a review of the employee's qualifications, or the approval of his career appointment by a qualifications board, if the head of the agency determines that the employee is entitled to the appointment on the basis of merit, capability, and fitness, and that the employee's future service is Government-oriented, and if the employee has served in such position, was paid at such rate, or had his pay so fixed, for a continuous period of at least 2 years immediately prior to such effective date; or

(B) the employee is entitled to a noncareer appointment in the Federal Executive Service without a determination by the Commission that the employee possesses appropriate experience and training for the duties he is to perform as an executive.

(c) Each agency of the Government of the United States or component thereof excluded under section 3133(b) of title 5, United States Code, having immediately prior to the effective date of this section an employee serving in GS-16, 17, or 18, who was paid at a rate of GS-16, 17, or 18, or whose pay was fixed by administrative action between the first rate of GS-16 and the rate for GS-18, shall, on and after such date, offer such employee an appointment under the executive management program of that agency or component and for the pay of each such employee at one of the pay rates in effect under section 3139(a) of this title which is not less than the rate at which his pay is fixed immediately prior to such date.

(d) The Civil Service Commission may prescribe regulations to carry out the provisions of this subsection. The regulations shall pro-

vide a right of appeal to the Commission for an employee who believes his employing agency has violated his rights under this subsection. An agency shall take the corrective action that the Commission finally recommends in its decision on an appeal under this subsection.

SEC. 4. The enactment of this Act does not decrease the pay, allowances, compensation, or annuity of any person.

SEC. 5. If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

SEC. 6. (a) Except as provided in subsection (b) of this section, this Act shall take effect on July 1, 1973.

(b) (1) Section 1308(f) of title 5, United States Code (as added by paragraph (2) of the first section of this Act), relating to the report of the Civil Service Commission, section 3134 of such title (as added by paragraph (3) of such first section), relating to the authorization of executive appointment and percentages, and those provisions of section 3141(a) of such title (as added by paragraph (3) of such first section), relating to reports of each agency establishing a program of executive management, are effective on January 1, 1973.

(2) Section 3133(b) of such title (as added by paragraph (3) of such first section), relating to the exclusion of agencies and components thereof from the Federal Executive Services, is effective on the date of enactment of this Act.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. McGEE. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 54, line 23, after "exceed the", insert the following: "greater of the number of positions authorized by law to be filled or of the".

On page 57, line 12, immediately before "to be filled", insert "by law".

Mr. McGEE. Mr. President, S. 1682 would abolish the various statutory authorities for the appointment of positions in grades GS-16, GS-17, and GS-18, and would establish an integrated, Government-wide system embodied in a new Federal Executive Service. The bill would thus provide a manpower-management program for top-level positions replacing the present fragmented and unwieldy procedures under which supergrade positions are established and appointments are made. The Federal Executive Service would operate under the general management of the Civil Service Commission.

S. 1682 is an administration measure substantially amended by the committee.

Under the bill as amended, employees in the supergrades would automatically move into the Federal Executive Service with no grade schedule and would be paid at the rates now prevailing for supergrades—from \$29,678 through \$39,693—presently subject to a \$36,000 ceiling.

S. 1682 would cover approximately 7,000 positions within this pay range. Of this total, quota allocations to the agen-

cies are now made by the Civil Service Commission from the pool of only 2,754 slots. The remaining positions are non-quota positions or are authorized by legislation and are beyond the administrative control of the Commission.

Under the provisions of the bill, each agency would submit a request for authority to appoint a specific number of executives based upon agency program needs. The request would include the number of career and noncareer executives desired. The Commission would make the requested allocations with a view to the Government's changing priorities and goals.

A career appointment in the FES would be based upon merit and fitness and the career commitment of the appointee, who would have competitive status in the Government. A noncareer appointee would correspond to the current excepted service appointee. He would have no competitive status and would serve at the pleasure of the appointing authority. Noncareer appointments would be authorized to constitute no more than 25 percent of the total FES appointments. This is the percentage of noncareer supergrades now prevailing.

Qualifications of candidates as new career appointees to the FES would be passed upon by qualifications boards established by the Civil Service Commission. Noncareer appointments to the FES could be made only after the Commission had determined that the candidate possessed the appropriate experience and training.

This bill as introduced provided that an executive appointed to the FES would enter into a 3-year contract with the employing agency. At the end of that period of time, his contract would be renewed, or if he were eligible he could retire. If he were not eligible for retirement, he could be reduced to grade GS-15, with saved pay for 2 years. The bill as introduced also provided that if the contract of a FES employee were not renewed and he was eligible for retirement, he could be forced to retire.

The bill as amended by the committee removes the 3-year contract requirement and provides that the removal of an FES employee would be under the same conditions as those of any other employees. The enforced-retirement provision is deleted, because of the strong possibility that the renewal or nonrenewal of 3-year contracts could become subject to political influence. The committee did not believe it fair to limit an employee's tenure after, in most cases, many years of progressively increasing responsibility at a point in his service when the employee, having committed himself to a Federal career, is in greatest need of the same security accorded other Federal employees.

S. 1682 as introduced excluded certain agencies from the provisions of the FES, but the administration's spokesmen have been unable to justify the exclusions to the committee's satisfaction. Some of the exclusions would have been based upon precedent and the legislative conditions under which certain agencies were created. The bill as amended, recognizing that there may be valid justification for

the exclusion of certain agencies, provides that any agency may apply to the Commission and advance reasons why it should be excluded. The President, after receiving the recommendations of the Commission, may make such an exclusion. Thus, exclusions could change and would not be required by law. The committee has asked the Civil Service Commission to conduct a broad study into the question why certain agencies are not included under Commission jurisdiction.

The bill provides that the Commission would make an annual report to the Congress on the FES. The report would include the current number of FES appointments and the projected number to be authorized in the next fiscal year, as well as current and projected authorized percentages of career and noncareer FES appointments. Congress would have 90 days in which to accept or reject the Commission's FES proposal.

The bill provides that the average rate of pay of all executives in career appointments within an agency and the average rate of pay of all executive in noncareer appointments in an agency may not exceed the fifth rate of the 11 authorized pay rates. This provision requires maintenance of an average pay rate within the FES and insures that noncareer appointees do not drift to the top of the pay scale.

The bill does not apply to the legislative or judicial branch of the Government.

I am convinced that this bill represents one of the most significant reforms in Government personnel administration ever recommended for enactment. The present supergrade system in the Federal Government has proven unwieldy, unmanageable, and not in the best interests of the Government. The Civil Service Commission has had too little authority to exercise reasonable management over the system, and if the Congress expects to achieve good management results, it is imperative that we give the Commission the power to control the system.

The reluctance of the Congress to authorize a sufficient number of supergrade positions has led to individual bits and pieces of legislation from time to time, particularly in the past 2 or 3 years which has reverted to the old practice of assigning a specific number of positions to a particular agency. The new system will wipe out all of those allocations by statute, and vest in the Commission the authority to allocate all positions to call agencies in the executive branch, with a clear, regular responsibility to report to the Congress on the operation of the system.

The amendment was agreed to.

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

RECONSIDERATION OF VOTES ON H.R. 12202 AND S. 1682—MOTION TO TABLE

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming (Mr. McGEE) be recognized at this time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. McGEE. Mr. President, I ask unanimous consent, in regard to Calendar Nos. 822 and 825, H.R. 12202 and S. 1682, that it be in order to move to reconsider the votes by which those two bills were passed.

Mr. ROBERT C. BYRD. The Senator asks that it be in order.

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

Mr. McGEE. Mr. President, I move that the votes by which H.R. 12202 and S. 1682 were passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay those motions on the table.

The motions to lay on the table were agreed to.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Calendar, beginning with Calendar No. 863 and proceeding ad seriatim through Calendar No. 877.

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

JOHN W. SHAFER, JR.

The bill (H.R. 6820) for the relief of John W. Shafer, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-903), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the U.S. Postal Service to release in whole or in part the liability of John W. Shafer, Jr., and John F. Schumacher, employees at the Albany, N.Y., post office, for a deficiency in the amount of \$3,150 in the stamp stock at that post office.

STATEMENT

The facts of this case as contained in the House report are as follows:

The Postal Service in its report to the committee on the bill states that it favors the enactment of legislation granting relief as provided by the committee amendment.

Mr. Shafer was custodian of the main stamp stock at the Albany, N.Y., post office. As such, he was accountable for that stock. On June 5-6, 1967, an inventory was taken of the stock which disclosed a shortage of \$3,150 out of Mr. Shafer's total accountability of over \$1,200,000. Mr. Shafer was unable to account for the missing stock. He was therefore charged for the amount of the unexplained shortage.

Investigation disclosed that from April 3 to 14, 1967, Mr. Shafer was on vacation, and another employee was in charge of the stamp stock. Under applicable regulations, an inventory should have been taken when Mr. Shafer left on leave, and again upon his return from vacation. The inventory was not taken, however. The Postal Service concluded that Mr. Shafer was negligent in this regard. It was the view of postal authorities that such an inventory would have at least determined whether the shortage occurred during that time period.

The Postal Service file also reveals that

security measures at the post office were somewhat lax at the time, and prior thereto. Thus, employees other than Mr. Shafer had access to the vault where his stamp stock was stored. Also, keys to various "cages" within which stamps and other accountable paper were kept would fit other cages. Several keys would fit Mr. Shafer's cage door besides his own. These security shortcomings have since been corrected.

Further information in the file of the Postal Service states that former Assistant Postmaster (now Postmaster) John F. Schumacher has been held jointly and severally liable along with Mr. Shafer for the loss sustained in this case. It appears that on at least two occasions Mr. Schumacher, during Shafer's absence, furnished the Chief of Administrative Services with the vault combination and duplicate keys giving access to Mr. Shafer's stock. The Postal Service observed that apparently, Mr. Schumacher neglected to advise the Chief of Administrative Services that he was required to take inventory before and after he removed stamp stock.

The committee feels that it is relevant to note that the recently enacted Postal Reorganization Act provides that employees may be relieved of claims of the sort referred to in this bill on substantially the same basis as would be permitted under the amended bill. This authority is now provided for in section 2601 of title 39 of the United States Code. Private relief as would be provided by this bill is necessary because the Comptroller General has ruled that the new authority may not be used in connection with existing liabilities based upon cases which were finally determined by the post office prior to the commencement of operations of the Postal Service or based matter decided by the General Accounting Office prior to July 1, 1971. The Postal Service regards itself as unable to grant relief under the present law because the liability as to these particular employees was determined prior to July 1, 1971. However, the Postal Service states that the authority for an appropriate amount of relief should be provided as is proposed in the amended bill. In this connection, the Postal Service stated:

"We believe some relief should be granted these employees. However, consideration should also be given to the fact that they were negligent. For this reason, we believe the bill should be amended to provide that the Postal Service, upon a determination that it is appropriate to do so, is authorized to relieve the employees on such terms as it deems just and expedient of liability in whole or in part with respect to the matter involved."

The committee has concluded that relief as provided in the amended bill should be accorded in this case. It is recommended that the bill amended to include the language supplied by the Postal Service be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

AMOS E. NORBY

The Senate proceeded to consider the bill (H.R. 2118) for the relief of Amos E. Norby which had been reported from the Committee on the Judiciary with an amendment on page 1, line 8, after the word "The", insert "estate of the".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read:

"An act for the relief of the estate of Amos E. Norby."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-904), explaining the purposes of the measure.

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

PURPOSE OF THE AMENDMENTS

Since the claimant died on May 13, 1971, the purpose of the amendment is to make the payment to Mr. Norby's estate.

PURPOSE

The purpose of H.R. 2118, as amended, is to change the effective date of a separate maintenance allowance granted to Amos E. Norby in connection with his employment with the U.S. Army Engineer Group on Tokashiki Island, Kerama Islands, so that the allowance will be effective from March 11, 1962, the date of his assignment to duty on the island. The bill would therefore grant his estate eligibility for the allowance for the full period of his service on the island.

STATEMENT

The facts of this case, as contained in House Report 92-443, are as follows:

The U.S. Civil Service Commission in its report to the committee on the bill stated that it has no objection to its enactment. The Department of the Army in its report deferred to the views of the Civil Service Commission.

Mr. Amos E. Norby was employed August 1, 1960, by the post engineer of the U.S. Army engineer group at the Ryukyu Islands. He was stationed at Okinawa and during the time that he was stationed on that island, he received a living quarters allowance since he and his family were not furnished Government quarters.

On March 11, 1962, Mr. Norby's duty station was changed and he was assigned to the island of Tokashiki, which is a Kerama Island located about 20 miles from Okinawa. At the time Army administrative personnel erroneously considered Okinawa as his duty station and continued the payment of living quarters allowance through April 30, 1963, until the family returned to the United States. In June of that year it was determined that Mr. Norby was not entitled to living quarters allowance payments after his assignment to Tokashiki and the amount paid him was collected by withholdings from his salary.

As is outlined in the report of the Civil Service Commission, the island of Tokashiki is an isolated island where family quarters were not available, and Mr. Norby was precluded from having his family join him there. As is also stated in the Civil Service Commission report, he received no allowance to offset the cost of maintaining his family at a separate location. Such allowance may be authorized under section 5924(3) of title 5 of the United States Code, however, the necessary authorization was not made until February of 1964. The Civil Service Commission stated that after a review of the circumstances of Mr. Norby's case, it concluded that the payment of the allowance was delayed until February of 1964, due to the Army's failure to take proper administrative action prior to Mr. Norby's reassignment to that post.

The appropriate action which should have been taken would have been to immediately request the Department of Defense to approve payment of the separate maintenance allowance and to discontinue the payment of the quarters allowance. As has been outlined above, until June of 1963, Mr. Norby was treated as if he were still on Okinawa and this, of course, was improper. Mr. Norby has been compelled to refund the amount paid through a salary deduction.

The committee agrees that this is a proper matter for legislative relief. As is stated by the Civil Service Commission, through no fault of his own, Mr. Norby served for almost 2 years without reimbursement to offset the expense of maintaining his family at a separate location. Furthermore, the Commission has stated that the information supplied to it indicates that Mr. Norby was the only employee affected in this manner. Accordingly, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends that the bill as amended be favorably considered.

AUTHORIZATION OF THE PREPARATION OF A HISTORY OF PUBLIC WORKS IN THE UNITED STATES

The Senate proceeded to consider the joint resolution (S.J. Res. 204) to authorize the preparation of a history of public works in the United States which had been reported from the Committee on Rules and Administration with amendments.

On page 3, at the beginning of line 1, strike out:

Resolved, That the Congress hereby authorize, on the recommendation of the Senate and House Public Works Committees, the Library of Congress through its designated representative to enter into an appropriate agreement with the American Public Works Association to assist in carrying out this bi-centennial project; and be it further

At the beginning of line 7, strike out "*Resolved*," and insert "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*,"; in line 10, after the word "Federal", strike out "Government" and insert "Government, the Library of Congress, and the appropriate congressional committees"; and, in line 12, after the word "required", strike out "by the Library of Congress in the collection and development of information and related materials which will be useful".

The amendments were agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the President of the United States and bicentennial organizations have encouraged associations and other groups to undertake meaningful activities to commemorate the two hundredth anniversary of our independence; and

Whereas the American Public Works Association is a nonprofit, public service organization comprised of top-ranking officials engaged in various phases of the broad field of public works at the local, State, and Federal levels of government and this highly respected nonpartisan organization has a long history of fostering the improvement of public works practices and the enhancement of public support for needed community facilities and services as exemplified by its sponsorship and support of the Graduate Center for Public Works Engineering and Administration of the University of Pittsburgh, the annual observance of National Public Works Week, which is designed to increase the citizen's understanding of public works, inspire excellence and loyal dedicated public service, and encourage and assist talented young persons to prepare for careers in public works, and other important programs; and

Whereas the board of directors, house of delegates, and advisory council of the American Public Works Association at a special ceremonial meeting held at Congress Hall in Philadelphia on Saturday, September 11, 1971, unanimously adopted a bicentennial resolution calling for the association to undertake as its official bicentennial project the preparation and publication of the "History of Public Works in the United States From 1776 to 1976", so that future generations may benefit from a comprehensive review of public works in perspective—the project to be conducted over the next five years from the association's Washington office, located appropriately at 1776 Massachusetts Avenue Northwest; and

Whereas there is a need for such a publication as the development of public works is of vital importance to the growth and development of the United States and the quality of life of its citizens; and

Whereas the American Public Works Association intends to draw on the resources of other interested and responsible groups in carrying out this important project; and

Whereas it is to be conducted by a competent staff with an editorial review board to assure its accuracy and appropriateness, on a nonprofit basis, resulting in no monetary benefit to the American Public Works Association or to any individual, but undertaken strictly as a public service to develop a meaningful and accurate history which would be available to the young people of our country, educational institutions, and others: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all public works oriented agencies of the Federal Government, the Library of Congress, and the appropriate congressional committees be requested to provide such assistance as may be required in carrying this important project forward.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-915), explaining the purposes of the measure.

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

Senate Joint Resolution 204 as referred would (1) authorize, on the recommendation of the Senate and House Public Works Committees, the Library of Congress to enter into an appropriate agreement with the American Public Works Association to assist in the preparation and publication of a document to be entitled "History of Public Works in the United States From 1776 to 1976", which undertaking would be the association's official bicentennial project; and (2) provide that all public works oriented agencies of the Federal Government be requested to lend such assistance as may be required by the Library of Congress in the collection and development of information and related materials which would be useful in carrying this important project forward.

DESIGNATING BENJAMIN FRANKLIN MEMORIAL HALL AT THE FRANKLIN INSTITUTE, PHILADELPHIA, PA., AS BENJAMIN FRANKLIN NATIONAL MEMORIAL

The Senate proceeded to consider the joint resolution (S.J. Res. 221) to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the national memorial to Benjamin Franklin which had been reported from the Committee on Rules and Administration with amendments.

On page 2, line 5, after the word "as", strike out "the national memorial in

honor of Benjamin Franklin" and insert "Benjamin Franklin National Memorial"; and, in line 8, after the word "effective", strike out "January 1, 1974" and insert "upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior."

The amendments were agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the American people feel a deep debt of gratitude to Benjamin Franklin for his outstanding services to this Nation as a statesman and for his achievements as a scientist and inventor;

Whereas the Franklin Institute, of Philadelphia, Pennsylvania, has played a leading role in promoting the development of science and technology in the United States;

Whereas the said Franklin Institute named the Benjamin Franklin Memorial Hall in honor of Benjamin Franklin over thirty years ago;

Whereas the year 1974 is the one hundred and fiftieth anniversary of the founding of the said Franklin Institute;

Whereas the city of Philadelphia, Pennsylvania, is a most appropriate location for a national memorial to Benjamin Franklin since Philadelphia was his home for many years;

Whereas Benjamin Franklin Memorial Hall is a fitting memorial to this great American: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Franklin Memorial Hall located in the Franklin Institute of Philadelphia, Pennsylvania, is hereby designated as Benjamin Franklin National Memorial.

SEC. 2. The designation made by the first section of this resolution shall become effective upon conclusion of a cooperative agreement satisfactory to the governing body of the Franklin Institute and the Secretary of the Interior.

The title was amended so as to read: "Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the Benjamin Franklin National Memorial."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-916), explaining the purposes of the measure.

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

Senate Joint Resolution 221 as referred would provide that effective January 1, 1974, the Benjamin Franklin Memorial Hall, located in the Franklin Institute of Philadelphia, Pa., be designated as the national memorial in honor of Benjamin Franklin.

Mr. SCHWEIKER. Mr. President, I am pleased that the Senate has taken early action on this important legislation to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as a national memorial to Benjamin Franklin.

The Franklin Institute in Philadelphia has played a major role in promoting the development of science and technology since 1824. In 1934, the main building now occupied by the Institute was completed. That building represented a substantial effort undertaken in the

1920's and early 1930's by Philadelphians to build a unique memorial to Benjamin Franklin which is not only impressive architecturally, but also houses a large science museum.

This memorial to Benjamin Franklin was planned over many years and the initial funding was provided by the Philadelphia Board of City Trusts, representing a bequest made by Benjamin Franklin and entrusted to the board, and an equivalent sum made available by the Institute.

Following that, the Poor Richard Club of Philadelphia started a movement to develop a fitting memorial to Dr. Franklin. The Benjamin Franklin Memorial, Inc., was established, lead by Mr. Cyrus H. K. Curtis and other leaders in industry, invention, civil affairs, and government. Over 11,000 public-spirited citizens worked with the Benjamin Franklin Memorial, Inc., in developing plans for this project.

In May 1938, Franklin Memorial Hall was dedicated. President Roosevelt sent a message to those gathered for the dedication ceremonies, which included delegates from 57 foreign countries.

This national shrine has been maintained without cost to the Federal Government by a not-for-profit institution for over 30 years.

It is certainly appropriate that this memorial be formally recognized as the National Memorial to Benjamin Franklin by Congress.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS FOR A STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICY OF THE UNITED STATES

The resolution (S. Res. 311) authorizing supplemental expenditure by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States was considered and agreed to, as follows:

Resolved, That section 2 of S. Res. 237, Ninety-second Congress, agreed to March 6, 1972, is amended by striking out the amount "\$375,000" and inserting in lieu thereof "\$500,000", and by striking out the amount "\$70,000" and inserting in lieu thereof "\$95,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-907), explaining the purposes of the measure.

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

Senate Resolution 311 would authorize the expenditure by the Committee on Foreign Relations through February 28, 1973, of an additional \$125,000 (\$25,000 of which could be used for procurement of consultants) for a study of matters pertaining to the foreign policy of the United States. These funds would be in addition to the amount of \$375,000 (\$70,000 of which could be used for procurement of consultants) which was authorized for use by that committee by Senate Resolution 237, agreed to by the Senate on March 6, 1972.

Although under the new resolution the committee would have authority to expend the additional funds for any purposes within its jurisdiction, its request is primarily pred-

icated on a monitor, adopted by the committee, on March 24, 1972, by a vote of 13 yeas to nays, and one present, to "undertake an in-depth study of the role of multinational corporations and their relationship to the foreign policy of the United States".

AUTHORIZATION FOR THE PRINTING OF THE 1971 ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION AS A SENATE DOCUMENT

The resolution (S. Res. 314) to print the Annual Report of the National Forest Reservation Commission as a Senate document was considered and agreed to, as follows:

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed with an illustration as a Senate document.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-908), explaining the purposes of the measure.

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

Senate Resolution 314 would provide that the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed, with an illustration, as a Senate document.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate
To print as a document (1,500 copies) \$454.69

AUTHORIZATION TO PRINT REPORT, "THE ECONOMICS OF CLEAN WATER, SUMMARY OF ANALYSIS," AS A SENATE DOCUMENT

The resolution (S. Res. 313) authorizing the printing of the report entitled "The Economics of Clean Water, Summary of Analysis" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act as amended) entitled "The Economics of Clean Water, Summary of Analysis," be printed with illustrations as a Senate document.

SEC. 2. There shall be printed one thousand five hundred additional copies of such document for the use of the Committee on Public Works.

The title was amended, so as to read: "Resolution authorizing the printing of the report entitled 'The Economics of Clean Water, Summary of Analysis' as a Senate document".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-912), explaining the purposes of the measure.

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

Senate Resolution 313 would provide (1) that the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal

Water Pollution Control Act, as amended) entitled "The Economics of Clean Water, Summary of Analysis", be printed, with illustrations, as a Senate document; and (2) that there be printed 1,500 additional copies of such document for the use of the Committee on Public Works.

At the request of the Committee on Public Works, the Committee on Rules and Administration has amended the title of the resolution to correct a clerical error.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	\$1,350.22
1,500 additional copies, at \$59.21 per thousand	88.82
Total estimated cost, S. Res 313	1,439.04

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS FOR ROUTINE PURPOSES

The resolution (S. Res. 320) making \$30,000 available to the Committee on Appropriations from the contingent fund was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, \$30,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 11, agreed to March 1, 1971, and S. Res. 229, agreed to March 6, 1972.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Appropriations for routine purposes".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-913), explaining the purposes of the measure.

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

Section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong., 60 Stat. 812, August 2, 1946) authorizes each standing committee of the Senate to expend not to exceed \$10,000 per Congress for routine committee expenditures.

Senate Resolution 320 would authorize the Committee on Appropriations to expend from the contingent fund of the Senate, during the 92d Congress, \$30,000 in addition to the amount, and for the same purposes, specified in said section 134(a).

The Committee on Rules and Administration is reporting Senate Resolution 320 with a pro forma amendment (amend title).

AUTHORIZATION OF EXPENDITURES BY THE SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

The Senate proceeded to consider the resolution (S. Res. 304) authorizing expenditures by the Special Committee on the Termination of the National Emergency which had been reported from the Committee on Rules and Administration with amendments on page 3, line 17, after the word "hold", strike out "such"; in line 18, after the word "at", strike out "such times and places" and insert "any

time or place"; in line 21, after the word "of", where it appears the first time, strike out "such"; in the same line, after the word "of", where it appears the second time, strike out "such"; and in line 22, after the word "take", strike out "such" and insert "depositions and other".

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

Resolved, That (a) there is hereby established a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eight Members of the Senate equally divided between the majority and minority parties to be appointed by the President of the Senate, four of whom shall be members of the Committee on Foreign Relations.

(c) The special committee shall select a chairman and vice chairman from among its members. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee.

Sec. 2. It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall:

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

Sec. 3. For the purposes of this resolution the special committee is authorized from date of agreement to this resolution through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpoena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(1) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and

Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 4. The expenses of the special committee under this resolution shall not exceed \$100,000, of which amount not to exceed \$15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended.

Sec. 5. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

Sec. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

The title was amended, so as to read: "Resolution to establish a Special Committee on the Termination of the National Emergency."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-914), explaining the purposes of the measure.

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

Senate Resolution 304 would establish a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency, and would authorize such special committee from the date of agreement of this resolution through February 28, 1973, to expend not to exceed \$100,000, of which amount not to exceed \$15,000 would be available for the procurement of consultants.

The special committee would be composed of eight Members of the Senate, equally divided between the majority and minority parties, to be appointed by the President of the Senate, four of whom would be members of the Committee on Foreign Relations. The special committee would select a chairman and vice chairman from among its members. A majority of the members of the special committee would constitute a quorum thereof for the transaction of business, except that the special committee could fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee would not affect the authority of the remaining members to execute the functions of the special committee.

It would be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation No. 2914, dated the same date. In carrying out such study and investigation the special committee would:

(1) consult and confer with the President and his advisers;

(2) consider the problems which might arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

The special committee would report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable

date, but not later than February 28, 1973. Expenses of the special committee under this resolution would be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

The amendments adopted by the Committee on Rules and Administration would (1) change the title to reflect the fact that a special committee would be established, and (2) incorporate certain minor pro forma changes.

A joint letter in support of Senate Resolution 304 addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator J. W. Fulbright, chairman, and Senator George D. Aiken, ranking minority member, of the Committee on Foreign Relations, is as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., June 16, 1972.

HON. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, Senate Resolution 304, introduced by Senator Mathias (for himself and Senators Case, Chiles, Church, Cooper, Cranston, Eagleton, Gravel, Hart, Hartke, Javits, Mansfield, Pell, Stevenson, and Williams) authorizes expenditures by the Special Committee on the Termination of the National Emergency. The resolution is currently pending before the Committee on Rules and Administration.

This resolution was approved unanimously by the Committee on Foreign Relations on June 7, 1972. It has the support of the Administration. As you will note in the concluding paragraph of the attached report, the Committee on Foreign Relations is of the view that "the time is long overdue for a thorough, objective, and bipartisan study with respect to the matter of terminating the national emergency as called for in Senate Resolution 304." Accordingly, it is requested that the Committee on Rules and Administration consider the resolution prior to the recess for the Democratic Convention.

Sincerely yours,

J. W. FULBRIGHT,
GEORGE D. AIKEN.

Additional information concerning the proposed special committee is contained in the report (S. Rept. 92-858) of the Committee on Foreign Relations to accompany Senate Resolution 304.

ELECTION LAW GUIDEBOOK

The resolution (S. Res. 323) authorizing the printing of a revised edition of the "Election Law Guidebook" as a Senate document, was considered and agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 91-61, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed two thousand three hundred additional copies of such document for the use of the Committee on Rules and Administration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-909), explaining the purposes of the measure.

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

Senate Resolution 323 would authorize the printing as a Senate document of a revised edition of Senate Document 91-61, entitled "Election Law Guidebook"; and further would authorize the printing of 3,000 additional copies of such document for the

use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies) -----	\$8,757
2,300 additional copies, at \$515.17 per thousand -----	1,185

Total estimated cost, S. Res. 232 -----	9,942
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GRETCHEN E. JENKINS

The resolution (S. Res. 325) to pay a gratuity to Gretchen E. Jenkins, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Gretchen E. Jenkins, widow of Norman W. Jenkins, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LEWIS J. SWAGGER

The resolution (S. Res. 324) to pay a gratuity to Lewis J. Swagger, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lewis J. Swagger, widower of Rose A. Swagger, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ARLINGTON HOUSE, THE ROBERT E. LEE MEMORIAL

The bill (H.R. 10595) to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-910), explaining the purposes of the measure.

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

H.R. 10595 would change the official name of the manor house in Arlington National Cemetery from "the Custis-Lee Mansion" to "Arlington House, The Robert E. Lee Memorial."

The mansion was built by George Washington Parks Custis, General Lee's father-in-law, and was always known as "Arlington House" having been named after an earlier Custis family home (since destroyed) on the eastern shore of Virginia. Title to the mansion resided exclusively in the Custis family. However, inasmuch as General Lee, having married a Custis, lived in the mansion for approximately 3 years before the outbreak of hostilities between the States, the Federal troops who occupied the home and who knew of General Lee's residence there referred to

it as the "Lee Mansion." This appellation continued in popular usage, and was enacted into law by the Congress in 1955, in a resolution paying tribute to General Lee. The proponent of that resolution, Hon. Joel T. Broyhill of Virginia, has now acknowledged the historical error of that legislation and, accordingly, has introduced this corrective bill.

AUTHORIZATION FOR THE SECRETARY OF THE INTERIOR TO PARTICIPATE IN THE PLANNING AND DESIGN OF A NATIONAL MEMORIAL TO FRANKLIN DELANO ROOSEVELT

The joint resolution (H.J. Res. 812) to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-911), explaining the purposes of the measure.

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

House Joint Resolution 812 would authorize the Secretary of the Interior, upon the request of the Franklin Delano Roosevelt Memorial Commission, to participate in the planning and design of an appropriate memorial to the late President, and would authorize such sums as may be necessary therefor. A companion bill, S. 3680, which would serve the same purpose, was introduced by Senator Mark O. Hatfield on June 7, 1972, and the same date was referred to the Committee on Rules and Administration.

The joint resolution of August 11, 1955 (69 Stat. 694) established the Commission and directed it to formulate plans for a memorial to President Roosevelt. Subsequently, the joint resolution of September 1, 1959 (73 Stat. 445) reserved 27 acres in West Potomac Park as the site of such memorial, and authorized the Commission to hold a competition for a design.

The winning design, by the New York firm of Peterson & Tenley, was not approved by the Commission of Fine Arts. A subsequent compromise plan was opposed by the Roosevelt family and ultimately by the Congress. Other proposals have not been acceptable to either the Commission of Fine Arts or the National Capital Planning Commission.

Recently, the concept of a National Rose Garden was advanced, and it appears that the plan has appeal to all parties concerned. Accordingly, the Chairman of the Franklin Delano Roosevelt Memorial Commission, the Hon. Eugene J. Keough, advises that the Commission has requested the assistance of the Department of the Interior in this matter, and that the passage of House Joint Resolution 812 would expedite the erection of a suitable memorial and ensure that the ultimate design would conform to the long-range plans of the Park Service for the area.

The Department of the Interior, in recommending the enactment of this legislation, estimates the costs of planning and design, including materials, to be \$175,000.

House Report 92-1029, to accompany House Joint Resolution 812, contains departmental reports on the proposal from the Commission of Fine Arts, the National Capital Planning Commission, the Franklin Delano Roosevelt Memorial Commission, and the District of Columbia, none of which reports any opposition to the measure.

MEMORIAL IN HONOR AND COMMEMORATION OF THE SEABEES OF THE U.S. NAVY

The Senate proceeded to consider the joint resolution (H.J. Res. 55) proposing the erection of a memorial on public grounds in the District of Columbia or its environs, in honor and commemoration of the Seabees of the U.S. Navy, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 24, after the word "the", where it appears the second time, strike out "Interior," and insert "Interior, or, if the memorial is erected upon public grounds belonging to or under the jurisdiction of the District of Columbia, the government of the District of Columbia."

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-917), explaining the purposes of the measure.

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

House Joint Resolution 55 would authorize the Seabee Memorial Association, Inc., to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy. (A companion measure, S.J. Res. 56, was introduced by Senator John C. Stennis on February 24, 1971, and referred to the Committee on Rules and Administration the same date.)

The Secretary of the Interior would be authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site for this memorial in the District of Columbia, or its environs. Should the site so selected be on public grounds under the jurisdiction of the District of Columbia, the approval of the Commissioner of the District of Columbia would have to be obtained as well.

All plans and the design for the memorial would be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission.

The Seabee Memorial Association, Inc., would assume the entire cost of the erection of the memorial. The maintenance and care thereof would be the responsibility of the Secretary of the Interior.

ORDER FOR RECESS UNTIL 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday of next week it stands in recess, respectively, until 9 a.m. on Tuesday, Wednesday, Thursday, and Friday of next week.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting Republican leader desire recognition at this time?

Mr. FANNIN. No, Mr. President.

TREASURY DEPARTMENT-POSTAL SERVICE APPROPRIATIONS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate H.R. 15585, which will be stated by title.

The legislative clerk read as follows:

Calendar Order No. 879, H.R. 15585, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The ACTING PRESIDENT pro tempore. The time on the bill is limited to 1 hour, to be equally divided between the Senator from New Mexico (Mr. MONTOYA) and the acting Republican leader or his designee. Who yields time?

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished manager of the bill, the able Senator from New Mexico, yield 3 minutes to the distinguished Senator from Delaware (Mr. ROTH) on another matter?

Mr. MONTOYA. I am most happy to do so.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness be waived for 3 minutes.

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

VIOLATION OF ORDERS BY AIR FORCE GEN. JOHN LAVELLE

Mr. ROTH. Mr. President, the war in Vietnam has been a difficult burden for the Nation, one which has created a division of our people not seen in the United States for a hundred years.

There have been many fallouts from that war and many reexaminations, but one of the most significant which will be forthcoming will be an examination of the role of our military in the conduct of the war. We have already seen some indications that the war has had unfortunate effects on our forces as demonstrated by the tragedy of My Lai and the scandals of the noncommissioned officers clubs.

This war has been the longest in the Nation's history, excluding the American Revolution, and it is of deep concern to me that during the length of involvement there may have been a deterioration of the principles which in the past have led Americans to be justifiably proud of our armed services as being the finest in the world.

One of those principles is that of civilian control over the armed services and military operations. It is that principle which, in part, allows the citizens of the Nation to have pride and con-

fidence in the military; confidence that they will perform their jobs in a state of isolation from the political processes; and that they will not interfere in that process. It is that principle upon which our national security has rested for 200 years and upon which it must continue to rest.

It is thus with deep concern that I address the situation of Gen. John Lavelle, the Air Force general who, in the process of providing a safer environment for his men, explicitly violated this principle.

The Senator from Iowa (Mr. HUGHES) and the Senator from Missouri (Mr. SYMINGTON) spoke on Tuesday concerning the matter of General Lavelle, and I share the concern they expressed. As a member of the opposite party and a supporter of the President's Vietnam policy, I join with them in calling for a thorough investigation by the Armed Services Committee into the violations of the rules of engagement. I have sent a letter to the chairman of that committee (Mr. STENNIS) requesting that such hearings be held at an early date. I ask unanimous consent that the text of the letter and an article from the Wall Street Journal in which it is stated that General Abrams was aware of the actions of General Lavelle.

I also ask unanimous consent to have printed in the RECORD a Washington Post article quoting the Defense Secretary as stating that General Abrams did not have knowledge at the unauthorized strikes.

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

JUNE 22, 1972.

The Honorable JOHN C. STENNIS, Chairman, Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The control of the armed services and military operations by civilian authority is a concept fundamental to the principles of our democracy. Therefore, it is a matter of deep concern to all Americans when this principle shows signs of erosion as has recently been demonstrated during the investigation by the House Armed Services Committee into the circumstances surrounding the retirement of General John D. Lavelle.

During the course of the inquiry, General Lavelle has admitted that he had executed strikes against North Vietnamese targets not authorized in the rules of engagement as promulgated by the Department of Defense. Such an action is a direct incursion into the principle of civilian control upon which our national security machinery must rest. To permit otherwise would raise grave doubts about the control which the Administration and the Congress have over the conduct of the affairs of our nation.

It is because of my deep concern for the preservation of the principle of civilian control that I strongly request that the Senate Armed Services Committee undertake an investigation of the case of General Lavelle. Although I do not wish to allege complicity of any other member of the military, I believe that great effort should be made to define the degree to which there has been involvement, either implicit or explicit, on the part of other military officers.

Serious charges have been raised that may well implicate others. I do not suggest that any other officers or enlisted men were involved, but serious suggestions to that effect

have been made. I think a thorough investigation is imperative; therefore, not only to determine where full responsibility for these admitted actions lies, but, just as importantly, to clear the records of innocent individuals who might otherwise continue to live under a cloud of suspicion.

Specifically, I believe that such an investigation should be made prior to the confirmation hearings of General Creighton Abrams to be Chief of Staff of the Army. As General Lavelle's direct superior officer, General Abrams should have a right to show the degree of involvement, if any, he had in General Lavelle's decisions, and what opportunity for action was available to him with regard to those decisions. In no other way can General Abrams hope to have the opportunity to command the full confidence of the Executive Branch, the Congress and the American people in the most demanding task for which he has been nominated.

I am aware of the pressing matters which are before your Committee and only hope that you view, as I do, this matter as one of great significance.

Sincerely,

WILLIAM V. ROTH, JR.,
U.S. Senate.

NIXON TO NOMINATE ABRAMS AS ARMY CHIEF, MOVE UNLIKELY TO HELP SERVICE'S IMAGE

(By Richard J. Levine)

WASHINGTON.—Gen. Creighton Abrams' long-expected selection as Army Chief of Staff could give the service more clout within the Pentagon. But it isn't likely to do much for the troubled Army's "image" problems.

President Nixon said yesterday he will nominate the 57-year-old Abrams, U.S. Commander in Vietnam since mid-1968, to replace retiring Gen. William Westmoreland. There wasn't any immediate indication when Gen. Abrams, an aggressive World War II tank officer, would leave Vietnam or who would be his successor.

The White House aides said Adm. Thomas Moorer will be nominated for a second two-year term as Chairman of the Joint Chiefs of Staff.

The Abrams appointment would be for a four-year term, but reports indicate the general might be willing to step aside for a younger man after only two years. Gen. Abrams has had medical problems from time to time during his long tour in Southeast Asia, but is apparently in good health now.

Gen. Abrams will head an Army that has been plagued with "people" problems, ranging from racial unrest and drug abuse to barracks crime and low morale—byproducts to a large degree of its unhappy experience in Vietnam. Many Army officials believe the service is recovering, but concede a long road ahead.

To help confront such problems, some officers and high-ranking Pentagon civilians had hoped the White House would turn to a younger general who wasn't closely identified with Vietnam and who would be receptive to broad reforms. Robert Froehke, Army secretary, is said to have pushed for this kind of selection but was overruled by Defense Secretary Melvin Laird and President Nixon who wanted to reward Gen. Abrams for his difficult, loyal service in Vietnam. Yet if Gen. Abrams should retire in two years, a younger Army chief could be chosen then.

Staff officers describe Gen. Abrams as a bright, sharp leader, though he isn't an intellectual, who is likely to continue many of the personnel changes initiated by Gen. Westmoreland. Many Pentagon officials insist Gen. Westmoreland has moved more forcefully than realized to deal with the Army's woes and has made the service attractive to young officers and enlisted men.

Anticipating that Gen. Abrams would be willing to embrace current Army policies, Westmoreland staff officers have prepared a statement for the new chief endorsing Gen.

Westmoreland's reforms. "Abrams is just about as progressive as Westy," said a former staff officer. "There could have been worse appointments."

While Gen. Abrams' elevation probably will upset some younger officers looking for radical changes, the Army could gain a more effective voice on the Joint Chiefs of Staff, where many key budget decisions are made. Some knowledgeable sources see Gen. Abrams as a more forceful, articulate advocate of Army positions than Gen. Westmoreland.

For one thing, he might be able to cope better with the persuasive, young Chief of Naval Operations, Adm. Elmo Zumwalt, who once worked for Gen. Abrams in Vietnam and is leading the Navy to bigger and bigger budgets.

By nominating Gen. Abrams, who must be confirmed by the Senate, the White House signaled anew that it isn't repudiating the U.S. effort in Vietnam. "Abrams has done what the administration wanted to do in Vietnam," said a Capitol Hill staffer familiar with the Pentagon. "He's been a good soldier."

Gen. Abrams was born in Springfield, Mass., in 1914 and was graduated from West Point in 1936 as a cavalry officer. He compiled a distinguished war record in Europe, earning a reputation as a hard-driving tank commander in the mold of Gen. George Patton, under whom he served.

In 1956, he pinned on his first star; by 1964, he was a four-star general, serving as Vice Chief of Staff of the Army, the number two spot. Gen. Abrams went to Vietnam in mid-1967 as deputy commander and succeeded Gen. Westmoreland as commander a year later when Gen. Westmoreland returned to the U.S. to head the Army.

With the North Vietnamese offensive slowing but still under way, Gen. Abrams' departure might be delayed. When Gen. Westmoreland retires June 30, Gen. Bruce Palmer will become acting Chief of Staff until Gen. Abrams' arrival in Washington.

Gen. Abrams is almost certain to be questioned closely in his confirmation hearings about his role in the unauthorized bombing of North Vietnam that occurred earlier this year. Retired Gen. John Lavelle, former Air Force Commander in Vietnam, told a House Armed Services Committee hearing this month that Gen. Abrams was aware that Gen. Lavelle was ordering his planes to make unauthorized raids on military targets in North Vietnam.

However, it's highly unlikely that Gen. Abrams' confirmation could be jeopardized by the Lavelle affair.

LAIRD CLEARS ABRAMS ON LAVELLE'S BOMBING

Defense Secretary Melvin R. Laird said yesterday that Gen. Creighton W. Abrams did not know of unauthorized air strikes against North Vietnam in late 1971 and early 1972.

The raids were ordered by Gen. John Lavelle, who was later relieved of command of the U.S. Seventh Air Force and retired at three-star rather than four-star rank.

Lavelle told a congressional committee on June 12 that he had sent reports of the raids to Abrams, the U.S. military commander in Vietnam who was selected Tuesday by President Nixon to be the next Army Chief of Staff.

Lavelle said Abrams "knew what I was doing." But he also said Abrams did not know some of the reports were falsified.

The Senate has yet to take up Abrams' nomination, but the matter came up yesterday during a Senate Foreign Relations Committee hearing on the arms limitation agreements recently reached in Moscow.

Sen. Claiborne Pell (D-R.I.) said he was surprised at the nomination because he said Abrams must have known about the raids.

But Laird replied that Abrams "was not involved in any way in the abuse of authority" by Lavelle. The Secretary said he is sat-

isfied that neither Abrams nor the Joint Chiefs of Staff were aware of the abuse of authority.

Lavelle's actions were the object of a formal complaint sworn out yesterday by Air Force 1st Lt. Delbert T. Terrill Jr.

Terrill said he was accusing Lavelle of violating the Uniform Code of Military Justice by willfully disobeying an order and making false official statements. The code provides that any serviceman can prefer charges against another.

Terrill told a Capitol Hill news conference that discipline and "law and order" would be undermined if enlisted men were court-martialed for wearing their hair too long and a general was allowed to get away with admitted violation of orders.

And Sen. Harold Hughes (D-Iowa) complained of a "conspiracy of silence" surrounding the case. But he said Sen. John Stennis (D-Miss.), chairman of the Armed Services Committee, had promised a full exploration of the circumstances surrounding the raids and the conduct of Lavelle.

Mr. ROBERT C. BYRD, Mr. President, at the request of the distinguished Senator from Iowa (Mr. HUGHES), I ask unanimous consent that a statement by him relative to the case of General Lavelle be printed in the RECORD.

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

STATEMENT BY SENATOR HUGHES

The junior Senator from Delaware (Mr. ROTH) is to be congratulated for his sensitive and thoughtful statement on the central vital issue that arises from the actions of General John D. Lavelle.

I want to associate myself with his remarks and say that, in particular, I subscribe to the following language in his letter to the distinguished Chairman of the Armed Services Committee (Mr. STENNIS):

"... a thorough investigation is imperative ... not only to determine where full responsibility for these admitted actions lies, but, just as importantly, to clear the records of innocent individuals who might otherwise continue to live under a cloud of suspicion."

"Specifically, I believe that such an investigation should be made prior to the confirmation hearings of General Creighton Abrams to be Chief of Staff of the Army. As General Lavelle's direct superior officer, General Abrams should have a right to show the degree of involvement, if any, he had in General Lavelle's decisions, and what opportunity for action was available to him with regard to these decisions. In no other way can General Abrams hope to have the opportunity to command the full confidence of the Executive Branch, the Congress and the American people in the most demanding task for which he has been nominated."

Mr. President, I have expressed similar sentiments, but not so eloquently as the Senator from Delaware. I want him to know that I am confident that General Abrams will have such an opportunity to give the Armed Services Committee a report on the Lavelle case and that, when General Abrams' nomination is presented to the Senate, all of the pertinent facts regarding his involvement in General Lavelle's decisions will be available to assist the Senate in its decision.

TREASURY DEPARTMENT—POSTAL SERVICE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15585) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President,

and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MONTROYA. Mr. President, H.R. 15585, the Treasury, Postal Service, and General Government Appropriation Bill for fiscal year 1973, which is now before the Senate, recommends total appropriations in the amount of \$5,055,186,000, which amount is \$126,733,397 over the appropriations for fiscal year 1972, \$11,417,000 under the budget estimates for fiscal year 1973, as amended, and \$1,959,000 under the bill as it passed the House of Representatives in the amount of \$5,057,145,000.

Not included in the above sums are those permanent authorizations which do not require annual appropriation action by the Congress, and these are listed in the tabulation commencing on page 38 of the committee report. Members will note that the largest item under permanent authorizations is \$22.7 billion, the estimated interest on the public debt for 1973. This is an increase of \$1.3 billion over the fiscal year 1972 level.

A copy of the Senate report is before each Member, and beginning on page 41 is a tabulation which gives a complete comparison for each item in the bill. I will confine my remarks today to the significant changes which have been recommended by the committee, and I will be happy to answer any questions any Member may have during the course of or at the conclusion of my remarks.

Under title I of the bill, recommendations for the Treasury Department total \$1,670,018,000. This is \$5,959,000 under the House-passed bill; \$79,667,000, or a 5 percent increase, over the fiscal year 1972 appropriation; but \$21,659,000 under the budget estimates for fiscal year 1973.

The largest increases under this title apply to the Internal Revenue Service where the committee recommends \$508,000,000, an increase of \$34,086,000—or a 7 percent increase—over 1972 for the Accounts, Collection and Taxpayer Service; and an appropriation of \$590,000,000, an increase of \$37,175,000—or over 7 percent—over 1972 for compliance activities.

An increase of over 3,200 additional permanent full-time employees is recommended and authorized to permit the Internal Revenue Service to cope with the growth in population, economy, and workload.

The accounts, collection, and taxpayer service is a newly created appropriation, which combines the delinquent accounts and returns activity—formerly of the compliance appropriation—with an expanded taxpayer service program and the activities of the former revenue accounting and processing appropriation.

The compliance appropriation provides funds for the activities which are primarily responsible for promoting high voluntary compliance with the tax laws and for carrying out the law enforcement programs assigned to the Service.

It should be mentioned also that the activities and funds related to the alcohol, tobacco, and firearms program, previously administered by the Internal Revenue Service, will be transferred to

a newly created bureau within the Treasury Department. The new Bureau of Alcohol, Tobacco, and Firearms becomes effective on July 1, 1972, and, as mentioned, funds have been provided under a separate head in the amount of \$73,727,000 for fiscal 1973, an increase of \$1.2 million over 1972.

For the Bureau of Customs, the committee recommends an appropriation of \$208,000,000. The increase of \$14,660,000 over 1972 represents a 7.5-percent increase and provides funding for 620 additional man-years of employment over 1972, as well as 184 additional vehicles, aircraft, and improved detection and other technical equipment to enable the Bureau to control more effectively the illegal importation of narcotics and other dangerous drugs.

Attention is called to the committee report, pages 7 and 8, concerning the committee's recommendation that language in the House bill be amended to provide that none of the funds appropriated are to be obligated or expended for preclearance operations in any country which does not grant to U.S. customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the exercise of this authority.

For the U.S. Postal Service—title II of the bill—the committee recommends an appropriation of \$1,410,000,000 for payment to the Postal Service Fund.

The President's January Budget contained an estimate of \$1,424,039,000 for this payment, and the amount recommended by the committee is \$14,039,000 under the request.

The Congress made its determination as to rates in the Postal Reorganization Act of 1970, and nothing in this appropriation is intended to disturb that determination. The fact that the amount recommended is not the same as the amount requested is not to be construed as a failure to appropriate funds for any of the purposes for which appropriations are authorized. The committee believes that this is sufficient to cover all of the appropriations authorized by section 2401(c) and necessary under section 2401(b) submitted to the committee by the Postal Service for fiscal year 1973. Like the House, the committee has again declined to earmark any of the funds recommended to be appropriated for any specific purpose as the Congress is no longer in the rate-making business.

In summary, the committee expects the U.S. Postal Service, as an independent corporation, to exercise its discretion over the use of both funds and personnel and thus attain a status of self-sufficiency as contemplated under the Postal Reorganization Act.

The Congress can neither take credit nor be blamed for actions taken by the Postal Service since its creation as an independent corporation. For example, for fiscal year 1972 the Congress appropriated \$1,217,522,000 to the Postal Service for public service costs and for revenue foregone on free and reduced-rate mail—and for meeting the liability of the Post Office Department to the employees' compensation fund.

After receiving the \$1,217,522,000 in the regular 1972 appropriation bill and over \$1.7 billion cash balance of the old Post Office Department Fund, the Postal Service invested, on July 1, 1971, \$2,797 billion in U.S. Treasury obligations. In making the appropriation, there was no congressional intent to finance Postal Service operations in fiscal 1972, even on a temporary basis.

Testimony before the committee revealed that a bond issue for \$250 million went to market in January with a coupon rate of 6 $\frac{3}{8}$ percent. This money was invested in U.S. Treasury obligations with a return of about 5 percent for the entire portfolio, so that in effect the Postal Service is trading 6 $\frac{3}{8}$ percent money for 5 percent money. While the Congress does not consider these financial transactions as wise ones, it behooves the Postal Service to solely account to its patrons and Board of Governors for its financial manipulations and other operations.

Under title III—Executive Office of the President—a total appropriation of \$179,446,000 is recommended. This is \$36,242,000 over the prior year's appropriation, the same as the House allowance, but \$8,075,000 under the budget estimates.

For disaster relief, the committee recommends \$92.5 million, an increase of \$7.5 million over 1972, but \$7.5 million under the estimate for fiscal year 1973. The \$100 million budget request represented an estimate of need based on the incidence of major disasters in the recent past, and should the amount recommended prove to be sufficient, the committee will consider favorably any future supplemental requests, as it has done in the past.

Included under this title is the Special Action Office for Drug Abuse Prevention, for which the committee recommends \$6,856,000, an increase of \$3,856,000 over fiscal year 1972. This Office supervises and directs drug abuse programs formerly scattered among many Federal agencies and, hopefully, will effectuate a coordinated, unified attack on drug addiction and its degrading effects. The increase allowed provides for funding 177 man-years of employment, an incidence of major disasters in the increase of 79 over 1972 and the establishment of a National Training Center in Washington, D.C., to train those responsible for establishing and operating community programs.

The committee recommends an appropriation of \$19,600,000 for the Office of Management and Budget, an increase of \$350,000 over the fiscal year 1972 appropriation, but a decrease of \$237,000 in amount requested. In the committee's view, these funds are sufficient to continue the employment of personnel at last year's level.

Under title IV—General Government—a total appropriation of \$1,795,722,000 is recommended. This is \$18,733,587 over the prior year's appropriation and \$32,356,000 over the amended budget estimates. This increase is the result of action by the House in adding funds for site acquisition and construction of 11 Federal buildings out of 63 now planned

to be constructed under the purchase contract program.

For the Civil Service Commission, a total of \$765,304,000 is recommended. This amount is \$33,870,000 over 1972 and \$127,726,000 under the estimate, largely because of the \$118.5 million reduction to the payment to civil service retirement and disability fund as it pertained to the unfunded liability created by the Postal Service.

A budget amendment, contained in House Document No. 92-300, increasing the original estimate for salaries and expenses of the Civil Service Commission by \$2.7 million for the purpose of immediately putting into effect the provisions of the new Equal Employment Opportunity Act of 1972, was considered by the committee. These funds will enable the Commission to undertake the critical work necessary to review, evaluate, and improve Federal Government efforts to root out discrimination in order to insure true equality for all citizens in the employment system of the Federal Government. The committee insists that this program be given the highest priority and that any reductions in the salaries and expenses appropriation account be applied to other programs.

For the General Services Administration, the committee recommends a total appropriation of \$938,385,000. This amount is \$166,814,000 over the 1973 estimate; \$1,000,000 under the House allowance; and \$3,538,500 over 1972. For construction, the projects provided for and the amount recommended for each in the accompanying bill are listed by line item.

For "Sites and expenses, public building projects," the committee recommends \$25,031,000 to cover the cost of acquiring sites and for inspection and maintenance of projects listed under the construction account.

Mr. President, this, then, is a summary of the bill before the Senate.

Mr. President, I want to say, as a part of my remarks, that I enjoyed working with the senior Senator from Delaware (Mr. Boggs), who attended the hearings and participated in the hearings and contributed greatly to what we have before the Senate today.

Now I shall be very happy to answer any questions that might be propounded at this time.

Mr. BOGGS. Mr. President, will the distinguished chairman yield to me for just a moment?

Mr. MONTROYA. I yield.

Mr. BOGGS. Mr. President, I want to take this opportunity not only to thank my distinguished friend and chairman of the subcommittee (Mr. MONTROYA) for his kind and generous remarks, but to say also, that it has been a great privilege to serve on this subcommittee under his leadership. He, with the able assistance of the other members of the subcommittee, and our able staff, headed by Mr. Joe Gonzales and Joel Bonner, have,

I think, done a thorough job on this appropriation bill. They have gone into every detail of it, as a result of the careful and extensive hearings on it. I am perfectly satisfied with the job which has been done, and I recommend favorable action on it. I thank the Senator very much for yielding.

Mr. MONTROYA. I thank my distinguished colleague. I want to say at this point that the staff members, particularly Mr. Gonzales and Mr. Pete Bonner, worked assiduously and very devotedly in trying to prepare the committee for good hearings. I think we had some very good and thorough hearings, and elicited from the witnesses the information that we required in order to bring this bill before the Senate today.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, line 17, strike out "\$62,500,000" and insert "\$62,241,000".

On page 3, line 21, after "(22 U.S.C. 401)", strike out "\$210,000,000" and insert "\$208,000,000".

On page 4, line 20, after "United States", strike out "\$75,000,000" and insert "\$74,000,000".

On page 5, line 2, after the word "Commissioner", strike out "\$35,000,000" and insert "\$34,500,000".

On page 5, line 12, after the word "applicants", strike out "\$510,000,000" and insert "\$508,000,000".

On page 5, line 25, strike out "\$11,500,000" and insert "\$11,300,000".

On page 7, line 2, after "1973", insert a comma and "in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority."

On page 11, line 3, after the word "branch", strike out "\$600,000" and insert "\$700,000".

On page 12, line 14, after "section 3109", strike out "\$19,700,000" and insert "\$19,600,000".

On page 12, line 19, after the word "including", strike out "hire of passenger motor vehicles, and".

On page 16, line 3, after the word "amended", strike out "\$62,218,000" and insert "\$64,218,000".

On page 22, after line 23, insert:

Appropriations herein and heretofore granted under this heading shall be available without regard to the second proviso under this heading in the Second Supplemental Appropriations Act, 1972.

On page 24, line 3, after the word "furnishings", strike out "\$6,344,000" and insert "\$5,344,000".

On page 30, line 20, after the word "amended", insert a colon and "Provided further, That \$29,041,000 of the amount appropriated is contingent upon enactment of authorizing legislation".

On page 31, after line 15, insert:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

EMERGENCY HEALTH

For expenses necessary for carrying out emergency planning and preparedness functions of the Health Services and Mental Health Administration, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment, as authorized by section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), and, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to emergency health services, \$3,000,000, to remain available until expended.

On page 33, after line 16, insert a new section, as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. CRANSTON. Mr. President, I send to the desk and call up an amendment which I am offering on behalf of myself and the Senator from New Jersey (Mr. WILLIAMS), and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will please read the amendment.

The legislative clerk read the amendment, as follows:

On page 16, line 4, strike out "\$64,218,000" and insert in lieu thereof "66,218,000".

Mr. CRANSTON. Mr. President, this amendment adds \$2 million to the Civil Service Commission's salaries and expenses item for the purpose of additional staff to implement the Commission's new statutory equal employment responsibilities imposed by section 11 of the Equal Employment Opportunity Act of 1972—Public Law 92-261—which section I am proud to have authored in the form enacted, along with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. DOMINICK).

I ask unanimous consent, Mr. President, that the text of this section 11 and

explanatory material from the committee report—No. 92-415—be set forth in the RECORD at this point, along with a letter I wrote to the Civil Service Commission with regard to equal employment opportunities for minority group members, especially Chicanos, in Federal employment in my State of California, and the Commission's response.

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

PUBLIC LAW 92-261—92D CONGRESS, H.R. 1746,
MARCH 24, 1972

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT"

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Act) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission shall have authority to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in subsection (a) of this section shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

"(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency, and unit shall include, but not be limited to—

"(1) provision for the establishment of training and education programs designed

to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and

"(2) a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program and of the allocation of personnel and resources proposed by such department, agency, or unit to carry out its equal employment opportunity program.

With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Within thirty days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717 (a), or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 or any succeeding Executive orders, or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit or with the Civil Service Commission on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706, in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

"(d) The provisions of section 706(f) through (k), as applicable, shall govern civil actions brought hereunder.

"(e) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution and statutes or of its or his responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government."

[From Senate Rept. No. 92-415]

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

4. *Federal employment.*—The bill adds to title VII a new section 717 (section 11 of the bill) making clear the obligation of the Federal Government to make all personnel actions free from discrimination based on race, color, sex, religion or national origin. The Civil Service Commission, which presently has the responsibility under Executive Order 11478, is given the authority under this title to enforce equal employment opportunity in the Federal government.

The Federal government, with 2.6 million employees, is the single largest employer in the Nation. It also comprises the central policymaking and administrative network for the Nation. Consequently, its policies, actions, and programs strongly influence the activities of all other enterprises, organizations and groups. In no area is government action more important than in the area of civil rights.

The prohibition against discrimination by the Federal government, based upon the due process clause of the Fifth Amendment, was judicially recognized long before the enactment of the Civil Rights Act of 1964. Congress itself has specifically provided for nondiscrimination in the Federal government by stating that it is "the policy of the United

States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex, or national origin . . ." (5 U.S.C. §7151). The primary responsibility for implementing this stated National objective has been granted to the Civil Service Commission pursuant to Executive Order 11246 (1964), and more recently by Executive Order 11478 (1969). In his memorandum accompanying Executive Order 11478, President Nixon stated that "discrimination of any kind based on factors not relevant to job performance must be eradicated completely from Federal employment." This was an important step forward in the field of equal employment opportunity for Federal employees.

Progress has been made in this field, however, much remains to be done. Statistical evidence shows that minorities and women continue to be denied access to a large number of government jobs, particularly in the higher grade levels. The disparity can be clearly seen in figures presented in a recent report released by the Civil Service Commission, *Minority Group Employment in the Federal Government* (1970). On the basis of the figures presented therein, the following listing shows the percentage of minority group employees under the General Schedule by grade level:

	Negro	Spanish-surnamed	American Indian	Oriental
GS-1 through GS-4.....	21.8	3.0	1.8	0.6
GS-5 through GS-8.....	13.5	2.2	.7	.8
GS-9 through GS-11.....	5.1	1.5	.5	1.0
GS-12 through GS-13.....	2.7	.8	.2	.9
GS-14 through GS-15.....	1.7	.7	.2	.8
GS-16 through GS-18.....	1.4	.3	.1	.2

Minorities represent 19.4% of the total employment in the Federal government (15.0% are Negroes, 2.9% are Spanish-surnamed, 0.7% are American Indians, and 0.8% are Oriental). Their concentration in the lower grade levels indicates that their ability to advance to the higher levels has been restricted.

In many areas, the pattern at regional levels is worse than the national pattern. For example, the committee notes with special concern the particularly low percentage of Federal jobs held by Spanish-surnamed persons in areas of high residential concentration of such persons, particularly in California and the Southwestern States, and expects the Commission to undertake a special study of this problem to develop programs to provide greater entry level and advancement employment opportunities for Spanish-surnamed persons.

The position of women in the Federal government has not fared any better. In testimony before the Senate Labor Subcommittee this year, Mrs. Daisy B. Fields, past president of Federally Employed Women (FEW), testified as to the distribution, by percent, of all women employed by the Federal government (approximately 665,000 or about 34%) as represented by the following breakdown:

	Percent
GS-1 through GS-6.....	76.7
GS-7 through GS-12.....	21.7
GS-13 and above.....	1.1

The inordinate concentration of women in the lower grade levels, and their conspicuous absence from the higher grades is again evident.

One feature of the present equal employment opportunity program which deserves special scrutiny by the Civil Service Commission is the complaint process. The procedure under the present system, intended to provide for the informal disposition of complaints, may have denied employees adequate

opportunity for impartial investigation and resolution of complaints.

Under present procedures, in most cases, each agency is still responsible for investigating and judging itself. Although provision is made for the appointment of an outside examiner, the examiner does not have the authority to conduct an independent investigation, and his conclusions and findings are in the nature of recommendations to the agency head who makes the final agency determination on whether there is, in fact, discrimination in that particular case. The only appeal is to the Board of Appeals and Review in the Civil Service Commission.

The testimony before the Labor Subcommittee reflected a general lack of confidence in the effectiveness of the complaint procedure on the part of Federal employees. Complaints have indicated skepticism regarding the Commission's record in obtaining just resolutions of complaints and adequate remedies. This has, in turn, discouraged persons from filing complaints with the Commission for fear that doing so will only result in antagonizing their supervisors and impairing any future hope of advancement. The new authority given to the Civil Service Commission in the bill is intended to enable the Commission to reconsider its entire complaint structure and the relationships between the employee, agency, and Commission in these cases.

Another task for the Civil Service Commission is to develop more expertise in recognizing and isolating the various forms of discrimination which exist in the system it administers. The Commission should be especially careful to insure that its directives issued to Federal agencies address themselves to the various forms of systemic discrimination in the system. The Commission should not assume that employment discrimination in the Federal Government is solely a matter of malicious intent on the part of individuals. It apparently has not fully recognized that the general rules and procedures that it has promulgated may in themselves constitute systemic barriers to minorities and women. Civil Service selection and promotion techniques and requirements are replete with artificial requirements that place a premium on "paper" credentials. Similar requirements in the private sectors of business have often proven of questionable value in predicting job performance and have often resulted in perpetuating existing patterns of discrimination (see e.g. *Griggs v. Duke Power Co.*, supra n.1). The inevitable consequence of this kind of a technique in Federal employment, as it has been in the private sector, is that classes of persons who are socioeconomically or educationally disadvantaged suffer a very heavy burden in trying to meet such artificial qualifications.

It is in these and other areas where discrimination is institutional, rather than merely a matter of bad faith, that corrective measures appear to be urgently required. For example, the Committee expects the Civil Service Commission to undertake a thorough reexamination of its entire testing and qualification program to insure that the standards enunciated in the *Griggs* case are fully met.

The Civil Service Commission's primary responsibility over all personnel matters in the Government does create a built-in conflict of interest for examining the Government's equal employment opportunity program for structural defects which may result in a lack of true equal employment opportunity. Yet, the committee was persuaded that the Civil Service Commission is sincere in its dedication to the principles of equal employment opportunity enunciated in Execu-

tive Order 11478 and that the Commission has the will and desire to overcome any such conflict of interest. In order to assist the Commission in accomplishing its goals and to make clear the congressional expectation that the Commission will take those further steps which are necessary in order to satisfy the goals of Executive Order 11478, the committee adopted in section 707(b) of the bill specific requirements under which the Commission is to function in developing a comprehensive equal employment opportunity program.

Thus the provision in section 717(b) for applying "appropriate remedies" is intended to strengthen the enforcement powers of the Civil Service Commission by providing statutory authority and support for ordering whatever remedies or actions by Federal agencies are needed to insure equal employment opportunity in Federal employment. Remedies may be applied as a result of individual allegations of discrimination, CSC investigation of equal employment opportunity programs in Federal agencies or their field installations, or from review of agency plans of action and progress reports. Remedies may be in terms of action required to correct a situation regarding a single employee or group of employees or broader management action to correct systemic discrimination and to improve equal employment opportunity program effectiveness to bring about needed progress. The Commission is to provide Federal agencies with necessary guidance and authority to effectuate necessary remedies in individual cases, including the award of back pay, reinstatement or hiring, and immediate promotion where appropriate.

The bill also directs the Commission to require each Federal department and agency (including appropriate units of the District of Columbia government) to prepare an equal employment opportunity affirmative plan of action at least annually. The Commission is to review, modify, and approve each department or agency developed with full consideration of particular problems and employment opportunity needs of individual minority group populations within each geographic area. These legislative directions are, of course, not intended to limit the Commission in requiring the establishment of affirmative equal employment opportunity plans for any agency level, including local installations as needed; indeed, the committee expects the Commission to require that agency plans include specific regional plans for particularly large Federal regional installations and other regional offices with deficient records of progress in equal employment opportunity.

The Committee recognizes that this new emphasis on regional installation equal employment opportunities and action plans will require a greater commitment of both agency and Civil Service Commission personnel to planning and enforcement activities and expects the Civil Service Commission to ensure that such staffing additions will be made both at the national and regional office levels. Finally, to lend the greatest credibility to its equal employment opportunity efforts at a national and regional level, the Commission should review and revise its own equal employment action plan and implementation, particularly at its regional offices and higher grade levels, to ensure that its own record in this field is exemplary and thus a model for all other Federal agencies.

The bill requires the Commission to obtain, on at least a semi-annual basis, minority group employment and such other data as are necessary for effective evaluation by the Commission and the public of each department's agency's or unit's record of equal employment opportunity achievement and to

publish at least semi-annually full statistical and other reports (comparable to the report now published annually) of equal employment opportunity progress. In evaluating agency plans for approval, the Commission is also directed to study and determine the appropriate allocation of personnel and resources committed to, and the qualifications to be established for top equal employment opportunity officials responsible for, carrying out program responsibilities, including necessary affirmative action as well as processing of individual discrimination cases, on both a central office and regional (SMSA) basis.

The Committee wishes to emphasize the significant reservoir of expertise developed by the EEOC with respect to dealing with problems of discrimination. Accordingly, the committee strongly urges the Civil Service Commission to take advantage of this knowledge and experience and to work closely with EEOC in the development and maintenance of its equal employment opportunity programs.

An important adjunct to the strengthened Civil Service Commission responsibilities is the statutory provision of a private right of action in the courts by Federal employees who are not satisfied with the agency or Commission decision.

The testimony of the Civil Service Commission notwithstanding, the committee found that an aggrieved Federal employee does not have access to the courts. In many cases, the employee must overcome a U.S. Government defense of sovereign immunity or failure to exhaust administrative remedies with no certainty as to the steps required to exhaust such remedies. Moreover, the remedial authority of the Commission and the courts has also been in doubt. The provisions adopted by the committee will enable the Commission to grant full relief to aggrieved employees, or applicants, including back pay and immediate advancement as appropriate. Aggrieved employees or applicants will also have the full rights available in the courts as are granted to individuals in the private sector under title VII.

The bill (section 717(c)) enables the aggrieved Federal employee (or applicant for employment) to file an action in the appropriate U.S. district court after either a final order by his agency or a final order of the Civil Service Commission on an appeal from an agency decision or order in any personnel action in which the issue of discrimination on the basis of race, color, religion, sex or national origin has been raised by the aggrieved person. It is intended that the employee have the option to go to the appropriate district court or the District Court for the District of Columbia after either the final decision within his agency on his appeal from the personnel action complained of or after an appropriate appeal to the Civil Service Commission or after the elapse of 180 days from the filing of the initial complaint or appeal with the Civil Service Commission.

WASHINGTON, D.C., February 7, 1972

HON. ROBERT HAMPTON,
Chairman, U.S. Civil Service Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: I am increasingly disturbed by the gross discrepancies in the employment of certain minorities and their lack of advancement opportunities throughout the Federal Government.

The Federal Government should be a model of equal employment opportunity. I know that you fully share this view.

This requires that Federal agencies make a special effort to employ and promote qualified minority persons according to their relative proportions in the population of the area surrounding the agency field offices. Although there has been some recent improve-

ment, the situation is by no means satisfactory. In many instances, Federal Government minority employment remains disgracefully low. There is a national pattern of disproportionately low employment of certain minorities and a definite pattern of exclusion of minorities, when they are employed, from the higher, better-paying government positions.

In California, where at least 15.6% of the population is Spanish-surnamed, I find many such discrepancies in Federal minority group employment based on local populations. I am shocked that in my state only 5.6% of all Federal jobs, and only 5.4% of all CSC jobs, are filled by Spanish-surnamed persons. Statewide the CSC fills 16.9% of the GS-1 through 4 positions with Blacks, yet Blacks hold only 2 of the 85 jobs above GS 12.

In Los Angeles, for example, minority group employees make up 34% of all Federal employees, but white Anglo employees hold 95.4% of the top jobs in grades GS 14 and above. In contrast, minority group members hold nearly half of the positions in the very lowest grades there (42% in GS 1 through 8), often doing the most menial work with little or no opportunity to advance to management, supervisory or policy-making positions (only 6% in GS 14 through 18).

The largest minority in Los Angeles, the Spanish-surnamed Americans, makes up at least 18% of the population, but holds only about 6.2% of the total number of Federal jobs there.

The Civil Service Commission's record of Chicano employment is almost as disproportionate with only 8.6% of the CSC employees having Spanish-surnames in the Los Angeles Standard Metropolitan Statistical Area (SMSA). In the San Francisco SMSA, only 4% of all CSC employees are Spanish-surnamed, as compared to the total local Chicano population share of 14%. There also is evidence of a serious lack of upward mobility opportunity for Spanish-surnamed CSC employees in San Francisco where they hold only 1 of the 102 positions above GS-9.

The data reveal that the CSC has a good record in the employment of Blacks in entry-level, lower paying jobs. But they also show a clear lack of opportunity for upward mobility on the part of Black CSC employees. In the San Francisco SMSA, Blacks,

occupying 10.3% of all CSC jobs, hold 14% of the jobs between GS 1 thru 4 but only 4 of 102 jobs above GS 8 and none of the 17 jobs at GS 14 through 18. This pattern is repeated in similar fashion at most of the other CSC installations in California.

In discussing upward mobility opportunities, I am not suggesting the advancement of persons who do not meet job qualifications. Rather, special efforts must be made to offer accessible training, upgrading and ongoing educational opportunities to minority persons to prepare them for career advancement.

As a member of the Senate Labor and Public Welfare Committee, I have introduced in Committee amendments to S. 2515, the proposed "Equal Employment Opportunity Enforcement Act of 1971," which is intended to deal with discrimination in Federal Government employment and to open up more high level positions for minorities, particularly Mexican-Americans, Blacks, Indians, Orientals and women.

I am enclosing for your information a copy of the language of my amendment contained in the bill as reported to the Senate (section 11) and the Committee report language explaining the amendment along with the Committee's views (pages 12-17). I am also enclosing, for your examination and comment, charts prepared by both your office and mine showing proportionate employment and grade level breakdown both statewide and for local SMSA's, along with a copy of the 1970 Minority Group Study (Civil Service Commission) describing in several charts the CSC's employment and advancement opportunity record in California. Unfortunately, in some instances I do not have the full in depth 1970 data on population size, especially in the cases of American Indians, Orientals and women. (I have asked the Census Bureau to supply me with this information as soon as it is available for the 1970 census.)

Although I do not have the statistics on the employment trends for women within California, I do have information for the national level. These statistics show employment discrepancies with women holding 76.5% of all Federal jobs at GS 2, 79.1% of the jobs at GS 3, and 75.9% at GS 4; yet at the higher levels of employment they hold only 1.8% of the jobs at GS 16, 1.5% at GS 17, and .6% at GS 18 (see enclosed charts).

With respect to the employment of American Indians, I note that whereas this minority makes up .46% of the California population and comprises .5% of the State's Federal Government employment, the Civil Service Commission in California employs no American Indians.

As a member of the Senate Committee on Labor and Public Welfare, and the Senate Committee on Housing and Urban Affairs, I am particularly concerned about the minority employment trends for the Civil Service Commission and other Federal agencies in California. I, therefore, am requesting your comments on the comparison of local population statistics to the Federal minority employment record for the areas mentioned in California, both for the Civil Service Commission itself and for each Federal Agency in California. In each situation where there are large discrepancies, I would also appreciate detailed information on the affirmative steps you and each agency concerned is taking to improve both the upward mobility and the overall employment ratios for each minority group in each particular area. To this end, I request that you send a special team to conduct a field study of the Los Angeles Federal Government employment situation for minorities and prepare a special action plan to bring about prompt and substantial improvement. (Jonathan R. Steinberg, my Committee counsel, has already discussed this with Mr. Irving Kator, Assistant Executive Director of the Commission.) Therefore, I would hope this field study and plan, if successful, can be extended to all other appropriate areas in the state.

I am sending similar letters to the heads of each Federal agency with installations in California. I will be sending you a copy of each such letter for your review and comment. I would greatly appreciate any assistance you can provide these agencies to improve their minority employment ratios and upward mobility opportunities.

I would also appreciate your forwarding a copy of this letter and the enclosures to the head of each Civil Service Commission installation in California under your jurisdiction, and supplying me with a list of those addresses and copies of their reports.

Thank you for your valuable cooperation in this matter.

Sincerely,

ALAN CRANSTON.

TOTAL POPULATION CHART

Area	Total population ¹	Spanish surnamed ² (percent)	Blacks ¹ (percent)	American Indian ² (percent)	Area	Total population ¹	Spanish surnamed ² (percent)	Blacks ¹ (percent)	American Indian ² (percent)
Statewide California	19,953,134	15.6	7.0	0.46	Fresno	413,053	25.0	4.9	0.52
Los Angeles/Long Beach	7,032,075	18.0	10.8	.35	San Diego	1,064,714	13.0	4.6	.43
San Francisco	3,109,519	14.0	10.6	.41	San Bernardino	1,143,146	16.6	4.4	.51
Oakland (Alameda)		13.0		.53	Ontario/Riverside		(c)		.60
Sacramento	800,592	9.0	4.7	.42	San Jose (Santa Clara)	1,064,714	18.0	1.6	.38

¹ SMSA.

² County.

³ Not available.

Source: All statistics are from official U.S. Census Bureau, 1970.

TOTAL FEDERAL EMPLOYMENT CHART

Area (SMSA)	Total employment	Spanish surnamed (percent)	Blacks (percent)	American Indian (percent)	White (other) (percent)
Statewide California	293,770	5.6	14.9	0.5	75.0
Los Angeles/Long Beach	66,475	6.2	25.0	.3	65.9
San Francisco	73,408	3.8	22.8	.4	65.1
Oakland (Alameda)					
Sacramento	27,390	4.6	7.5	.5	84.1
Fresno	2,703	10.7	4.6	.6	81.8
San Diego	29,272	6.2	8.0	.4	82.5
San Bernardino	13,121	11.8	6.2	1.3	80.1
Ontario/Riverside					
San Jose (Santa Clara)	8,442	6.9	6.6	.4	81.4

AGENCY EMPLOYMENT CHART

Area (SMSA)	Total employment	Spanish surnamed (percent)	Blacks (percent)	American Indian (percent)	White (other) (percent)
Statewide California	504	5.4	11.7	0	80.0
Los Angeles/Long Beach	116	8.6	22.4	0	66.4
San Francisco	272	4.0	10.3	0	82.4
Oakland (Alameda)					
Sacramento	36	2.8	5.6	0	88.9
Fresno	1	0	0	0	100.0
San Diego	36	2.8	8.3	0	83.3
San Bernardino	14	28.6	0	0	71.4
Ontario/Riverside					
San Jose (Santa Clara)	10	0	0	0	80.0

THE U.S. CIVIL SERVICE COMMISSION (AGENCY)
UPWARD MOBILITY AND TRENDS IN MINORITY EMPLOYMENT

Total general schedule (pay system) ¹	Percent of total agency positions held				Total general schedule (pay system) ¹	Percent of total agency positions held			
	Spanish surnamed	Blacks	American Indian	White (other)		Spanish surnamed	Blacks	American Indian	White (other)
GS-1 through 4.....	8.2	16.9	0	71.0	GS-12 through 13.....	1.5	3.0	0	95.5
GS-5 through 8.....	8.0	18.4	0	69.0	GS-14 through 15.....	0	0	0	100.0
GS-9 through 11.....	1.6	4.8	0	88.8	GS-16 through 18.....	0	0	0	100.0

¹ Statistics taken from the 1970 minority group study for your agency published by the U.S. Civil Service Commission—November 1970.

WORLDWIDE/NATIONWIDE

TABLE 2-25.—1970 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION—FULL-TIME EMPLOYMENT AS OF NOV. 30, 1970

Pay system	Total full-time employees, number	Negro		Spanish surnamed		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total all pay systems.....	5,268	1,236	23.5	119	2.3	8	.2	38	.7	3,867	73.4
Total general schedule or similar.....	5,216	1,200	23.0	118	2.3	8	.2	38	.7	3,852	73.8
GS-1 through 4.....	1,860	722	38.8	58	3.1	5	.3	16	.9	1,059	56.9
GS-5 through 8.....	1,081	325	30.1	26	2.4			9	.8	721	66.7
GS-9 through 11.....	1,124	104	9.3	15	1.3	1	.1	11	1.0	993	88.3
GS-12 through 13.....	760	36	4.7	14	1.8	2	.3	1	.1	707	93.0
GS-14 through 15.....	338	12	3.6	5	1.5			1	.3	320	94.7
GS-16 through 18.....	53	1	1.9							52	98.1
Total wage systems.....	48	35	72.9	1	2.1					12	25.0
Up through \$5,499.....	4	4	100.0								
\$5,500 through \$6,999.....	13	9	69.2	1	7.7					3	23.1
\$7,000 through \$7,999.....	13	8	61.5							5	38.5
\$8,000 through \$8,999.....	9	8	88.9							1	11.1
\$9,000 through \$9,999.....	5	3	60.0							2	40.0
\$10,000 through \$13,999.....	4	3	75.0							1	25.0
\$14,000 through \$17,999.....											
\$18,000 and over.....											
Total other pay systems.....	4	1	25.0							3	75.0
Up through \$5,499.....											
\$5,500 through \$9,999.....											
\$10,000 through \$13,999.....											
\$14,000 through \$17,999.....											
\$18,000 through \$25,999.....											
\$26,000 and over.....	4	1	25.0							3	75.0

TABLE 2-25a.—1969 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION—FULL-TIME EMPLOYMENT AS OF NOV. 30, 1969

Pay system	Total full-time employees, number	Negro		Spanish surnamed		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total, all pay systems.....	4,886	1,123	23.0	118	2.4	6	0.1	29	.6	3,610	73.9
Total, general schedule or similar.....	4,839	1,092	22.6	118	2.4	6	.1	29	.6	3,594	74.3
GS-1 through 4.....	1,666	686	41.2	64	3.8	3	.2	12	.7	901	54.1
GS-5 through 8.....	1,021	284	27.8	22	2.2	1	.1	7	.7	707	69.2
GS-9 through 11.....	1,126	78	6.9	18	1.6	1	.1	8	.7	1,021	90.7
GS-12 through 13.....	686	33	4.8	9	1.3	1	.1	1	.1	642	93.6
GS-14 through 15.....	293	11	3.8	5	1.7			1	.3	276	94.2
GS-16 through 18.....	47									47	100.0
Total, wage systems.....	43	30	69.8							13	30.2
Up through \$5,499.....	7	6	85.7							1	14.3
\$5,500 through \$6,999.....	15	11	73.3							4	26.7
\$7,000 through \$7,999.....	16	11	68.8							5	31.3
\$8,000 through \$8,999.....	2	1	50.0							1	50.0
\$9,000 through \$9,999.....	2	1	50.0							1	50.0
\$10,000 through \$13,999.....	1									1	100.0
\$14,000 through \$17,999.....											
\$18,000 and over.....											
Total, other pay systems.....	4	1	25.0							3	75.0
Up through \$5,499.....											
\$5,500 through \$9,999.....											
\$10,000 through \$13,999.....											
\$14,000 through \$17,999.....											
\$18,000 through \$25,999.....											
\$26,000 and over.....	4	1	25.0							3	75.0

TABLE C.—ALL AGENCIES
FULL-TIME WHITE COLLAR EMPLOYMENT, BY GENERAL SCHEDULE AND EQUIVALENT GRADES, WORLDWIDE

Grade ¹	Employment Oct. 31, 1969			Employment Oct. 31, 1966			Percent change	
	Women			Women			Total	Women
	Total	Number	Per- cent	Total	Number	Per- cent		
01-----	5,599	3,042	69.4	5,041	3,505	69.5	9.0	9.6
02-----	29,512	15,900	76.4	59,811	44,900	80.9	94.9	96.6
03-----	121,312	95,932	79.1	140,472	111,074	70.4	10.2	12.2
04-----	100,194	142,676	75.9	214,936	134,010	62.7	12.5	6.0
05-----	643,019	194,000	90.2	534,561	149,420	20.0	20.9	29.0
06-----	133,262	61,457	46.1	106,099	40,472	45.7	25.6	26.0
07-----	150,095	53,579	35.5	132,137	49,109	97.2	16.2	9.0
08-----	47,062	11,402	29.8	91,252	7,034	25.1	59.1	45.9
09-----	170,769	42,056	24.6	147,649	29,151	19.7	15.7	44.9
10-----	25,570	9,560	15.9	21,102	2,649	12.0	21.2	34.7
11-----	195,306	10,332	11.0	136,860	19,405	9.9	19.5	35.9
12-----	191,724	9,136	6.9	109,216	6,814	6.2	20.6	34.1
13-----	98,667	4,290	4.5	70,442	3,155	4.0	25.6	36.0
14-----	49,127	1,009	3.0	39,741	1,396	3.5	20.6	35.9
15-----	26,410	717	2.7	20,412	494	2.4	29.4	49.1
16-----	6,344	115	1.0	6,050	111	1.0	4.7	9.6
17-----	2,496	37	1.5	2,391	34	1.4	4.5	8.8
18-----	700	4	.6	622	5	.8	12.5	20.0
Above 18-----	696	17	2.6	589	11	1.9	12.5	54.5
Ungraded-----	6,402	2,959	39.9	45,679	9,999	21.0	86.0	74.9
Total ² -----	1,900,798	665,294	33.4	4,097,062	627,220	83.6	8.9	7.8

¹The grades or levels of the various pay systems have been considered equivalent to specific general schedule grades solely on the basis of comparison of salary rates, specifically, in most instances, by comparing the 4th step GS rates with comparable rates in other pay systems.

²Excludes employees of Central Intelligence Agency, National Security Agency, Board of Governors of Federal Reserve System and foreign nationals overseas.

TABLE C.—CIVIL SERVICE COMMISSION
WOMEN—FULL-TIME WHITE COLLAR EMPLOYMENT, BY GENERAL SCHEDULE AND EQUIVALENT GRADES, WORLDWIDE

Grade ¹	Employment Oct. 31, 1969			Employment Oct. 31, 1966			Percent change	
	Women			Women				
	Total	Number	Per- cent	Total	Number	Per- cent	Total	Women
01-----	26	23	88.5	23	21	91.3	13.0	9.5
02-----	236	205	86.9	471	425	90.2	49.9	51.8
03-----	711	634	89.2	728	630	86.5	2.3	6.4
04-----	698	609	87.2	491	433	88.2	42.2	40.6
05-----	577	486	84.2	484	375	77.5	19.2	29.6
06-----	140	124	88.6	76	63	82.9	84.2	96.8
07-----	280	145	51.8	320	136	42.5	12.5	6.6
08-----	18	15	83.3	8	5	62.5	125.0	200.0
09-----	350	162	46.3	348	133	38.2	.6	21.8
10-----	25	16	64.0	18	7	38.9	38.9	128.6
11-----	773	128	16.6	744	57	7.7	3.9	124.6
12-----	341	71	20.8	280	48	17.1	21.8	47.9
13-----	349	44	12.6	267	32	12.0	30.7	37.5
14-----	171	10	5.8	135	7	5.2	26.7	42.9
15-----	124	4	3.2	87	4	4.6	42.5	0
16-----	27	2	7.4	28	1	3.6	3.6	100.0
17-----	14	1	7.1	6			133.3	
18-----	6			3			100.0	0
Above 18-----	4			4			0	0
Ungraded-----								
Total ² -----	4,870	2,679	55.0	4,521	2,377	52.6	7.7	12.7

¹The grades or levels of the various pay systems have been considered equivalent to specific general schedule grades solely on the basis of comparison of salary rates, specifically, in most instances, by comparing the 4th step GS rates with comparable rates in other pay systems.

²Excludes Foreign Nationals overseas.

1970 MINORITY GROUP STUDY, CIVIL SERVICE COMMISSION, FULL-TIME EMPLOYMENT AS OF NOV. 30, 1970
AGENCY WITHIN STATE, CALIFORNIA

Pay system	Total full-time employees, number	Negro		Spanish surname		American Indian		Oriental		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total all pay systems-----	504	59	11.7	27	5.4			18	3.6	400	79.4
Total general schedule or similar-----	504	59	11.7	27	5.4			18	3.6	400	79.4
GS-1 through GS-4-----	207	35	16.9	17	8.2			8	3.9	147	71.0
GS-5 through GS-8-----	87	16	18.4	7	8.0			4	4.6	60	69.0
GS-9 through GS-11-----	125	6	4.8	2	1.6			6	4.8	111	88.8
GS-12 through GS-13-----	66	2	3.0	1	1.5					63	95.5
GS-14 through GS-15-----	18									18	100.0
GS-16 through GS-18-----	1									1	100.0

AGENCY WITHIN STANDARD METROPOLITAN STATISTICAL AREA, SAN FRANCISCO-OAKLAND, CALIF.

Total all pay systems-----	272	28	10.3	11	4.0			9	3.3	224	82.4
Total general schedule or similar-----	272	28	10.3	11	4.0			9	3.3	224	82.4
GS-1 through GS-4-----	121	17	14.0	7	5.8			5	4.1	92	76.0
GS-5 through GS-8-----	49	3	6.1	3	6.1			2	4.1	36	73.5
GS-9 through GS-11-----	50	2	4.0	1	2.0			2	4.0	45	90.0
GS-12 through GS-13-----	35	1	2.9							34	97.1
GS-14 through GS-15-----	16									16	100.0
GS-16 through GS-18-----	1									1	100.0

AGENCY WITHIN STANDARD METROPOLITAN STATISTICAL AREA, LOS ANGELES-LONG BEACH, CALIF.

Total all pay systems-----	116	26	22.4	10	8.6			3	2.6	77	66.4
Total general schedule or similar-----	116	26	22.4	10	8.6			3	2.6	77	66.4
GS-1 through GS-4-----	46	15	32.6	6	13.0			1	2.2	24	52.2
GS-5 through GS-8-----	22	7	31.8	3	13.6			1	4.5	11	50.0
GS-9 through GS-11-----	33	3	9.1					1	3.0	29	87.9
GS-12 through GS-13-----	13	1	7.7	1	7.7					11	84.6
GS-14 through GS-15-----	2									2	100.0
GS-16 through GS-18-----											

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 9, 1972.
Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: This refers to your letter of February 7, 1972, concerning

minority employment in the Federal Government, and particularly in Federal installations in the State of California.

We share your concern about the employment of minority group Americans in Federal agencies and we believe that under Com-

mission leadership the broad-range affirmative action program outlined in Executive Order 11478 is providing the kinds of results we are seeking. Our most recent published survey of minority group employment, a copy of which is enclosed, shows that de-

spite a decline in total Federal employment, both the number of jobs and the number of better-paying jobs held by minority group Americans have continued to increase. As of May 31, 1971, the 503,608 minority group employees on the rolls of Federal agencies comprised 19.5% of the total workforce, up from 19.4% in May 1970, 19.2% in November 1969 and 18.9% in November 1967.

The survey also showed that employment of minorities in the middle and upper levels of the Federal salary structure has increased significantly and at an accelerated pace. Between May 1970 and May 1971, for example, minorities accounted for 58.6% of the total Federal increase at Grades GS-5 through GS-3 of the General Schedule during the one year period. Total employment decreased by 2,055 at Grades GS-9 through GS-11, but minority employment increased by 1,739. Minorities accounted for 15.5% of the increase in Grades GS-12 and 13; 15.4% of the employees added at Grades GS-14 and 15, and for 40 (22.3%) of the 179 additional positions filled in the top GS-16 through GS-18 grade range. There were also increases in minority employment in the higher grade and pay brackets of postal and other pay plans.

Despite the significant progress evidenced in these overall statistics, there is need for continued affirmative action to assure equal opportunity for minorities in many occupations and in specific geographic areas, and also to provide upward mobility opportunities for employees now at the bottom rungs of the job ladder. Further progress will come as Federal agencies move forward affirmatively in this area and as improved educational and other opportunities for minorities give them the kinds and levels of skills and abilities called for in the full range of Federal jobs.

We are aware of the difference in California of Federal employment figures and minority population and there is no question in our minds that additional progress is necessary. We do question, however, the wisdom of simply comparing Federal employment with population percentages without any regard for the size of the minority workforce and the skill levels and abilities represented in it. We do not believe population alone should be the measuring stick; to make it so is an oversimplification of a complex matter and may well create more problems than provide solutions. To make meaningful progress, we have called on Federal agencies to establish numerical goals and timetables where they will contribute to the resolution of equal employment opportunity problems. Thus, an installation will set goals relating its projected staffing needs to the skills available in the minority groups within the recruiting area. In some areas, these goals may properly exceed the percentage of minority group persons in the overall workforce in the state or nation because of the nature of the employment opportunities and the location of the installation, for example, in an area of heavy concentration of minority persons. We believe locally set goals related to available skills in the recruiting area is the meaningful way to come to grips with the need to assure affirmative action by Federal agencies.

Enclosed for your information is a comprehensive report detailing examples of affirmative actions underway in the Commission and in Federal installations in California designed to open up opportunities in the Federal Government for qualified Spanish-speaking persons. Our Regional Director in San Francisco is working closely with Federal managers in the State and has conveyed to them and to our own managers your particular interest in further improving employment opportunities for minorities.

Data from a Government-wide minority employment survey reported as of November 30, 1971, are now being processed and when they are completed, we will provide you with

a copy of the report. Analyses of the Civil Service Commission's own minority employment data reflect significant changes from the figures mentioned in your letter. As of March 1972, minorities comprised 25.7% of the Commission's workforce in California, up from 20.6% in November 1970. Negro employment is now 13.9% of total Commission employment in California, up from 11.7%. Spanish-surnamed employment is now 7.3% of total Commission employment in California, up from 5.4%. Oriental employment is now 5.0% of total Commission employment in California, up from 3.6%.

Increases in minority group employment have been particularly impressive in the Commission's field offices in California. In our Los Angeles office, for example, minorities now comprise 43.8% of the total Commission workforce, up from 32.7% in November 1970. Spanish-surnamed employment in the same office has almost doubled during this period, increasing to 15.2% from 7.7%. This increase includes the appointment of the Area Manager, at Grade GS-15, who is Spanish-surnamed. Employment of Negroes has increased to 26.6%, up from 22.4%. In San Francisco, minorities now comprise 22.9% of the Civil Service Commission's workforce, up from 17.6% in November 1970. Negro employment is now 11.2% of the total, up from 10.3%; Spanish-surnamed employment is 5.2%, up from 4.0% and Oriental employment is 6.3%, up from 3.3%.

Employment of women in the Civil Service Commission in California has also increased significantly. Women now hold 17% of all Commission jobs at Grades GS-9 and above. In San Francisco, women comprise 21% of the Commission's employees at these higher grades, and in Los Angeles, 13%.

A number of Federal installations in Los Angeles were recently reviewed as a part of our nationwide evaluation of the Sixteen-Point Program for the Spanish-Speaking. The findings from this review are now being assembled and will be released shortly, including pertinent information relating to the Los Angeles installations which were surveyed. In addition, a special "Action Plan for Spanish-Speaking Citizens" has been developed by the Los Angeles Federal Executive Board and is now being implemented. The plan was issued to Board Members last December and preliminary reports indicate progress in all areas of the plan. Mr. Higinio Costales, Director of the Commission's Spanish Speaking Program, went to Los Angeles last month to discuss implementation of the plan with the Federal Executive Board. A copy of the Plan is attached. We are confident that we have a good grasp of the minority employment situation in the Los Angeles area, that problem areas are being pinpointed, and that program activities and resources are being concentrated where they are needed. We believe these kinds of concerted interagency efforts, geared to achieving results, will be more effective in bringing about improvements than another special study in Los Angeles at this time. In addition, under the new Equal Employment Opportunity Act of 1972, the Commission will require Federal agencies to submit regional plans of action and such plans will further pinpoint problem areas and affirmative action in specified areas, one of which will undoubtedly be Los Angeles.

In summary, we share your view that the Federal Government must be a model of equal employment opportunity. While much progress has been made, we recognize much more remains to be done. Please be assured that the Civil Service Commission will continue to devote its resources to leadership and specific action wherever needs for change and additional programs are needed to further the objective of equal opportunity in all aspects of Federal employment.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

EQUAL EMPLOYMENT OPPORTUNITY PROGRESS REPORT, CALIFORNIA

PART I—INTERNAL EEO SITUATION IN SF REGION, CSC

Statistical information compiled for the San Francisco Region indicates that progress has been made in increasing minority representation in the workforce and reflects strides in upward mobility. The following are some of the highlights produced in the analysis of the statistical information.

Total minority representation in the Region increased from 20.3% in November 1970 to 25.1% in March 1972. In California the increase was from 20.6% to 25.7%.

Although overall employment for the Region, for California, and for the San Francisco and Los Angeles SMSAs decreased, the number and percent of minority employment in each area increased.

	Total employment		M/G employment	
	Number	Percent	Number	Percent
Region.....	-33	6.1	+18	16.7
California.....	-30	6.0	+18	17.3
SF-Oak. SMSA.....	-6	2.2	+15	31.3
LA-LB SMSA.....	-11	9.0	+10	26.3

Minority representation in middle and high grade levels (GS-5 and above) increased significantly, especially in the GS-5-8 and GS-12 and above ranges. Particularly notable are Spanish-Surnamed in the positions of Area Manager GS-15 in Los Angeles and Chief, Grants Branch, Division of Intergovernmental Personnel Programs, GS-14 in San Francisco.

There has been a substantial increase in representation of Spanish-Surnamed in each area. This is especially significant in Los Angeles where the increase from 9 to 16 (7.7% to 15.2%) brought representation very close to the 18.3% Spanish-Surnamed representation in the population.

Of the total of 97 accessions in Calendar Year 1971, 35 (36.1%) were minority group and 61 (61.9%) were women. Of the 33 accessions to positions at GS-7 and above, 11 (33.3%) were minority and 9 (27.3%) were women. One accession of a woman was to a GS-14 position of Associate Director at the Berkeley Seminar Center.

In addition to the upward mobility of minority employees shown in the statistics, the Region created four staffing assistant positions to establish a bridge between clerical and professional positions. Three of these positions were filled by minority group members, one of whom was a woman, and two of whom were first appointed under the Veterans Readjustment Appointment Program.

The Basic Education and Skills Training (BEST) program was set up in the Regional Office in 1969. The objective of this upward mobility program was to offer employees in grades GS-1 to 4 an opportunity to improve their skills in job related areas. In the first two 12-week semesters 98 CSC employees graduated. The third 12-week semester, from which 60 employees graduated, was expanded to include participation by the Department of Labor, the National Park Service and the Small Business Administration. A letter was distributed to all members of the Federal Executive Board describing the program and offering Commission assistance to establishing similar programs in other agencies. To date the Regional Office of the Veterans Administration and the Social Security Payment Center in San Francisco have initiated action to begin programs in their activities.

PART II—CSC LEADERSHIP AND GUIDANCE

We have been deeply involved in a variety of activities in providing EEO leadership and guidance to agencies.

Our full time Regional EEO Representative spends a major portion of his time con-

sulting with agency managers and EEO program staffs on progress and problems and providing on-site assistance in developing improved program organization and procedures, strengthening action plans, facilitating contacts with minority organizations, etc. Area Managers and their staffs supplement these efforts in their contacts and assistance visits with agency officials.

Review of EEO and upward mobility plans and progress is a built-in feature of virtually every nationwide and regional option general evaluation. Many of our special inquiries and special study visits include EEO coverage. The subject is also high on our agenda of items covered in planned assistance visits. Through these means we keep abreast of program developments and problems and provide specific recommendations and assistance in developing action items to achieve needed improvements.

In the 14 months from January 1971 to March 1972 we made the following numbers of evaluations and planned assistance visits in which EEO was covered:

	Evaluations	PAV's
Region	83	150
California	78	141
San Francisco SMSA	28	37
Los Angeles SMSA	19	40

We have taken the lead, in conjunction with Federal Executive Boards (FEB) and Federal Executive Associations (FEA), in organizing Federal EEO Coordinating Committees in areas where there are concentrations of minorities and where the Federal government is a significant employer. The committees are composed of representatives of Federal agencies in the area and work to promote coordinated plans and efforts to provide improved employment opportunities for minorities and women.

EEO Coordinating Committees have been established in San Francisco, Oakland, Sacramento, San Jose, Salinas, Los Angeles, and Las Vegas.

The San Bernardino Area Office helped organize and coordinate an area-wide committee of Federal Women Coordinators.

The San Jose (or Peninsula) Committee has been active in sponsoring interagency programs for EEO orientation and training for managers and supervisors.

The Sacramento Committee has conducted studies to determine reasons for low levels of availability of Spanish-surnamed on Civil Service registers for the Sacramento area and is now devoting its resources to implementing the goals of the 16-Point Program in the Sacramento area.

A number of Regional CSC personnel maintain continuing contacts with minority groups, such as the Urban League, NAACP, CORE, United Council of Spanish Speaking Organizations, San Francisco Civic Center Forum, and the American G.I. Forum.

We have made noteworthy strides in special efforts to modify standards and eliminate similar barriers to minority entry into Federal employment.

In developing the job announcement and crediting plan for Worker-Trainee we consulted with representatives of minority and community group organizations to obtain their opinion and input regarding the examining and measurement approach to be used. During the period March 1971 to March 1972 there were 2032 appointments made from Worker Trainee registers in the San Francisco Region, about 1600 of them in California. Most appointments made were blacks.

In order to insure maximum employment opportunities for minority groups in Fresno, in 1970 this Region initiated negotiations with the Internal Revenue Service to modify standards for major categories of positions to be filled at the new IRS Service Center

in Fresno. New standards were developed as a result of intensive job analyses by CSC representatives. Special tests were also selected on the basis of the analyses which would provide excellent opportunities for the Spanish-surnamed as well as other minorities and women in the Fresno area. During the first year operations (1971) the Center hired approximately 800 persons. Over 260 of them were minorities, at least 200 of whom were Spanish-surnamed. This model project is presently being studied for extension to other IRS Service Centers throughout the country.

Extensive sample question materials have been furnished in major metropolitan areas to the California Human Resources Department for their use in providing training in test familiarization to applicants for Federal (and other public jurisdiction) jobs. This training has been particularly successful in Oakland in helping the large black population prepare for a variety of examinations. Certain sample tests have been prepared in Spanish to provide initial experience for the bilingual. Subsequent test experiences are conducted in English. Areas in which this type of training has been most successful are Los Angeles, Oakland and Fresno.

Other standards have been modified by this Region to provide for alternate ways for applicants for jobs to demonstrate their abilities. As a result of modification in test requirements minority groups have been successful in obtaining employment in jobs such as Card Punch Operator and for apprentice positions at Naval installations. At the Hunters Point Naval Shipyard 25% of the appointments to the Apprentice Program in 1970 were black and for the period 1/72-3/72 35% of the appointments were Spanish-surnamed.

The San Francisco Region has recently increased its efforts to provide on-site and bilingual assistance to minority applicants:

A Spanish-speaking veteran has been placed in the San Francisco Federal Job Information Center to provide better service to the public. A Chinese-speaking veteran was also recently appointed in the same office. A woman, who speaks Spanish and Tagalog, is employed in the Los Angeles Federal Job Information and Testing Center.

New Federal Job Information Centers have been established in Oakland, Fresno, Long Beach and Santa Maria, which will serve large minority communities. The supervisor of the new Oakland FJIC is a black woman.

In California we have issued some examination announcements in both Spanish and English. Bilingual announcements were issued for Worker-Trainee in San Diego, San Francisco, and Los Angeles, for Printing Trades Helper and General Helper in Sacramento, and Maintenance and Services Worker in San Diego.

Our Region is also actively involved in efforts to recruit American Indians into the Federal service. Examples of such activities are:

Two Staffing Specialists from the San Francisco Area Office attended an open house held by the Alameda Bureau of Indian Affairs Office. The program emphasis was self-determination for Indians who have left the reservation to improve their employment or educational opportunities. The BIA employment counselor requested that the Commission review vocational training offered Indians to determine if their students will meet our qualification standards upon completion of training. As a result, the training is now considered qualifying under Commission standards.

In Reno, information has been provided to Indians through special Indian Employment Counselors at SES offices and guidance counselors at the Stewart Indian Agency School. The Reno Area Office has also obtained from the Nevada Indian Agency lists of Nevada Indians attending schools of higher learning and has distributed them to Federal agencies

in Nevada to assist them in employing Indians.

The San Bernardino Area Office contacts Indian youths at Sherman High School through orientation sessions with individual counselors including providing recruiting material and sample test booklets. The students were also given help in class with practice test exercises prior to scheduled on-campus tests.

The Sacramento Area Manager and his staff met recently with the President of the Federated Indians of California to exchange information which will be used to determine specific action plans—including the identification of Indian students available for work-study programs.

The new Deganawidah-Quetzalcoatl University has been established on the site of a surplus Army installation at Davis, California. The new school will be open to all creeds and races, but its curricula are tailored to specific needs of Indians and Chicanos. The Sacramento Area Office will assist school officials in identifying students available for work-study programs and will work with Federal agencies to establish such programs for the students.

The San Bernardino Area Manager met with the Tribal Council at the Morongo Indian Reservation, to discuss Federal job opportunities, veterans benefits, and assistance the Commission could give in preparing for examinations. A San Bernardino Area Office representative also attended a Tribal Council meeting to discuss individual counseling, preparation for written tests, and the administration of written tests in the reservation club house.

The San Diego Area Office recently contacted many tribes in San Diego County to assure that the Worker-Trainee examination announcement was receiving wide enough distribution on all reservations. Contact was also made with the Coordinator of the Intertribal Council to discuss ways of encouraging and interesting reservation Indians in Federal employment.

We have aided many agencies in obtaining high quality candidates from minority groups, through the use of selective criteria for placement in positions having specific or special requirements, such as those requiring bilingual ability. From January 1971 to the present, for example, agencies reported 130 FSEE appointments and 63 MAST appointments from certificates issued on the basis of such selective placement factors. In August 1971 the Region issued a letter to all appointing officers reminding them of these flexibilities and of ways of using selective placement criteria.

An extensive college relations and recruitment program, involving activities such as the following, is actively pursued.

The Region has identified colleges and high schools with significant numbers of Spanish-surnamed students and has provided this information to field installations. The Regional Recruiting and College Relations Officer and the EEO Officer have made several trips to these colleges to give information on job opportunities for minorities with the Federal government.

Federal College Associations (FCA) throughout the Region have established "Rap Sessions" with Chicano groups on-campus in which there were discussions on Federal hiring trends, employment, employment procedures, and career prospects.

Commission efforts to increase participation of Spanish-surnamed in Cooperative Education Programs have resulted in almost 100 appointments in the Internal Revenue Service.

The Region also assisted in the formulation of an agreement between the IRS and the East Los Angeles College under the Cooperative Education Program. A special curriculum was developed for students participating in semi-technical type training.

Chicano students are regularly invited to

participate as members of student panels at quarterly meetings of several Federal Executive Associations.

The Region made available to all agencies, through the Area Offices, copies of the Cabinet Committee on Opportunity for the Spanish-speaking's publication on Spanish-surnamed college graduates.

FCA's are very active in recruiting at two year and four year colleges in California where there is a significant enrollment of blacks. During the past year informational programs were held at the following schools: Merritt College in Oakland, Compton Junior College, East Los Angeles College, Los Angeles City College, Laney College in Oakland, and California State at Hayward.

Women's programs were held at numerous colleges in the past year. Recent programs were conducted at University of California at Davis, University of California at Berkeley and at Fresno State University. These activities are sponsored jointly by the CSC and agencies in the area.

The CSC has developed a slide presentation on progress that women are making in the Federal work force. The presentation emphasizes accomplishments and opportunities for women in the Federal service. Approximately 20 presentations have been made to schools during the past 12 months by Federal Women's Program Coordinators and CSC representatives.

The Regional Training Center is very active in EEO training. In the period between January 1971 and March 1972 a total of 1486 people were trained in 48 sessions of the following nine EEO courses put on in California by the RTC.

Supervising the Disadvantaged; Trainers' Institute (Supervising the Disadvantaged); EEO Counseling; Advanced EEO Counseling; Role of the Federal Manager in EEO; EEO Program Planning and Execution; Investigating Discrimination Complaints; Counseling Lower-Level Participants; Seminar for Career Women.

There has been significant participation by minorities and women in these courses. Excluding the Seminars for Career Women, there were 1066 attendees with approximately the following representations: Blacks, 25%; Spanish-Surnamed, 14%; Orientals, 4%; American Indians, 1%; Women, 32%.

PART III—AGENCY ACTIONS

Agencies, in concert and individually are increasing awareness of and giving greater emphasis to EEO activities. The following are examples of the kinds of positive actions planned and taken and results being achieved.

An example of significant progress within the Los Angeles area in the employment of the Spanish-surnamed is the involvement of the Los Angeles Federal Executive Board in the development of an "Action Plan for Spanish-Speaking Citizens." This plan was issued to the FEB members and other agencies in early December 1971. Preliminary indications show signs of good progress, due to FEB support and encouragement. The Los Angeles Area Office participated actively in the formulation of the action items, and will continue to coordinate with the FEB. Gil Gonzales, a Staffing Specialist in the Area Office, has been designated as the Chairman of the Spanish-speaking Task Group. This unit of the FEB's EEOC has been charged with the responsibility for providing leadership to Federal agencies in implementation of the various aspects of the program and monitoring progress.

The Regional Council in San Francisco is firming up an action plan to step up employment and upward mobility of minorities and women in Federal agencies in the San Francisco Region. Goals set by the plan are expected to further enhance the progress already made through individual agency EEO affirmative action plans.

The Pacific Missile Range, Pt. Mugu has

established a Navy employment office in Colonia, a Spanish speaking ghetto area in nearby Oxnard, for the primary purpose of establishing a communications link between the community and the Navy activities in the area. The employment office manager is Spanish-surnamed.

IRS in Los Angeles has held pre-test preparation and counseling training sessions in the East Los Angeles Mexican-American community to assist the Spanish-surnamed in taking employment tests. That activity has also established a task force composed of Chicanos and Blacks from field audit organizations to explore ways IRS can more effectively recruit minorities in surrounding communities.

During the period 1/70-12/71 SSA Offices in Los Angeles have recruited and hired over 80 Spanish-surnamed persons for a variety of jobs. Forty-seven were at grades GS-5 or 7. In addition, they have employed 4 Spanish-surnamed persons at GS-12 and above.

Mather AFB is restructuring its middle grade positions to provide for greater upward mobility. An example of jobs restructuring occurred when a WG-8 Cook position was restructured to WG-5 to permit promotion of lower graded Food Service Workers to the intermediate position.

The Naval Electronics Laboratory Center in San Diego established a Human Relations Office in June 1971 to provide a wide range of counseling to its employees. Two counselors were hired at the GS-12 level—one Negro and one Spanish-surnamed.

IRS in this region has made special efforts to bring the Spanish-surnamed into the Cooperative Education Program. These efforts included the formulation of an agreement between IRS and the East Los Angeles College in which a special curriculum was developed whereby students participating would fully qualify for semi-technical positions. With additional training, students would qualify for professional positions. Altogether, IRS in this region has made approximately 100 appointments of Spanish-surnamed students under the Cooperative Education Program.

The Western Area, Military Traffic Management and Terminal Service, Oakland Army Base provides a number of on-post, off-clock courses to assist lower grade employees to qualify for advancement. These include courses such as Basic English, Basic Mathematics, Basic Office Services and Skills, and FSEE Preparation. The Directorate of Data Systems at this Army activity has also developed a comprehensive Upward Mobility Guide which provides an outline of career ladders and training plans for Computer Aids, Computer Operators, Computer Technicians, EAM Operators and Card Punch Operators to enable them to advance to higher skill levels in the computer field. Jobs are being restructured in the Directorate of Data Systems, and a "bridge" job of Computer Operator GS-4 has been established, to facilitate upward or lateral movement from low level Computer Aid, Card Punch and EAM positions.

Despite an overall employment decline of 12% the past year March AFB increased its Spanish-surnamed employment by 19.8% (from 106 to 127).

In 1971 the Social Security Administration hired 43 Spanish-surnamed in filling a total of 97 Claims Representative Trainee positions in Region IX. This was accomplished through concentrated recruitment at colleges with substantial Spanish-surnamed enrollments, year-round contacts with campus minority organizations, and individual recruiting letters to Spanish-surnamed graduates in the Region.

The FAA Regional Office in Los Angeles conducted tutorial classes in 1970-71 in East Los Angeles and San Bernardino. The tutorial program is geared to encouraging and preparing applicants from the Spanish-speaking community to enter the Air Traffic Control Specialist career field. Similar programs are

being planned for Bakersfield, Long Beach, Pasadena and San Fernando.

Last summer the Norton and March Air Force Bases conducted a special summer program in which they employed more than 150 American Indian youths.

Norton AFB has charted career ladders for employees in deadend positions. Upward mobility for the Base's minority employees is shown in the following statistics for the period 11/70-11/71:

Spanish-surnamed

GS 1-4: -12.0% (75 to 66).
GS 5-8: +21.5% (65 to 79).
GS 9-11: +3.6% (28 to 29).
WG 1-4: +14.9% (74 to 85).
WG 5-8: -1.9% (155 to 152).
WG 9-11: +16.3% (98 to 114).

Negro

GS 1-4: +3% (33 to 34).
GS 5-8: No change (44).
GS 9-11: +40% (15 to 21).
GS 12 + above: +20% (5 to 6).

Mare Island Naval Shipyard has made a study of dead-end positions and identified employees in such positions who show potential for advancement. These employees will be given special training and counseling to provide them with greater opportunities for advancement.

From 11/70 to 11/71 Region IX of DHEW hired 128 permanent employees of whom 64 or 50%, were minority group members. Of 58 hires in positions at grades GS-7 through 15, 27 were minorities.

The Federal Correctional Institution at Lompoc, California recently placed 10 VRA's, all from minority groups, as GS-5 Correctional Officers.

The Navy Supply Center at San Diego has analyzed almost all its occupations to identify entrance and upward movement patterns, establish career ladders, and prepare career development plans within the occupational fields. It has also implemented Project STEP-UP, a basic education program for employees in positions with limited or no advancement opportunities. The program, developed in conjunction with San Diego Community College, is geared to upgrading basic educational skills to aid lower level employees in qualifying for advancement and improving their potential for upward mobility. Students attend classes on-site twice a week with one hour on government time and one hour on their own time. Sixty employees are presently enrolled.

The Defense Contract Audit Agency in San Francisco has added a total of 33 women and minority trainees to its rolls since 1970. This represents about half the total trainees for professional positions recruited in that two-year period.

Many activities have appointed minority group members to key positions, such as EEO Officer and EEO Counselor, on their EEO staffs. Many have also organized EEO Committees, with heavy minority group membership to advise and assist in identifying problems, developing affirmative action plans and evaluating progress.

Mr. CRANSTON. Mr. President, I am pleased that the Commission is responding to the new legislative responsibilities and is pressing ahead to improve the entry and upward mobility opportunities for Mexican-American and other minorities in regional Federal installations in California and elsewhere.

Mr. President, in order to carry out Public Law 92-261, the administration recently transmitted a budget amendment—House Document No. 92-300—requesting \$2,782,000 for 134 additional CSC positions. Unfortunately, the House committee did not include any funds pursuant to this request. Our Appropriations Committee has added \$2 million for this

purpose, \$782,000 less than was requested.

In my judgment and that of the chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS) who was the principal author of the Equal Employment Act of 1972 and its floor manager, we need more funds and staff for the CSC's equal employment operation than this \$2 million would allow. The best estimate we can gather is that the agency's submission to the Office of Management and Budget was for a \$5 million increase—about double the budget amendment ultimately transmitted. We would prefer to add this full amount deemed necessary by the agency. I am sure the distinguished chairman of the subcommittee (Mr. MONTÓYA), himself a great champion of equal opportunity, and the distinguished ranking minority member (Mr. Boggs) would agree that we should and must do all necessary to beef up the Federal Government's own program of equal employment opportunity. The Federal Government must set the example in this civil rights area.

Mr. President, I have a description of the Civil Service Commission's new responsibilities under Public Law 91-261 that I shall now put in the RECORD.

PUBLIC LAW 92-261

The language of Public Law 92-261 expresses a clear mandate by the Congress for the Civil Service Commission to undertake a stepped-up affirmative action program for equal employment opportunity in the Federal Government. The law also calls on the Commission to strengthen its enforcement activities in order to eliminate any discriminatory practices in Federal agencies and to assure full compliance with equal employment opportunity law and Executive order.

AFFIRMATIVE ACTION PLANS

The new law requires that the Commission review and approve Federal agency action plans for equal employment opportunity at the regional level as well as at the national level. The Commission is thus directed to zero-in on particular problem areas at grass-roots levels. It will be looking at what needs to be done to assure that qualified persons, including, for example, Chicanos in Los Angeles or Albuquerque or San Antonio, are recruited and hired for Federal jobs, and that those who are on the payroll have a fair chance to move up the ladder and to receive in-service training to qualify them for such advancement.

The effective review of each agency's action plans—including regional plans—will more than quadruple the Commission's workload in this area alone. It takes expert staff to make a meaningful review of these plans and to provide agencies direction in this area, and for Congress to give the Commission the responsibility without the funding for staff will not advance the equal employment opportunity program.

ONSITE EVALUATION AND FOLLOWUP

This close look at agency plans should be supported by a broader data base than is presently available, and must be followed up with an intensified onsite evaluation effort. To enforce the Act as Con-

gress has intended and required will mean the Commission will have to make many more onsite evaluations of agency activities. This is one of the major ways that the Commission can find out what kind of affirmative action programs local installations are carrying out to assure equal employment opportunity for all persons.

Onsite inspections will put the Commission directly into installations in our major metropolitan areas, such as Los Angeles and San Francisco, New York and Philadelphia, where there are heavy concentrations of minority group men and women, especially blacks and Spanish surnamed. This is an essential part of the enforcement effort that we want the Commission to carry out and will create an additional need for evaluators and other personnel to carry out this effort. A large part of the increased funding for the Commission in this category will go for this kind of onsite evaluation program.

INTENSIFIED REPORTING OF RESULTS

A statistical analysis program to be able to see which agencies and which installations in the field in those agencies are making progress and which are lagging behind is essential to the Commission's enforcement effort. The present system of counting minority employment every 6 months is simply not enough. The new law now requires a published report every 6 months. The Commission thus needs to know what is happening during each 6-month period, how many minority group employees were hired, how many were laid off, how many were advanced, and so forth. This type of ADP processing system will permit the Commission to do that and is an essential part of how the Commission plans to enforce its responsibilities under the Equal Employment Opportunity Act of 1972.

This also requires more funding. Congress has asked the Commission to do these things; Congress must provide the funds needed to do the job.

EXPANDED REGIONAL OFFICE OEO STAFF

Presently, the Civil Service Commission has only minimal EEO staffing in its 10 regional offices. It is not enough now, and with enactment of the new law, it is grossly inadequate. The tasks of preparing regional affirmative action plans and then implementing them, receiving and following up on agency plans and overseeing grievance and appeal procedures and management, will require more regional EEO personnel—both for the Civil Service Commission and, as a corollary, for the other Federal agencies involved. The Civil Service Commission should insist that the other Federal agencies greatly expand their allocations of staff to carry out the new law's EEO responsibilities. This is another reason why more money needs to be added here to expand Federal Government equal employment opportunity efforts at the grassroots level.

EXPEDITED COMPLAINT AND APPEAL PROCESSING

Another important responsibility we have charged the Commission to carry out is to insure that individual complaints of employees and applicants for

employment are handled fairly and in an expeditious manner. Every employee has a right to an early and completely objective decision on any complaint of discrimination which he or she files. In the new law, we have provided the opportunity for employees to take their complaints into the district court after a final agency decision or within 180 days after they file the initial complaint. These employees are entitled to an administrative judgment on their complaints and should not be required to go into court to get an initial decision or to wait a half year for an administrative decision. To speed up the entire process of investigating and hearing complaints, the Commission needs additional complaint examiners and other personnel to make sure that complaints and appeals are heard within the time limits and are decided in a fair, judicious, and timely manner.

CONCLUSION

In short, this strong affirmative EEO program effort for which the Civil Service Commission has been given overall responsibility needs strong support in terms of financial and staff resources. It was expected by Congress that the Commission move affirmatively with regard to its new responsibilities, and Congress must, therefore, provide the total resources to support the role it expects the Commission to play in assuring all Americans an opportunity to participate fully in the activities of their government.

The relatively small amount of extra money we ask be included in this bill—\$2,000,000—is clearly not too dear a price tag for the kind of effort we want and badly need in light of the kinds of work yet to be done and the results we expect in the area of Federal Government equal employment opportunity.

Mr. President, I have discussed this amendment in advance with the two floor leaders on this bill, and they have indicated they believe an additional \$2—rather than \$3—million would be adequate to do the job. I respectfully defer to their judgment and estimates. I strongly hope that they will accept this amendment and take this full \$4 million increase to conference and do all possible to have it accepted in the conference report.

I urge adoption of the amendment and express my warmest thanks and appreciation, and that of all friends of equal employment opportunity in our Nation, to the Senators from New Mexico (Mr. MONTÓYA) and Delaware (Mr. Boggs) for their cooperation in this vital matter.

Mr. MONTÓYA. Mr. President will the Senator yield?

Mr. CRANSTON. Yes, of course, I yield.

Mr. MONTÓYA. I commend the Senator from California for having been a leader in this movement to try to exact a little more compliance in the field of equal opportunity. I know he has been a leader in it.

During the course of the hearings we covered this subject very thoroughly, and we received assurances from the Civil Service Commission that if the money was provided in this act, they would launch a very meaningful effort throughout the country to bring about equal op-

portunity for all minorities and for all people. In fact, during the course of the hearings I suggested to the Civil Service Commission that we also take care of the so-called Anglo-Americans, because they were being discriminated against here in Washington, in the District of Columbia government, and I mean that sincerely.

There is much discrimination in the District of Columbia government. I would go so far as to say that there is discrimination even in the Equal Employment Opportunity Commission. I suggested to the Civil Service Commission that they investigate the discrimination that is going on in the Commission which is charged with bringing about equal opportunity for all Americans.

So if we are going to cover this landscape of existing discrimination, we should cover it on both sides of the track and look into any discrimination that is practiced against all Americans, be they white, black, or otherwise.

It is in that spirit that we did provide the funds here, and the Civil Service Commission is on notice that it should apply the law and discharge its obligations across the vast landscape of employment in the civil service of the Federal Government.

So I commend the Senator from California for his interest, and I want to say, after consulting with the ranking minority member (Mr. Boggs), that we will accept the amendment. I yield back whatever time I have on the amendment.

Mr. CRANSTON. I thank the Senator very much. He has been a great leader in this effort over many years, and I am deeply grateful also to the distinguished Senator from Delaware, who has also been a strong supporter of efforts in this direction.

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

Mr. CRANSTON. Of course.

Mr. BOGGS. I have asked the Senator to yield, first, to commend him on bringing this amendment to the floor and taking the active, important leadership role in this effort that he is taking and has been taking over the years.

I agree with the distinguished floor manager that the committee does feel that this is a very important matter, and we did, as the Senator knows, increase the amount over and above what the other body provided.

Mr. CRANSTON. Yes.

Mr. BOGGS. We also felt that we should go as far as we reasonably could in providing whatever funds may be necessary for an adequate and fair job to be done in this important field.

I am glad that my friend the distinguished Senator from California has brought this amendment to the floor.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, before moving to a vote on the amendment, I wish to make one other point, and ask the distinguished floor manager a question. He and I both know only too well that the record of the Federal Government in providing entry, as well as upward mobility, job opportunities is a very mixed one, at best. For his people—those with Spanish sur-

names—who comprise close to 20 percent of the population of my own State—the record is plainly a dismal one. The letter to the Civil Service Commission I inserted in the Record earlier has all the statistics so I need not belabor them here.

But, plainly, much more must be done.

Frankly, I am not sure that the CSC is the agency to do it, I would have preferred assigning the task to the Equal Employment Opportunity Commission. But I was convinced that we could not have gotten such a transfer of responsibilities—strongly opposed by the administration—enacted into law this time. So we wrote the mandate clearly into the law and, in effect, put the Commission on notice that we want a major, aggressive, and effective Federal Government EEO program—less talk, less directives, more action: more real job opportunities for minority groups.

What I am leading up to is this: We cannot just add money for more staff and expect that that will get the job done. That is not the way things happen here in Washington. Substantial progress in this field is too important to leave to chance.

So, working with Chairman WILLIAMS, I have been closely monitoring the activities of the CSC in beginning to implement its new EEO responsibilities. I have requested and received reports from almost all Federal agencies on their EEO efforts, especially in my State. I am compiling and analyzing these. They are a beginning point for progress when the CSC gets new staff and funding.

I would like to ask the distinguished floor manager to join with me in keeping a close watch on how the Commission uses these new funds and how it implements section 11 of Public Law 91-261. I hope he would join me in this effort.

Mr. MONTOYA. Mr. President, I might say to my distinguished colleague from California that we already have made a good start, as shown in the hearings, by my requiring the Commission to give us a breakdown of the representation on the part of the Spanish-surnamed Americans in Federal employment. I put them on notice that I would ask them during the course of next year's hearings to furnish information as to the progress made during the course of the year.

This is the only way that Federal agencies can adequately report their progress to Congress. There has been a lot of rhetoric in this field, but very little action, and I am hopeful that with this kind of demand upon the Federal agencies, we will get some meaningful action.

I can point to other agencies in the Government that deal with equal opportunities where very little has been done. I do not mean to criticize the entire effort of the Equal Employment Opportunities Commission, because they have done a reasonably good job. But within the purview of their performance, there creeps in a little discrimination within the agency itself, and that is what I refer to.

As I say, there are other agencies which deal with equal opportunities where we have been getting a lot of rhetoric. I might say those people have been going all over the country as showpieces

throwing around a lot of rhetoric and no performance within the orbit of their particular agencies and the programs which they are supposed to bring to the forefront are ignored or neglected.

I think we in Congress should exact from those people a record of performance when they appear before us for appropriations. If they do not perform, we should either cut back their appropriation or repeal the law creating the particular agency.

I am deeply concerned about the Cabinet level committee for the Spanish speaking. I do not believe that agency is doing its job. I was the author of the original legislation, and unless that agency does its job I would be one of the first to come to Congress asking for the repeal of that particular law, or to provide for legislation which would bring about more meaningful action and better performance on the part of the agency; because right now I might say that some of the people in the agency are being used for political purposes by going all over the country making political speeches; and I think that what they should do is remain in Washington and try to carve out some kind of meaningful action which would bring about meaningful results in carrying out the provisions of the original legislation itself.

Mr. CRANSTON. That is great. I am sure that, with the leadership and cooperation of the Senator from New Mexico, we, working together, along with the assistance and cooperation of the distinguished Senator from Delaware, can assure that these funds are well spent and the program moves ahead.

I would just like to touch upon one related point; it will take only a moment.

I hope the Senator will agree that it is our expectation—his as floor manager of the appropriations bill, and mine, as author of the new statutory provisions, and Senator WILLIAMS, as the principal author of the new act and chairman of the Labor and Public Welfare Committee, that we do not expect the new funds to be used solely for Washington staff; that we expect that CSC regional staffs will be beefed up with EEO officers and experts and that, particularly in the field, these new employees must be, themselves, qualified minority group persons.

In fact, I believe that we are in agreement on the proposition that of all the new EEO employees the CSC hires with the funds to be added in the bill—here and in the field—at least a majority must be from minority groups in a reasonable proportion to population; but with special emphasis on the lagging program for Spanish-surnamed employment.

Does the Senator agree with these propositions?

Mr. MONTOYA. I agree wholeheartedly.

Mr. CRANSTON. I thank the two distinguished Senators.

Mr. President, I move the adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is all remaining time yielded back?

Mr. MONTOYA. I yield back the remainder of my time.

The ACTING PRESIDENT pro tem-

pore. Does the Senator from California yield back his time?

Mr. CRANSTON. Yes.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). All remaining time having been yielded back, the question is on agreeing to the amendment offered by the Senator from California.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. MONTROYA. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I offer the amendment I send to the desk and ask that it be read.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

Sec. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any Country which does not presently grant preclearance privileges to the United States.

Mr. MONTROYA. Mr. President, by way of explanation, the committee covered the subject of customs' passenger preclearance very thoroughly. I ask unanimous consent to have printed in the RECORD at this point the colloquy that took place between Mr. Edwin F. Rains, Acting Commissioner of the Bureau of Customs and myself which appears beginning on page 252 of the Senate hearings and continues to the end of page 255.

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

CUSTOMS PRECLEARANCE OPERATIONS

Senator MONTROYA. What is the current status of customs' preclearance operations?

Mr. RAINS. Customs for a long time has been dissatisfied with its preclearance operations. There are four preclearance stations in Canada, as well as stations in Bermuda and Nassau. We also have preclearance in the Virgin Islands.

When preclearance started, it was a different day and age. Basically, the customs exemption was \$500 a person. Very few people exceeded it. Airplanes were small. There were relatively few of them by present standards and we did not have a narcotics problem.

We have become increasingly concerned that preclearance has become a loophole in our narcotics program. Narcotics come into the United States from all of these preclearance places, particularly Canada, Bermuda, and Nassau, on precleared flights, a principal problem is that in the United States we can search the clothing and the person of the individual coming in, if we have any suspicion. We cannot do these things abroad.

Customs has been sufficiently concerned about this that it has taken action which had led to an interdepartmental study under the chairmanship of the Office of Management and Budget, which is currently looking into the matter from every point of view. Customs would like to see preclearance terminated. We believe we can do a much more effective job in the United States.

We believe we should not be losing the foreign exchange we lose by having to station people abroad, who are paid more and spend their money abroad.

Customs believes also that it is better to open new airports with customs facilities in the United States or to expand existing ones, because of the domestic impact in terms of domestic growth of commerce.

Senator MONTROYA. How many passenger preclearances would you say occur in a year?

Mr. RAINS. I can supply that for the record, sir.

Senator MONTROYA. What is the cost of these preclearance operations?

Mr. RAINS. I can supply that for the record. Senator MONTROYA. Very well. (The information follows:)

COST OF PRECLEARANCE, FISCAL YEAR 1972

Location	Reim-burs-able excess cost	Reim-burs-able over-time	Customs expenses	Total
Montreal.....	\$96,000	\$192,000	\$249,000	\$537,000
Toronto.....	138,000	285,000	370,000	793,000
Vancouver.....	75,000	36,000	56,000	167,000
Winnipeg.....	14,000	14,000	13,000	41,000
Prince Rupert.....		6,000	13,000	19,000
Subtotal.....	323,000	533,000	701,000	1,557,000
Bermuda.....	44,000	32,000	81,000	157,000
Nassau.....	80,000	37,000	93,000	210,000
Total.....	447,000	602,000	875,000	1,924,000

Note: In fiscal year 1971, precleared flights amounted to 47,435 with 2,645,283 passengers.

NARCOTICS SEIZURES A HIGH PRIORITY

Mr. RAINS. I must say a good many agencies disagree with us. They put what they regard as the economics of a few of the airlines as a high target of priority; whereas, we put as our high target the keeping out of narcotics. There is also some dispute as to whether preclearance is an advantage for the traveler. We do not believe that it is. We believe that the traveler gets as good treatment arriving in a domestic airport—particularly one that is adequately staffed.

Mr. MONTROYA. Mr. President, the subject of Customs' passenger preclearance is one that has disturbed the committee very much. The Bureau of Customs is trying to rid itself of passenger preclearance activities. Presently, U.S. Customs personnel perform preclearances within other countries so that passengers coming into the United States may, as a convenience, receive clearance from U.S. Customs officers in those countries ports and not go through U.S. Customs at the ports of entry in the United States. The House directed the phase-out of this program. It is not an extensive program; but several Senators have manifested an interest to the extent of observing the program at least a little longer.

In view of this, the Magnuson amendment is directed at preserving on a temporary basis what exists now.

If there is no objection to the amendment by the ranking Republican member of the committee, I am prepared to yield back my time on the amendment and ask for its adoption.

Mr. BOGGS. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment offered by the Senator from New Mexico on behalf of the Senator from Washington (Mr. MAGNUSON).

The amendment was agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third

time, the question is, Shall it pass? The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senate, I wish to express my appreciation, and, on behalf of the leadership, my commendations to the very distinguished junior Senator from New Mexico for his able leadership and the great work he has performed in conducting the hearings on the bill, the markup thereon, and the debate on the floor of the Senate today in regard thereto. He has demonstrated, once again, his good judgment and his great parliamentary skill in the management of bills coming within the jurisdiction of the subcommittee which he so ably chairs. I also wish to commend the able ranking minority member of the committee, the distinguished senior Senator from Delaware (Mr. BOGGS), and all the other members of the committee on both sides of the aisle for the dispatch and the expertise they have consistently shown and for the effective work they have done.

I wish to express my personal appreciation and that of my distinguished senior colleague from West Virginia (Mr. RANDOLPH) to the chairman of the committee, to the ranking Republican member, and to the entire committee, as well, for the committee's having directed that the reduction in funds for the Bureau of the Public Debt not be applied to the ongoing transfer of activities and personnel from Chicago to Parkersburg, W. Va.

Mr. MONTROYA. Mr. President, I thank the distinguished Senator from West Virginia for being so generous in his remarks. I deeply appreciate them.

Mr. McGEE. Mr. President, I wish to extend my appreciation and congratulations to the distinguished chairman of the subcommittee for the excellent manner in which he has handled this legislation. As always, his skill and generosity has helped the subcommittee as well as the full committee to develop a responsible piece of legislation.

As the chairman of the standing committee which has jurisdiction over legislative affairs for the U.S. Postal Service, I want to mention briefly one aspect of this bill which has raised considerable controversy for quite some time. That is the provision for subsidizing the Postal Service for a limited period of time under the provisions of the Postal Reorganization Act—Public Law 91-375. Under the various ratemaking and appropriations provisions of that law, the Congress deemed that for 13 years, at least, the Postal Service would receive a direct payment from appropriated funds equal to a percentage of the fiscal year 1971 appropriation. Presently, that is 10 percent, or about \$900 million, which is the level of payment until 1979, or thereabouts. Secondly, for a period of 5 years, any mail matter previously mailed under one of the old preferential rate sections of law, as the law existed prior to the enactment of the Postal Reorganization Act, would be entitled to a partial, declining subsidy, commonly known as the revenue foregone appropriation, which means that Congress pays the difference between what would be the regular rate and the rate actually paid by the mailer on account of the law, the saved rate.

This provision, section 2401(c) and section 3626, was carefully thought out by the Senate committee and adopted in conference with the House of Representatives. It was believed by all to be a fair and equitable manner of permitting mailers to adjust to the impact of a pay-as-you-go Postal Service. We made no distinction in the law; we did not intend to favor any mailer or discriminate against any mailer. We included all, regardless of any personal views as to their value in the mail.

Now in section 3627 of the law, we also provided that in the event that Congress failed to appropriate any of the funds authorized to pay a variety of subsidies, some temporary and some lasting, the Postal Service would be authorized to petition the Postal Rate Commission to increase rates to make up the difference. It was my impression that this contingency was included—at the insistence of the Postmaster General—to provide for the unlikely objections of the Appropriations Committees to some feature of the subsidy. Unfortunately, the enemy was not on Capitol Hill; it was at the Executive Office Building in the guise of the Office of Management and Budget.

In 1971, the OMB decided to reduce the Postal Service's submission of a budget by \$210 million, and the OMB said this was taken out of the amount necessary to pay for revenue foregone from third-class mail. Our committee held a hearing to discuss this issue with the then Deputy Director of the OMB, and the Honorable Casper Weinberger. It was his position that third-class mail was mere advertising—which it is not—and unsolicited—which it is not. He felt no compunction about wearing two hats, one as a budget man and the other as the Postal Rate Commission. I have objected to that posture ever since. The law, 39 U.S.C. 410 specifically states that the Postal Service is not subject to review by the budget office, and certainly there is no place in the finely constructed postal ratemaking mechanism for the appearance of the Office of Management and Budget.

Nevertheless, Congress did not specifically restore the \$210 million. Congress made no mention of the action of the OMB in its report recommending about \$1.2 billion for the Postal Service for fiscal year 1972. The amount appropriated was, in the words of the Appropriations Committees, sufficient to pay the bill. I agree. I also agree that that is the case this year. The language of the committee report so states.

The issue then is whether, under the terms of the postal laws, there has been a failure of appropriation within the meaning of section 3627. Because I was, and am, the chairman of the Committee on Post Office and Civil Service, and served as the chairman of the Senate conferees on the Postal Reorganization Act, and claim some of the credit for developing the entire postal ratemaking section of the law, which was originally in my own bill, S. 3613, I do think it is appropriate for me to say that the will of the Committee on Post Office and Civil Service is not being fulfilled by the Office of Management and Budget, that their action is immoral insofar as they

are charged with responsibility for carrying out the intent of the Congress, and that there is no failure of appropriation, either specific or implied, in this legislative process.

Mr. MONTTOYA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Before the Chair acts on the Senator's suggestion, is all time yielded back?

Mr. MONTTOYA. I ask unanimous consent that the time for the quorum call be charged equally to both sides.

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

Mr. MONTTOYA. Mr. President, I yield back my time.

Mr. BOGGS. Mr. President, I yield back my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this particular rollcall be limited to 20 minutes with the warning bell to sound midway. Some of the Senators are having problems with high water in getting to the Capitol this morning.

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

All time having expired and the bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HAN-

SEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Vermont (Mr. AIKEN), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 241 Leg.]

YEAS—72

Allen	Eagleton	Pearson
Allott	Eastland	Pell
Baker	Ervin	Proxmire
Bayh	Fannin	Randolph
Bennett	Fong	Roth
Bentsen	Fulbright	Saxbe
Bible	Gurney	Schweiker
Boggs	Hart	Scott
Brooke	Hartke	Smith
Buckley	Jackson	Sparkman
Burdick	Javits	Spong
Byrd	Jordan, N.C.	Stafford
Harry F., Jr.	Jordan, Idaho	Stennis
Byrd, Robert C.	Kennedy	Stevens
Cannon	Long	Stevenson
Case	Magnuson	Symington
Chiles	Mathias	Taft
Church	McGee	Talmadge
Cook	Miller	Tower
Cooper	Mondale	Tunney
Cotton	Montoya	Weicker
Cranston	Moss	Williams
Curtis	Nelson	Young
Dole	Packwood	
Dominick	Pastore	

NAYS—0

NOT VOTING—28

Aiken	Hansen	McGovern
Anderson	Harris	McIntyre
Beall	Hatfield	Metcalf
Belmon	Hollings	Mundt
Brock	Hruska	Muskie
Ellender	Hughes	Percy
Gambrell	Humphrey	Ribicoff
Goldwater	Inouye	Thurmond
Gravel	Mansfield	
Griffin	McClellan	

So the bill (H.R. 15585) was passed.

Mr. MONTTOYA. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONTTOYA, Mr. ELLENDER, Mr. INOUE, Mr. MCGEE, Mr. BOGGS, and Mr. ALLOTT conferees on the part of the Senate.

Mr. ROBERT C. BYRD subsequently said: Mr. President, because of an oversight, I ask unanimous consent that the name of the Senator from North Dakota (Mr. Young) be added as a conferee following the name of the Senator from Colorado (Mr. ALLOTT), on H.R. 15585, the Treasury-U.S. Postal Service appropriation bill, 1973.

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

TRIBUTE TO SENATOR PASTORE ON PASSAGE OF PUBLIC BROADCAST- ING BILL

Mr. ROBERT C. BYRD. Mr. President, I wish to commend the senior Senator from Rhode Island for his skillful and forthright management yesterday of H.R. 13918, a bill which provides improved financing for public broadcasting.

Despite near unanimous agreement that public broadcasting has made a significant contribution to the cultural and educational quality of American life, there are, understandably, honest misgivings on the part of some as to certain specifics in the program.

The senior Senator from Rhode Island did the Senate and the American people a great service yesterday by candidly, and in statesmanlike fashion, presenting the case for public broadcasting and for the necessity of passing H.R. 13918 expeditiously.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to exceed 10 minutes, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Is there morning business to be transacted?

Mr. BOGGS. I have none.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please 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 (Mr. BENTSEN). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECU- TIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT OF ACT RELATING TO ANNUAL PAYMENT TO THE REPUBLIC OF PANAMA

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Act of August 4, 1955 (69 Stat. 464) relating to the annual payment to the Republic of Panama (with an accompanying paper); to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 250. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development (Rept. No. 92-920).

Mr. SPARKMAN. Mr. President, I am reporting from the Committee on Banking, Housing and Urban Affairs a joint resolution (S.J. Res. 250) to extend, for a period of 3 months, the authority of the Secretary of Housing and Urban Development with respect to seven existing housing and urban development programs which are due to expire at the end of this month.

This resolution is being reported at this time to insure that these vital programs may continue to operate uninterrupted, while the House of Representatives completes its work on a new housing bill which contains the more comprehensive authorizations.

As you know, the Senate completed its work on the Housing and Urban Development Act of 1972 last March. This body approved, by a vote of 80 to 1, our biggest housing bill in years, which included new authorizations for the expiring HUD programs.

The resolution simply provides interim authority for programs already approved in the Senate-passed housing bill. These programs include the flexible interest rate for FHA-insured mortgages and VA guaranteed loans for housing; model cities; community facilities, including water-sewer and neighborhood facilities; comprehensive planning; open space land; and the temporary waiver for GNMA mortgage purchases.

In order that Senators may more fully understand the provisions of this resolution, I ask unanimous consent that the joint resolution, approved by the Committee on Banking, Housing and Urban Affairs, and a section-by-section summary thereof, be printed in the RECORD at this point in my remarks.

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

S.J. RES. 250

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FLEXIBLE INTEREST RATE AUTHORITY

SECTION 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "June 30, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF MODEL CITIES AUTHORIZATION

SEC. 2. Section 111(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMMUNITY FACILITIES AUTHORIZATION

SEC. 3. Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 4. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF OPEN-SPACE LAND AUTHORIZATION

SEC. 5. Section 708 of the Housing Act of 1961 is amended by striking out "July 1,

1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 6. Section 3 of the Joint Resolution entitled "Joint Resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, is amended by striking out "6 months" and inserting in lieu thereof "9 months".

SECTION-BY-SECTION ANALYSIS

Section One would extend the authority of the Secretary to establish maximum interest rates on insured mortgages at levels necessary to meet the mortgage market. Current housing programs would be crippled without this authority because interest rates on insured mortgages could not exceed six percent, which is well below the current market rate.

Section Two would extend authorizations for appropriations for the Model Cities Program.

Section Three would extend the authorization for appropriations for water-sewer and neighborhood facilities grant programs.

Section Four would extend the authorization for appropriations for the Section 701 Comprehensive Planning Program.

Section Five would extend the authorization for the open-space land program.

Section Six would extend the authority of the Government National Mortgage Association to purchase mortgages with principal obligations in excess of statutory limits whenever the Secretary of HUD determined such action necessary to avoid excessive discounts on Government-backed mortgages. This temporary authority was enacted last December to be effective for six months, in order to allow the GNMA program to absorb excessive discounts in high-cost areas of the nation. The 1972 Housing Bill would increase GNMA purchase limits permanently; but until this bill is enacted, a further extension of the temporary waiver of existing statutory limits is required.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ROBERT C. BYRD (for Mr. RANDOLPH), from the Committee on Public Works:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration, for appointment as a member of the Mississippi River Commission.

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

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Sierra Leone;

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the United Republic of Tanzania;

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Singapore;

Miss Jean M. Wilkowski, of Florida, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Zambia;

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador

Extraordinary and Plenipotentiary to the Republic of Burundi;

C. Robert Moore, of Washington, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Cameroon;

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Guinea; and

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund;

U.S. Governor of the International Bank for Reconstruction and Development;

A Governor of the Inter-American Development Bank; and

U.S. Governor of the Asia Development Bank.

REFERRAL OF BILL

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that S. 3726, a bill to amend the Export Administration Act of 1969 and to establish a Council on International Economic Policy, be referred to the Committee on Foreign Relations with instructions to report the bill to the Senate within a period of 30 days from this date.

This request has been cleared with the Chairman of the Committee on Banking, Housing and Urban Affairs (Mr. SPARKMAN), with the manager of the bill (Mr. MONDALE), and with the ranking minority members of the Foreign Relations Committee (Mr. AIKEN).

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WILLIAMS:

S. 3742. A bill to amend the Act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 3743. A bill for the relief of James G. Dole. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. BROOKE) (by request):

S. 3744. A bill to authorize the Securities and Exchange Commission to regulate members' trading on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

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

S. 3745. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting the sale of certain beverages in competition with beverages served under such Act and the National School Lunch Act. Referred to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S.J. Res. 250. A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development. Referred to the Committee on Banking, Housing and Urban Affairs; and subsequently reported without amendment and placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS:

S. 3742. A bill to amend the act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, I am sending to the desk for appropriate reference legislation which would amend the act of February 24, 1925, incorporating the American War Mothers, so that certain stepmothers and adoptive mothers can become members of this fine organization.

The American War Mothers was organized in 1917 to help veterans returning from military service and to sustain the world and community spirit which is exemplified by their armed service in the defense of another country.

Since its inception, the American War Mothers have worked extensively to ease the specific problems faced by veterans. The work of these dedicated women has been most appreciated by veterans who have suffered physical or emotional problems as a result of service or who experienced severe financial or housing problems following their service.

At this time these women perform volunteer work under the Veterans' Administration Volunteer Service in each VA hospital in the country. They provide the moments of comfort and kindness which disabled or sick veterans need and deserve. Furthermore, they have donated televisions, radios, and flowers for the use and enjoyment of hospitalized veterans and in addition, they occasionally are able to make very substantial contributions. For example, in 1968 the American War Mothers collected donations from across the country and purchased a kidney machine for the VA hospital here in Washington, D.C.

Now, the American War Mothers are requesting our help in expanding their charter. The original charter passed by Congress and the amended version passed after World War II made no provision for the membership of women whose stepsons or stepdaughters or adopted sons or daughters performed military service for the United States.

The bill I am introducing today would correct this oversight, and permit a stepmother or adoptive mother to join the American War Mothers.

I sincerely hope that the appropriate committee and the Senate will take quick action on this significant improvement to the charter incorporating the American War Mothers so that mothers can belong to and officially participate in the worthwhile public service projects of the American War Mothers.

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

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

S. 3742

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 7 of the Act entitled "An Act to incorporate the American War Mothers", approved February 24, 1925, as amended (38 U.S.C. 97), is amended by inserting after "her son or sons or daughter or daughters of her blood" the following: "her legally adopted son or sons or legally adopted daughter or daughters, or her stepson or stepsons or stepdaughter or stepdaughters".

By Mr. WILLIAMS (for himself and Mr. BROOKE) (by request):

S. 3744. A bill to authorize the Securities and Exchange Commission to regulate members' trading on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, I am today introducing a bill to expand the Commission's authority to regulate trading in listed stocks by exchange member firms and their affiliates off the exchange floor.

This proposed legislation was suggested by the SEC in the course of the hearings held recently by the Subcommittee on Securities on the question of institutional membership on stock exchanges, but is not directly related to that question.

The question of trading by member firms and their affiliates is one that the subcommittee intends to consider in the course of its current study of the securities markets, and this proposal by the SEC can serve as a focus for this consideration. I am asking the SEC to provide us with information as to the extent of this type of trading and as to the type of problems it has raised, to aid us in this consideration.

Mr. President, I ask unanimous consent that the text of this proposed legislation be printed in the RECORD together with an accompanying letter from the Chairman of the SEC.

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

S. 3744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)) is amended to read as follows:

"(a) The Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, (1) to regulate or prevent floor trading, and (2) to regulate trading on the exchange but off the floor, by members of national securities exchanges, directly or indirectly for their own account or for the account of any person controlling, controlled by, or under common control with any such member. It shall be unlawful for a member to effect any transaction in a security in contravention of such rules and regulations, but such rules and regulations may contain such exemptions for arbitrage, block positioning, or market maker transactions, for transactions in exempted securities, for transactions by odd-lot dealers and specialists (within the limitations of subsection (b) of this section), and for such other transactions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors. For the purpose of this subsection, the Commission is authorized to define the terms used herein by rule, regulation, or order in the public interest or for the protection of investors."

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., May 5, 1972.

HON. HARRISON A. WILLIAMS, JR.
Chairman, Subcommittee on Securities,
Committee on Banking, Housing and
Urban Affairs, U.S. Senate, Washington,
D.C.

DEAR SENATOR WILLIAMS: I enclose a copy of the proposed bill we have discussed. This bill would amend Section 11(a) of the Securities Exchange Act of 1934 to provide for more effective and comprehensive regulation of trading by members of exchanges either for themselves or those standing in a control relationship with them. The nature of our securities markets has changed considerably since the adoption of the original Act. We believe that there must be more comprehensive regulation of members' trading if public confidence in the fairness and honesty of the exchange markets is to be maintained.

The bill, by amending the existing language of Section 11(a), which relates to members' trading, whether on or off the floors of the exchanges, confers on the Commission a clear grant of authority to regulate members' trading by prescribing appropriate rules and regulations. Any proposed rules, of course, would be subject to the provisions of the Administrative Procedure Act, which provides opportunity for comment by interested persons and the public.

Trading by member firms for their own account on the floors of exchanges has historically presented an important regulatory problem. Because of their proximity to the specialist's post, their knowledge of the trading activity in particular securities (which could be observed before it appeared on the tape) and their ability to trade without payment of a commission, floor traders were able to take advantage of trading opportunities before the public had a chance to respond. This led to the adoption in 1964 by the primary exchanges of rules designed to require that floor traders buy and sell in a stabilizing manner and yield priority and precedence (preferences flowing from being first in time or larger in size) to public orders at the same price.

Today's communications enable members to trade from off the floor with substantially similar advantages. Much of members' trading for their own proprietary accounts now is done from off the floor. Under these circumstances we believe it is presently necessary to take steps to ensure that members' trading, regardless of where it takes place, is properly regulated, so that such trading can make a positive contribution to the marketplace while due protection is accorded public orders. The bill is designed to achieve this result.

The first sentence of existing Section 11(a) limits the Commission's rule-making authority respecting off-floor trading to the prevention of "excessive" trading. The bill removes this limitation in recognition of the need to regulate trading which may unfairly exploit the advantages of membership, regardless of whether the volume of such trading is excessive.

In addition, the bill would grant this authority over trading for the account of any person controlling, controlled by or under common control with a member. The term "control" would be defined by rule and would be designed to cover relationships based on voting control or an equity interest but not those based merely on the existence of investment discretion. The Commission's rule-making authority over on-floor and off-floor trading also would apply to accounts of partners, officers, directors or employees of a member organization.

The trading of certain classes of dealers, i.e., third market makers and block positioners, the extent of whose present activities was not yet dreamed of in 1934, would be added to the permissible exemptions. The

Commission also would be given authority to specify additional kinds of transactions not deemed to require regulation.

The rules which the Commission would propose to adopt pursuant to the amended language would require that members' orders yield priority and precedence to public orders at the same price and would be designed to ensure that members' trading contributes to the orderliness and liquidity of the marketplace. So drawn, these rules would provide for public protection and would go a long way to increase public confidence in the fairness of the markets.

In summary, it is clear that the Commission must have power to regulate all trading by members so that all users of the marketplace will be able to trade on an equitable and fair basis. In 1934 it was recognized in this very Act that exchange markets are affected with a national public interest. They have come to be recognized as public institutions and not private clubs. This bill will help promote and preserve the public nature of the exchange markets and insure investor confidence in the maintenance of fair and honest markets which was the original objective of the Securities Exchange Act.

Please feel free to call upon me for any assistance I may give to the Congress in its consideration of this legislation.

Sincerely,

WILLIAM J. CASEY,
Chairman.

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

S. 3745. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting the sale of certain beverages in competition with beverages served under such act and the National School Lunch Act. Referred to the Committee on Agriculture and Forestry.

SCHOOL LUNCH PROGRAM

Mr. BEALL. Mr. President, today I join with my distinguished Maryland colleague, Senator MATHIAS, in introducing legislation that will make more realistic the requirements for one of our most successful and important federally funded projects, the school lunch program.

Public Law 91-248, enacted in 1970, amended the National School Lunch Act and the Child Nutrition Act of 1966. The law states, in part, that the Secretary of Agriculture shall prescribe regulations "including regulations relating to the service of food in participating school and service institutions in competition with the programs authorized under this act and the National School Lunch Act." One such item regulated, with excessive zeal, I believe, has been carbonated beverages. The Secretary has determined that no such beverages will be allowed in or around the lunchroom during the lunch period.

This ruling has had important effects on both students and administrators alike. Students, in response to this edict, have left the school cafeteria and its nutritious meals in large numbers, for the more appealing choices offered by establishments off the school grounds. Others have elected to bring their lunch from home. School administrators, faced with a diminishing participation in the program, are finding it increasingly difficult to defray the costs of the basic "A" lunch without raising prices, which then forces participation down even more and

makes more difficult the participation of students in certain economic brackets.

Another important aspect of this debate stems from the economic problems confronting many of our school systems. One of the larger counties in my State lost \$293,000 in its lunch program during school year 1969-70. With the a la carte menu, including nonalcoholic carbonated beverages, this same county ran a \$129,000 surplus during the school year 1970-71. The estimated surplus for the school year 1971-72 is \$250,000. The same administrators have advised me that less food is wasted because the students know they do not have to purchase items they have no intentions of eating. This has also had a significant effect in reducing the food cost for these large school systems. I, for one, believe that it is shameful to unnecessarily waste food and I think everyone in this Chamber realizes that, in light of recent special changes, you cannot successfully dictate to 16- to 18-year-olds what they should or should not eat.

The legislation which we propose today will hopefully remove a roadblock which is contributing to the declining participation by the senior high school students in the school lunch program. We have encouraged independent thinking on our young people, granted them the right to vote, and we expect them to assume adult responsibilities at an earlier age. It is time for us to now recognize that we can no longer dictate dietary requirements to senior high students as though we are dealing with elementary children. As long as students stay out of the school lunch rooms, or bring their own lunches, it is impossible for them to derive any benefits at all from the Child Nutrition Act or the national school lunch program. It is important to stress that this bill does not require the sale of carbonated beverages. It would permit the local school authorities greater latitude in planning their lunch offerings. It is also important to note, that proceeds from the sale of such beverages would have to be deposited in the account of the food service programs covered by the two acts. Thus, its accomplishments would be twofold; first, it would bring the student back into the system by allowing him a choice that he is entitled to, and second, bring increased revenues back to the schools, enabling them to continue and expand this worthwhile program. Clearly, there are no losers in this approach, and I urge its swift and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at the conclusion of my remarks.

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

S. 3745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Child Nutrition Act of 1966 is amended by adding immediately after the first sentence of such section a new sentence as follows: "However such regulations shall not prohibit the sale of non-alcoholic carbonated beverages in senior high school level food service facilities or areas during the time

of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such beverages are deposited into the account of the food service programs under this Act and the National School Lunch Act."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 191

At the request of Mr. Boggs, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 191, a bill to amend the Social Security Act to establish a national catastrophic illness insurance program.

S. 3416

At the request of Mr. THURMOND, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3416, to preclude POW's and MIA's from losing accumulated leave upon return.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1272

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

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1285

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

Mr. WILLIAMS (for himself and Mr. HUGHES) submitted an amendment intended to be proposed by them jointly to the bill (S. 3390), *supra*.

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

AMENDMENT NO. 1273

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

Mr. CASE 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.

OCEAN MAMMALS PROTECTION ACT—AMENDMENTS

AMENDMENTS NOS. 1274 THROUGH 1278

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

Mr. HARRIS (for himself, Mr. WILLIAMS, Mr. CASE, Mr. CRANSTON, Mr. PERCY, Mr. STAFFORD, Mr. STEVENSON, and Mr. TAFT) submitted five amendments intended to be proposed by them jointly to the bill (S. 2871) to protect

marine mammals; to establish a Marine Mammal Commission; and for other purposes.

Mr. HARRIS. Mr. President, for myself and other Senators, I send to the desk certain amendments intended to be proposed to S. 2871, the ocean mammals protection bill. I ask unanimous consent that they be printed and lie on the table, and that they be printed in the RECORD at this point.

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

AMENDMENT NO. 1274

On page 29, beginning with line 20, strike out all through line 23 and insert in lieu thereof the following:

"(3) (A) (i) On the date of expiration of the five calendar year period following the effective date of this Act, and at the end of each subsequent 24 calendar month period following such date of expiration, the Secretary is authorized and directed, on the basis of the best scientific evidence available and public recommendations from the Marine Mammal Commission, and having due regard to the dis—"

On page 30, line 1, immediately after "determine" insert a comma and the following: "subject to the provisions of subparagraph (ii) of this paragraph."

On page 30, between lines 21 and 22, insert the following:

"(ii) Each determination by the Secretary pursuant to subparagraph (i) of this paragraph to waive the requirements of this section shall be published in the Federal Register and transmitted to the Congress. Such determination shall become effective upon the expiration of a period of ninety calendar days of continuous session of the Congress following the date of such publication and transmittal, unless during such period there is passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve such waiver, in which case such waiver shall be considered void and of no effect. For the purposes of this subparagraph, in the computation of the ninety-day period, there shall be excluded the days on which either the Senate or House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die."

AMENDMENT NO. 1275

On page 26, lines 14-23, strike subsection (10); insert in lieu thereof:

(10) The term "Secretary" means the Secretary of Interior as to all responsibility, authority and duties under this act.

AMENDMENT NO. 1276

On page 29, line 19, immediately after the period, add the following: "In any event the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations shall be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee of Scientific Advisors on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four calendar month period. The Secretary shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards.

The Secretary shall insist on reasonable proof from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the commercial fishing technology in use for products exported by such nation to the United States."

AMENDMENT NO. 1277

On page 45, line 13, strike section 106 and insert the following substitute section:

"VESSEL AND CARGO FORFEITURE

"SEC. 106(a). Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal or the entire cargo of such vessel or conveyance, or both such vessels and its cargo, shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel or cargo or both for violation of the customs laws, the disposition of such vessel or cargo or both, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance or cargo or both seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term 'vessel' includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

"(b) The Secretary is authorized and directed to pay an amount equal to one-half of the fine incurred but not to exceed \$2,500 for information and services concerning a violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section."

AMENDMENT NO. 1278

On page 51, line 23, immediately after "sustainable population," insert the following sentence: "During the moratorium the United States shall stop the entire United States portion of the taking of the seals under the Interim Convention on the Conservation of North Pacific Fur Seals."

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1279 THROUGH 1284

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

Mr. COOK submitted six amendments 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.

Mr. DOMINICK submitted two amendments intended to be proposed by him to the bill (S. 3010), *supra*.

NOTICE OF HEARING ON JUDICIAL NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Levin H. Campbell, of Massachusetts, to be U.S. circuit judge for the first circuit, vice Bailey Aldrich, retiring.

At the indicated time and place persons interested in the hearing may make

such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

NOTICE OF HEARING ON JUDICIAL NOMINATION

Mr. ROBERT C. BYRD, Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 28, 1972, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Eldon B. Mahon, of Texas, to be U.S. district judge for the northern district of Texas, vice Joe Ewing Estes, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. McCLELLAN); and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

ALL HAVE A CAREER IN CITIZENSHIP

Mr. ROBERT C. BYRD, Mr. President, on May 29, 1972, Senator JOHN C. STENNIS, one of the truly distinguished Members of this body, the chairman of the Committee on Armed Services, was honored at Belhaven College, Jackson, Miss., with the honorary degree of doctor of laws.

Senator STENNIS delivered the commencement address at Belhaven College to a graduating class of 114. In his inspiring message to these young people of Mississippi, Senator STENNIS exhorted them to remember the value of old verities and truths of the heart. He cautioned them to be wary of the doomsayers, who have already consigned their generation to be prisoners of ill circumstance and soulless technology.

A single determined, dedicated person can still change the course of history, Senator STENNIS reminded these young Americans, who are now starting out on life's journey. He did not deny the evils and problems of our times, but he averred that the basic human qualities we need to fight these problems are still within us, even as they have been since the War Between the States, or since the Greeks fought the Trojans.

This eminent Mississippian stressed to his young audience, that spiritual values will always be more lasting than material things, and that, despite the wonders of science and technology, thoughts still rule the world. He asked them never to forget that, in our Republic, power is always in the people, and that, as citizens about to take their places in our great democracy, theirs is a solemn duty to understand and to support our system of government.

There is but one way to face the future, Senator STENNIS said, and that way is—unafraid.

I ask unanimous consent that Senator STENNIS' speech be printed in the RECORD, for the edification and pleasure of his

colleagues in this Chamber and for all who read the RECORD everywhere—old and young—throughout the land.

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

ALL HAVE A CAREER IN CITIZENSHIP (By Senator JOHN C. STENNIS)

President Cleland, Judge Carr, Members of the Board of Trustees, distinguished faculty and staff, honored members of the graduating class, and other good friends of Belhaven College:

First, let me thank your President and Board Members, and this impressive graduating class, for so kindly inviting me to be here to share with you this happy occasion.

In addition to sharing your honors with you, I am fortunate to be able to speak to you at this *vital point* in your lives.

This opportunity to speak to such a group as you, particularly to you graduates, who begin today a *whole new life*, is a real treat to me and I am going to tell you some things very close to my heart.

You are ending today a unique period in your lives which most of you will never experience again. Your entire lives have now for four years been dedicated to one thing: learning. After today you will take on many different new projects and burdens. To some of you they may seem preferable to being a full-time student, but whatever your feelings about them, things will never again be the same for you.

As I walked across your beautiful and serene campus on my way to join you today, I thought what a pleasant place it would be to spend one's time and what a pleasant memory to look back on your college days here from what I hope will be for you long and active and satisfying lives.

It was on just such a tree-shaded campus of a small liberal arts college in Glassboro, New Jersey that President Johnson had a summit meeting with Premier Kosygin of the Soviet Union. All last week President Nixon has been engaged in a similar meeting in the Soviet Union with Mr. Brezhnev, a meeting which I believe will affect the lives of all of us in the years to come.

On another tranquil small-college campus like this one, Westminster College at Fulton, Missouri, Prime Minister Winston Churchill delivered his famous "Iron Curtain" speech, which influenced our foreign relations for decades.

Momentous happenings have taken place in just such surroundings. I hope you never feel excessively modest about coming from a small, quiet college far from the boisterous turmoil of Harvard or Berkeley; remember that William Shakespeare grew up in a small town and attended a small school, and you could hardly say it ever held him back from competing with the best and most powerful people of his day.

Just across the street from us today lives a quiet, modest lady who personifies the dignity and culture of our State and region, Miss Eudora Welty, who is one of the finest living American writers and who is now receiving the national acclaim she so richly deserves. So you see in spite of the apparent quietude of the scene, we are here and now a part of a much larger picture.

As you leave these academic halls, this quiet campus, you would do well to reflect for a moment why you were here. Simply stated, you were here to get an education. But education is a deceptively small and simple word for the vast number of powerful ideas and possibilities which it contains. In its narrowest sense your education should have taught you to earn a living. In a broader sense it should have equipped you to play your vital role as a member of our democracy whose very existence depends on wholehearted and enthusiastic participation by *well informed people*. That means you.

Education has been defined as the "systematic instruction, schooling or training given to the young in preparation for the work of life; the formation of character."

Thus, today one phase of your education ends. You have been trained to earn a living and to participate as full voting members in our people's government. From now on the rest of your education might be called "on the job training" in the school of life.

Now it's been said by some, and you might have heard it said, that your generation is a lost generation, hemmed in by circumstances beyond control; hemmed in by technology and all the things that go to lessen the power of one person to achieve greatness or to change things for the better. I deny that! It isn't true! I also deny the argument that we should give up and throw in the towel because the world is overcrowded, or there is too much crime or that hydrogen bombs threaten to obliterate our civilization. As a great Mississippi writer said on the occasion of accepting the Nobel Prize for literature: "I decline to accept the end of man." A single determined, dedicated individual can still change the course of history. The *external* problems of life may have changed, but human courage and ingenuity still reign. Like William Faulkner, I would exhort you to remember the:

"Old verities and truths of the heart, the old universal truths lacking which (human life) is ephemeral and doomed—love and honor and pity and pride and compassion and sacrifice. . . . I believe that man will not merely endure; he will prevail! He is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."

Now I say—and I'm from the place where the battles are on and where the stakes run high—I say that you already have a running start on success and achievements, and you graduates are already among the top groups, with the education and training that you have already attained. Many of you will attain more, and all of you will attain much in the school of experience.

So in spite of the evils and problems of our times, it is a great time to be alive, and in addition, you possess the greatest of all human treasures—youth.

Now there are two opposite and conflicting views of the role of youth in our country which I have often heard put forward by some students in Washington and in the media. The first is that there is such a "generation gap" that people *under 30* can never make themselves understood to people *over 30*. This is not true. We are all living the same life. The fact that some of us are farther along the path of life and have gained a little more experiences does *not* mean that we no longer remember what it felt like to be young, when every idea and emotion seemed fresh and new and unique. Nor does it mean that youth has no contribution to make. Consider the ages of the founders of our country. Jefferson, Madison and Hamilton were only a little older than many of you here today. At the same time they worked side by side with stalwart friends and allies who were already full of years. Benjamin Franklin and George Washington and John Adams were gray-haired men of considerable experience, but they shared fully the fervor and enthusiasm of young Jefferson and young Madison. The generation gap is a myth created by a part of what is now called "the media." Although our era and our challenges are perhaps "new" in the sense that they are more scientific and technological than ever before, the old human qualities with which we face them have not changed since the War Between the States, nor since the Greeks fought the Trojans.

With those ideas in mind, let's look at the positive side of what's facing you and what you are facing, and see what we find. You are citizens of the leading nation, in many ways,

in the entire world. In technology and material resources we are well beyond every other nation. You have inherited (we all did) a system of government that, beyond all doubt, is the finest system of government in the world. In our country we, the people, make our own laws; we enforce our own laws, and through the orderly process of discussion and majority vote, we change our laws when the need arises. Furthermore, each and every one of you, and every other person, actually does have individual freedom and personal liberty; each has freedom of religion and freedom to speak his mind without fear.

Our system also has always recognized spiritual values, and in a broad sense has put those spiritual values first.

One of the teachers from whom I first received inspiration and confidence toward the future was Emerson. He said, many years ago:

"Great men are they who see that spiritual is stronger than any material force, that thoughts rule the world."

In my own life that principle has often sustained me; that whatever the physical or material obstacles, the power of an idea implanted in a courageous and energetic mind could always overcome. That is true in whatever profession you choose to follow, whether it be a journalist, whose duty and desire it should be to see that the people are informed truly of what is happening; or a doctor who seeks to relieve human suffering and disease; or a lawyer whose job it is to fight for the rightness of his client's position in order that disputes between persons will end with justice being done; or whether you are going to be a teacher, passing on the knowledge and wisdom gained by us and our ancestors to a new generation so that they may carry on with what is good and fight against what is evil; or whether you wish to go into direct service to the Government; or into business or other enterprise.

Whichever of these or other careers you choose, you will all have a career in citizenship. That's unavoidable. It may be a good one of generosity and sacrifice. It may be that some of you will feel it unimportant and will pay no attention to the state of our country and will not even bother to vote or have a say in who governs our lives. If so, do not forget that you too will still be having a career in citizenship—a sorry one, it's true. It deserts your friends and family and would terribly disappoint the brave and imaginative young people who founded our country, as well as your own colleagues.

Remember, if each individual doubted the value of his single vote, no one would ever cast a ballot, and in a country of over 200 million people our democratic system would die because no one believed enough in its principles to go and express his opinion at the polls. For almost 200 years now we have sustained our system of government; enough members of each generation have met the obligations of their time. However, if one generation should fail, our entire system would be lost. You, and each of you now, and all of those at your age level have already come into your own as full-fledged citizens, carrying a part of the role of leadership and responsibility. You have received additional training that has given you a special responsibility, a special call of duty, a special capacity for guidance and direction. In one way or another, all generations prior to yours have come through and kept this system intact and operating in a fairly responsive way. Each one of you now 18 years of age and beyond, assuming you've registered, or will register soon, you're voters, and the power and responsibility, as well as the challenge, have been placed directly in your hands. And I'm speaking to all youth in Mississippi today, and each of you who graduates today is already one of those who actually rule the nation and determine the fate of our country as well as a large part of the fate of the world.

In this Presidential election year, it is estimated that 25 million people will be eligible for the first time to actually take part in elections of the President of the United States, and all the other officers that are up in State and national and local elections. And I dare say that virtually every one of you is a voter now, having attained 18 years of age. Think of the responsibility, somewhere, for helping direct and train and teach the ideas of citizenship to 25 million people. Start with yourself and try to learn some additional points of responsibility before you cast those votes this year; and one of those duties, considering your attainments, is not only to train yourself, but train others. Try to influence 5 people, 10 people, 15 people. I don't mean buttonhole them and beg them to vote for some person. I mean, honestly try to make them understand, better than they do now, what it means to be a citizen; what it means to be a voter; what it means to carry the responsibilities, the load.

Nowadays we often hear the slogan: "Power to the People." Those who use those words may have good intentions, but their judgment is faulty. Power is already in the people. What we need is people who will have the strength and courage and wisdom to use the power for the benefit of all—we do not need revolution here, although we do need some reforms in government, as for example some of the waste and mismanagement I have been trying to combat in various departments. What we need is a better-informed, better-motivated citizenry which will shoulder the burdens and responsibilities of our system.

Under this system, established by our ancestors, we all have careers in government. Some will be very active and participate directly as office holders, as I have done. Others will join political campaigns to help elect public officials they believe in—some will try to convince close friends and associates how to vote or whom to vote for. Many will simply study the candidates and issues carefully and vote their consciences.

Those who pay no attention at all, or say that politics is no good or politicians are no good, or our government is corrupt, and don't bother to vote at all—I emphasize, they too have a career in government. It is a negative and destructive one, but it still has a strong effect—if enough people refuse or fail to participate, our democracy will fail and our children may not have any say over who rules their lives and what kind of country they will live in.

Even though our government system is the finest in all history, it is not self-executing. This is a primary point of my message to you this morning. Our system of government is not self-executive and it is not self-perpetuating. It can be nurtured and sustained and made to work only on the basis of true patriotism and self-sacrifice of people who dedicate their lives to seeing that our great principles of democracy are maintained. I didn't say all the people—but I said our system can be made to work only on the basic principles of patriotism, dedication and sacrifice of enough of the right kind of people. And this depends upon the attitude and effort of each generation in its own time.

So set your standards high—the list of admirable persons nurtured by the schools of our State and region is long and illustrious. Aspire to accomplish the very best that is in you. Keep your mind and your efforts on the things you would like to be; and "as the days go gliding by," you will find yourself gradually reaching your planned goals.

I am not saying that you will never know temporary failure, or never suffer defeat even if you are strong and loyal. You will know them, every one of you, to some degree. But if you keep the faith and are loyal and steadfast to your duties and do what you know is right, you may know temporary defeat, but you will never know shame. You

will never be a failure until you start blaming someone else for your mistakes.

So, face the future with an informed mind and a stout heart; you have much to give and you will receive much in return if you truly apply yourselves to the problems which face our Nation and the rest of the world.

May I say a word to you graduating seniors about the future of our State and our own region. I see it as extremely promising. Economic progress is noteworthy in our State and region, not only because so much of it is the result of internal motivation rather than outside capital, but because it has been accomplished with a unique blending of the traditional values of hospitality, courtesy and strong family ties with modern efficiency and economic growth. Our State and region still have a great abundance of the things that money cannot buy: friendship, fellowship, manners, decency, pride, neighborliness. Our State and region have not yet lost their natural beauty and freshness. Our rivers are still clear and our wildlife abundant. Our climate is mild, permitting maximum opportunities for pleasant living and productive work.

Formerly, too many of our best graduates left our State to seek the more abundant and better-paid jobs in the cities of the North and West. But now with the overcrowding and pollution and decay of those cities, the trend has changed and more and more of our best young people are choosing the good life of the South, as William Faulkner described it:

"This land, this South, for which God has done so much, with woods for game and streams for fish and deep rich soil for seed and lush springs to sprout it and long summers to mature it and serene falls to harvest it, and short, mild winters for men and animals."

It is a good life here in the South, and with that thought in mind, I urge you graduating seniors, as you embark on your careers, and choose where you will live, I urge you to consider the benefits of staying here, where your roots are, and adding your talents to the already abundant natural resources of our State. I do not know of a better place you could choose to spend your lives.

And now a special personal word. In the Senate, my duties often have to do with military power and the security of our nation. But I never lose sight of the fact that the real power in our society comes from the human values—as for instance, the strength of an individual gained through the pride and satisfaction of a job well done, his or her pride in personal achievements. Someone may say: "Those are old virtues—gone out of style in this age of technology." If that be true, then one of the essential mudsills of our society as well as our system of government is gone.

I think, too, of the great power of ideas flowing up from the masses, and also flowing from those that have had training and education; I think too of the power of ideals. I know some people are skeptical; others are uncertain. All is not well, but all is not lost. Countless millions of people still have faith in the fundamentals of our society and our system of government. There is still a great personal power and satisfaction in spiritual values and in Divine Guidance.

I look to you and to your future with great confidence. I think you can help restore hope to some who may be in a spirit of despair. I believe that you'll try, and that you will succeed. So instead of turning away from the problems of our times, let us face them, and with firmness look straight ahead.

With purpose, dedication and determination, I believe that you and those like you and the many others that you will lead look forward rather than backward, and meet the challenges; that you will look to that Higher

Power, and with His added light and strength you will find your way. May God bless and sustain you, each of you, as we face the future unafraid.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, my Foreign Trade and Investment Act of 1972 (S. 2592) is based on the overwhelming need to save American jobs and keep our diversified industrial base on an even keel. A core consideration of my bill is the very aspect of economic life ignored by most economists—distribution. Whether the focus is on the developing world or the problems of highly industrialized nations, our economists—academic and financial—simply ignore the problem of who gets what.

Two recent articles in the *Journal of Commerce* presents a perfect case of the "let us ignore distribution" thinking. Mr. Bertram Zumeta, senior vice president of First Pennsylvania Bank in Philadelphia, predicts that as a "mature creditor" nation, the United States will become a net importer of goods that will be paid for with profits repatriated from America's foreign investments. In other words, while the stockholder revels in goods bought with rising dividends, the hundreds of thousands of workers unable to find jobs are simply a casualty of free trade.

Mr. President, because Mr. Zumeta's thinking reveals so much about our current failures in the foreign trade and investment field, I ask unanimous consent that the articles be printed in the *Record*.

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

UNITED STATES EXPECTED TO BECOME NET IMPORTER OF GOODS (By Ira Nambiel)

LOS ANGELES, April 9.—While the Nixon Administration feverishly endeavors to erase its balance of payments deficit with its DISC program and trade overtures to the Soviet Union and China, at least one economist concedes that the battle may be a losing one and states: "The U.S. is entering a transitional period leading to a time when we will be a net importer of goods and services."

The economist is Bertram Zumeta, senior vice-president of First Pennsylvania Bank in Philadelphia and his remarks came before the Foreign Trade Assn. of Southern California.

Mr. Zumeta contends that when the United States achieves what he calls "mature creditor status" American consumers will benefit through enhanced real incomes, "for in a world open to trade between nations, lowest cost producers—both domestic and foreign—supply the market."

The permanent import surplus, he said, will be financed by earnings on U.S. investments abroad.

MORE PRODUCTIVE STRATEGY

Mr. Zumeta cited the Hartke-Burke bill—a specific attempt to inhibit the U.S. transition to mature creditor status. He suggested that freeing international trade and promoting world and U.S. economic growth would be a more productive strategy.

"Transitional dislocations should be cushioned through individual and industry subsidies which phase down in programmed steps. Meanwhile, domestic productivity must be promoted in order to combat inflation and

slow the loss of the comparative trade advantage held by traditional U.S. industries," he added.

The economist asserted that multinational companies headquartered in the United States generate employment by supplying markets which would be largely shut off from U.S. producers if their investments were restricted to domestic outlets. In this way, the U.S., an exporter of capital, offsets the dislocation in employment caused by the declining comparative advantage of its more traditional industries in the international trade market.

Mr. Zumeta warned that by forcing U.S. consumers to buy domestic products, only high-cost producers in the states would be protected and it would slow the redirection of this country's productive resources into service industries.

INFLATIONARY PRESSURES

"We are moving toward a 'postindustrial' economy afforded by the increasingly high level of U.S. per capita income," he said. "Inflationary pressures would be increased from the supply side of the economic equation, and demand and growth might be adversely affected as well."

"Worse, is that foreign retaliation to U.S. restriction on international trade and investment could seriously shrink international trade, thereby increasing costs everywhere and creating serious obstacles for U.S. corporations operating."

"Bills such as Hartke-Burke must be replaced by laws which compensate for domestic dislocations and help redirect displaced productive resources", he concluded.

ECONOMIST SAYS EXPORTS TO EXCEED IMPORTS BY \$7 BILLION IN 1973-74

(By Robert M. Lewin)

CHICAGO, April 9.—United States exports will exceed imports by \$7 billion in 1973-74, Sidney E. Rolfe, economist and investment corporation executive, said today.

Mr. Rolfe, New York, added in an interview that the "substantial surplus" in foreign trade in the next two years would be an expansion of the surplus developing by the end of this year.

In 1971, for the first time in 88 years, a U.S. deficit occurred in international trade—nearly \$3 billion on a balance of payments basis; about \$2 billion on a national income accounting basis.

ONLY TEMPORARY DEFICIT

"That deficit was only temporary," asserted Mr. Rolfe, an economics professor at Massachusetts Institute of Technology and a partner in Charles Development Corp.

Asked whether a trade increase with any specific nation would create the turn-around from deficit to surplus, he replied: "It'll be trade with all countries."

Mr. Rolfe also was a speaker at the 20th Annual Management Conference of the University of Chicago's Graduate School of Business and Executive Program at McCormick Place.

Dr. Ezra Solomon, one of three members of the President's Council of Economic Advisers, told the conference that wage and price controls should expire April 30, 1973, when the federal economic stabilization law dies.

Dr. Solomon, on leave as a professor of finance at Stanford University and a former professor at the University of Chicago's Graduate School of Business, said that "the economy is on the upswing and employment is expanding at a record rate."

Arthur B. Laffer, chief economist, U.S. Office of Management and Budget, who is on leave as an associate professor of business economics in the Graduate School of Business, emphasized:

"I see no tax increase after the election in November."

RECOMMENDATIONS

In the interview, Mr. Rolfe, author of "The International Corporation," said, "unless we repair the international monetary system, we are going to lose whatever integration we have in the world."

He recommended as long-term steps:

That the U.S. give exchange guarantees on deficits that would make it easier for other countries to accept additional dollars without fear of further devaluation.

That the U.S. establish a high-level standing committee that would look for ultimate solutions to the problem.

Mr. Rolfe proposed establishing "an acceptable credit instrument that would replace the dollar and gold" as an international reserve; he suggested, for example, special drawing right or a composite reserve unit.

President Nixon recently signed a bill increasing the price of gold from \$35 to \$38 an ounce and thus devaluing the dollar by 8.57 per cent.

Mr. Rolfe also recommended that the "acceptable credit instrument" that was agreed on would become "the common denominator rather than gold" for currencies.

"Revaluations and devaluations could take place without reference to gold," he explained. "We must have a method for smaller and more frequent changes in (monetary) parities, more flexibility in parities."

UNIONS CRITICIZED

Mr. Rolfe charged that unions are wrong in protesting that American investment in their own plants and subsidiaries in foreign countries means an export of jobs.

"Labor is wrong," he concluded, "and it should know that it will lose jobs if multinational corporation investments are stopped. Twenty-five per cent of all foreign trade goes through multinational corporation."

Insisting that "inflation psychology" in the nation has been broken, Dr. Solomon said, "we are not trying to reduce the inflation rate to zero."

INFLATION PSYCHOLOGY

"I'm glad that housewives and blue collar workers are upset over food and meat and other prices," he added, noting that they had accepted the increases from 1965-70 under the prevailing "inflation psychology."

Asked why raw agricultural products, farm products, were not placed under controls because of the uproar over increasing food prices, Dr. Solomon said that "the price of controls over them is rationing—and you would need a network of administrators and enforcement officers."

"We expect that farm product prices have passed their peak and will begin to decline," he went on. "The price of cattle on the hoof, according to the Agriculture Department, has reached its peak and is going down."

"The question is whether retail food stores reflect it on the way down. The government has carried on jawboning. We want the retail store operators to make sure they are aware of it."

Dr. Solomon stressed that an increase in productivity (output per man per hour) "is the only source of real wage gains."

Real wages are the amount of goods workers can buy with their money.

Dr. Solomon said that, in his opinion, real wages have increased 6 per cent since September 1970, and will increase in the next year.

UNEMPLOYMENT CONTINUES HIGH

He also said that although there has been a 6-month record employment increase of 1.6 million workers since last September, the number of people entering the labor force is increasing rapidly so that unemployment continues at the high rate of about 6 per cent.

The U.S. Bureau of Labor Statistics said that the March unemployment rate was 5.9 per cent, with 5,072,000 out of work—on a

seasonally adjusted basis, that is, eliminating distortions caused by seasonal factors.

That contrasts with the February rate of 5.7 per cent, with 4,912,000 workers out of jobs.

Dr. Solomon said that 1.5 million of the unemployed in February were aged 16 to 19—and half of them are full-time students.

Richard S. Peterson, vice president and economist, Continental National Bank and Trust Co., Chicago, said that short-term interest rates had reached bottom four or five weeks ago and will rise "at a modest pace throughout the year."

Mr. Peterson also said that "a majority opinion" is that the long-term interest rate probably would move up as the year goes along and will reach 8 per cent by the end of the year.

THE OCCUPATIONAL SAFETY AND HEALTH ACT NEEDS CHANGES

Mr. CURTIS. Mr. President, on June 20, 1972, I appeared before the Small Business Committee of the House of Representatives in reference to the Occupational Safety and Health Act. Both the law and the administration of this act are grossly unfair and oppressive. I ask unanimous consent that a statement I made before the House committee on that date be printed in the RECORD.

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

STATEMENT BY SENATOR CARL T. CURTIS

Mr. Chairman, I am deeply grateful to this Committee of the House of Representatives for giving me an opportunity to appear and discuss the Occupational Safety and Health Act of 1970 and its administration.

First, I want to congratulate the House on its action in the first version of this Act which you passed and on the action you took last week to let both the Congress and the Labor Department know how you feel about the way the present Act is being administered. You passed a more reasonable and practical version of the Act in the first instance than did the Senate, and it is unfortunate for the nation's small and independent businesses and for all businesses that your bill did not prevail in conference. The House amendment to the Labor-HEW Appropriations Bill last week which provided that none of the Fiscal 1973 funds for administering OSHA may be used to pay salaries or expenses for inspecting the facilities and activities of firms having 25 or fewer employees is a message that needed to be sent to those who have allowed the arrogance of power to run roughshod over thousands of struggling small enterprises and their employees in the name of safety.

The issue presented by the brief history of this Act and the way it has been administered is clearly one of arrogant power versus education and persuasion. It is the issue of tyranny versus reason. I can best phrase it in the form of a question which I would ask those who are bringing down the heel on anyone whose "attitude" is not proper because he cannot understand the wrong of allowing the ice to come into contact with the water when an employer serves ice water to his employees, or the necessity for replacing all built-in metal ladder rungs on a silo with rungs that are eight inches away from the wall if the present rungs are but six inches from the wall. I will phrase the question this way: "Is the Federal government mandated to make every job so super-safe that it's willing to destroy a lot of jobs in the process?"

To anyone who answers affirmatively, I would suggest that he begin by calling on the Secretary of Labor this afternoon to prosecute the Federal government forthwith for sponsoring an event at Dulles Airport

several weeks ago in which three persons were killed in separate accidents while performing in front of crowds of spectators. He might next take on the Indianapolis Speedway and all other automobile racing competition. He could very easily write a set of rules and regulations that would put every air show and every circus and every rodeo out of business in the United States. Those are high-risk occupations in which the threat of death or injury to participants, and in some instances also to crowds of spectators, might be deemed imminent.

Please be assured that I did not come here to challenge those occupations or events. I merely cite them as examples to show how ridiculous it is to wage hostile Federal police action against employers who engage in comparatively safe enterprises with seldom a lost-time accident in their stores or plants, some of whom have as few as one employee, which employee may be only part-time.

The law itself constitutes an unfair and an unwise delegation of power. It is vague and indefinite. It incorporates by mere reference thousands of requirements which have never even been discussed by the Congress, and the Secretary of Labor has adopted regulations containing references giving the force of law to still more thousands of standards and specifications which were never intended to be the law of the land.

On this table before me is a partial collection of the codes, standards, specifications and other requirements which have been blanketed into law by reference in the Occupational Safety and Health Act or the regulations implementing it. Did you know you were voting on this pile of printed material when you voted for job safety for Americans two years ago? Can you imagine a businessman with a few employees in a small town searching through his local library or talking to his lawyer to find out just what requirements apply to his line of work? Can you imagine his frustration when he discovers that he is subject not only to the regulations specifically pertaining to his line of work, but also to the broad general-duty clause which brings thousands of hidden requirements into play?

I use the term "hidden" advisedly. One week ago yesterday—on Monday, June 12—I asked the Library of Congress to provide me with a copy of every backup standard and code which OSHA blanketed into law. On Wednesday the Library advised my office that it was a monumental undertaking which would require the cooperation of the Labor Department. The Library had asked the Department to mail it a list of all the documents. On Friday, the list still had not arrived. A member of my staff called the Labor Department and was told that the Department has a complete set of the documents, but cannot lend them to anyone, not even for an hour or so and not even to a Member of Congress. The Department was kind enough to send a list of the documents to my office by messenger on Friday afternoon. A member of my staff went to the Library of Congress on Saturday and Sunday, and looked up the call numbers which enabled Library personnel yesterday and today to gather this collection of material. I would estimate this stack of books and pamphlets four feet high represents about two-thirds of the written requirements of the Occupational Safety and Health Act.

Is it any wonder that Congress has received thousands of complaints? Is it any wonder that businessmen, particularly those with small businesses, are scared? Is it any wonder that a man who hires one or two students to work part-time for him in the summer is not hiring them this year? Is it any wonder that a Nebraska doctor called me aside the other day and told me he had treated two farm women for injuries they received doing work that normally would have been done by men their husbands would not

risk hiring because of the Occupational Safety and Health Act?

I would like to present to the Committee a copy of a letter that I sent to the Secretary of Labor on the 6th day of April, 1972. The letter reads as follows:

"DEAR SECRETARY HODGSON: I have a request from a gentleman in a small city in Western Nebraska. He is the proprietor of a gasoline filling station and he has four employees. He wants the information as to what he is required to do to be in compliance with the Occupational Safety and Health Act.

"Will you please send to me so that I can forward it to him a statement giving him the full information that he needs?

"Thanking you very much, I am

"Sincerely yours,

"CARL T. CURTIS,

"U.S. Senator."

My letter, as you can see, was a request for information as to what a filling station operator with four employees would have to do to comply. The reply is not at all informative.

The interesting part is that it took the Department almost six weeks to reply, and then he sent this packet of materials which I hold in my hand, consisting of several volumes of regulations as printed in the Federal Register. The language for the most part is technical gobbledegook. It is voluminous and complex. It is wrong and unfair to suggest to a man who works probably 12 or more hours a day servicing automobiles, trucks and tractors for a living that he drop everything and spend the next week or two or more trying to make sense out of these regulations.

What I wanted the Secretary to do, and what I asked him to do was prepare a statement giving the full information that a filling station operator needs to meet the requirements of the law—not a code of technical standards that a safety engineer would use in designing and operating a refinery.

One of the major problems under this law is that no one has really tried to sit down and write a set of requirements in plain English that everyone can understand for a particular industry such as the thousands upon thousands of service stations operating across the United States.

I wish to include the reply of the Assistant Secretary of Labor:

U.S. DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,

Washington, D.C., May 17, 1972.

HON. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CURTIS: This is in response to your letter of April 6, 1972 to the Secretary in which you ask for information pertaining to the Occupational Safety and Health Act of 1970 on behalf of a western Nebraska filling station operator.

Enclosed are the following list of materials which should assist your constituent in complying with the Occupational Safety and Health Act of 1970 (copy enclosed):

CODE OF FEDERAL REGULATIONS

29 CFR Part 1903—Inspections, Citations, and Proposed Assessment of Penalties.

29 CFR Part 1904—Recording and Reporting Occupational Injuries and Illnesses.

29 CFR Part 1910—Occupational Safety and Health Standards.

29 CFR Part 1975—Coverage of Employers under the Williams-Steiger Occupational Safety and Health Act of 1970.

DEPARTMENT OF LABOR PUBLICATIONS

A Handy Reference Guide to the Williams-Steiger Occupational Safety and Health Act of 1970.

Recordkeeping Requirements under the

Williams-Steiger Occupational Safety and Health Act of 1970.

Your constituent's interest in voluntarily complying with the Act is appreciated. If he needs more specific information, I suggest that he contact the nearest Occupational Safety and Health Administration Area Office, which is located at the following address: City National Bank Building, Room 630, Harney and 16th Streets, Omaha, Nebraska 68102, telephone 221-3276.

Very truly yours,

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

I think the Department of Labor is just as puzzled as the service station operator who wrote to me. The Department itself doesn't understand the conflicting, vague, unintelligible and voluminous regulations. If the Secretary, who has this vast Department at his command, cannot come forth with a clear, understandable answer to my letter, how can we expect the people back home to find out?

I have tape-recorded evidence of inaccurate information disseminated by the Labor Department in enforcing the Act in the field. The Area Director for OSHA in Nebraska has told groups of employers that the person who complains of a hazardous condition, leading to an OSHA inspection, must be "an employee or his representative." The law states that an employee or his representative may complain, but does not limit it to that. In fact, the Area Director's statement doesn't pass the test of logic, for he would be derelict if any private citizen volunteered information as to a dangerous working condition to him and he did not check it out.

This same Area Director tells his audiences that his compliance or inspection officers note the "attitude" of each employer, and gauge the size of the fines levied on alleged violators accordingly. I have one employer in my State who by those standards must have the worst attitude found to date throughout the United States. This particular employer was fined more than \$36,000 by OSHA. He didn't have any fatalities or serious accidents which brought the inspectors to his job site. He was having some labor union difficulties. He made one further mistake which was evidence of a "poor attitude." He wrote a letter to me, and I contacted the Labor Department about his case. The inspectors went back to his job site a short time later and threw the book at him, imposing the fine of more than \$36,000 and announcing that fact publicly in a press release.

This raises another point which warrants the consideration of this Committee. A newsman in Nebraska complained to me recently about the indictment-type press releases which the Labor Department issues in cases of this type. The press releases tell only the prosecutor's side of the story. They are issued in the alleged violator's home town or home State, for all of his neighbors to see. In the manner in which they are worded and issued they constitute one additional step that is being assumed by the bureaucracy in the chain of arrogant power—policeman, judge, jury and news reporter.

I have made many trips back to Nebraska in the last six months. Everywhere I go there are citizens—good citizens who want to obey the law—who come up and talk to me about the Occupational Safety and Health Act. Some of them have been cited and fined. Others hear about these citations and requirements, and it makes them wonder whether or not they can stay in business.

On one occasion, some 20 or 22 individuals who had had experiences with the administration of this law gathered in a room with me.

One citizen said he was fined \$85 because he did not have barricades around some floor openings. The reason the barricades were not up right then was that the phase of construction in which the workmen were engaged required the barricades to be down.

I ask you, is that just? I believe each department of government has a responsibility to be just and fair with our citizens. The Department of Labor has been punitive and unfair.

One citizen reported that a Deputy Administrator of the Act, a Regional Director and an Area Director were all present in the same meeting and they gave three different interpretations of their own regulations.

"The Area Director stipulated that all guard rails had to be made out of 2 x 4-inch lumber.

"The Regional Director stipulated that 2 x 4's or cable would suffice, but only those two pieces of material.

"The Deputy Administrator finally said that anything that passes the two-hundred-pound test criteria would be adequate, suitable guard rail material."

They thought this controversy was being cleared when one of the men said that any material or type of construction that will withstand two hundred pounds plus is all right, whereupon the Area Director opened the book and said it had to be 2 x 4's.

How can the public or any businessman or his employees know what is right and what the law requires when even the administrators and enforcers don't know?

I also received a complaint about the regulations using the term "place of work." The regulations require that certain records and files must be kept at the job site. Yet the work at one site may be completed in a matter of two or three hours, particularly for a subcontractor on a building project. Two cases were mentioned where the citizen in question actually had the papers and records required, but he was cited because they were in his office rather than out where the work was being performed.

Mr. Chairman, I ask the question, "Is the Department of Labor interested in safety and health, or are they out on a rampage of harassment?"

Another citizen reported that if he had an argument with a union business agent, a Federal safety inspector comes out within one hour to see if he can issue a citation for something. I have several specific cases in my files where OSHA safety inspections were conducted while employers were having union organizing or negotiating difficulties. One establishment was inspected four times during such a period. This is a form of harassment in which the law and the Labor Department are being used as pawns.

The situation is so bad that one businessman said he did not dare to call the Occupational Safety and Health Office for information because it was an invitation to a fine; that when he tried to get information, he would have his insurance agent or somebody else call and ask for the information.

One contractor told me that his business is primarily in sewer construction and that he and his associates are faced with very rigid regulations, while municipalities and counties are not covered by the law although 80 per cent of the deaths caused by cave-ins and other cases in this type of work are on operations conducted by governmental units or agencies.

One man reported being cited because one of his employees was operating a pneumatic hammer without eyeglasses. The employer provided the eyeglasses and instructed the employee how to use them. The employee did not use them, and the employer was cited and fined.

Another case was reported to me where an employer was cited and fined because of a defective tool when the tool was owned by the employee and was not being used, but was in his tool box.

Another citizen reported that he had a fire on the job and his men exhausted the fire extinguisher in putting it out. Within an hour an inspector came along, cited the employer and fined him \$100 because he did not have the fire extinguisher loaded and in

working order. This particular site was 25 miles from the home office.

Still another citizen reported that at one place in the regulations it states that certain inspections have to be made by "a competent person." At another place in the regulations, it uses the term "a competent engineer." In this particular case a competent person had made an inspection, but the Area Director ruled that it should have been a competent engineer.

The treatment that the Labor Department has given the citizens of the country in respect to this law is a humiliation to everyone who is interested in good government.

One Nebraskan was fined \$500 because his fire extinguisher was not a five-pound extinguisher, but a three-pound extinguisher, and right next to his machine there was a two-inch fire hose—charged and in use—which had one hundred times the capability of the fire extinguisher.

Are these bureaucrats interested in preventing fires or are they looking for technicalities with which they can harass people?

One Nebraskan who appeared before me and told of his problems said, "As a small businessman I feel that unless something is done and done quite quickly, small business everywhere is going to be out of business."

Another Nebraskan, referring to the voluminous regulations, said "I can't read them and I don't understand them, and I need help. I can't afford to go out here and hire a safety director for anywhere from ten to twenty thousand dollars a year."

Another Nebraskan said, "You would think you would be able to call up and get some information, but this is just like asking for a fine."

An individual involved in construction work advises me as follows:

"We also wish to note that besides the fact that there are relatively massive regulations directly applicable to construction work, there are many other regulations incorporated by mere reference. For instance, there are many references to ANSI (American National Standards Institute) contained in the construction regulations. Also referred to by the construction regulations and made part of the construction regulations are certain portions of the National Electrical Code and National Electrical Safety Code in Fire Protection Codes. Also referenced are American National Standards Institute, American Hygienists, Atomic Energy Commission, Society of Automotive Engineers, National Electrical Code, American Society Testing Materials, NFPA, CFR, National Electrical Safety Code, National Bureau of Standards, Federal Aviation Agency, American Society of Mechanical Engineers, Power Crane and Shovel Associations Standard, U.S. Army Corps of Engineers, Bureau of Reclamation, American Society of Agricultural Engineers."

An individual in a position to know told me that if a taxpayer were to purchase the entire American National Standards Institute publications, it would cost between \$4,000 and \$6,000.

It is quite apparent that the regulations promulgated by the Labor Department are written by someone not familiar with the subject matter or industry affected. I would like to quote from another letter I received:

"In spite of the fact that the 2x4 railing specified by OSHA will not meet OSHA's other requirement that 'the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection,' OSHA makes a requirement that for steel pipe railings both the top and intermediate rail must be of at least 1½ inches nominal diameter with the posts spaced not more than 8 feet on centers. This is a gross over-requirement. Even a 1-inch nominal diameter top or intermediate rail would be better than the 2x4 top rail or

the 1x6 intermediate rail, and a 1¼-inch nominal diameter pipe would be far superior to the 2x4 construction. The same is true of the structural steel railings when compared with the 2x4 railings."

Our people back home are faced with an unbearable and undeserved situation. There is a desperate need for immediate action, and I would suggest the following:

1. The Labor Department should be called to account for its bad performance in administering this law. The Department should be required to place competent, practical individuals in all places of authority and the regulations should be consistent and understandable.

2. The Congress should insist that the Labor Department cooperate in promoting programs in the interest of safety and health and stop treating as criminals individuals who are providing jobs for others.

3. The law should be completely overhauled along the lines of the amendments which I have introduced, and for which I now have 11 co-sponsors. The Senate version of these amendments is S. 3262 and I attach a copy.

4. In the interim, while the law is being completely overhauled, the Congress should forthwith pass an amendment which would provide a small-business exemption to this law and which would also provide that no fine be imposed on employers who bring their places into compliance within a certain period of time after an inspection.

The administration of the law is an outrage. The fact that over in the Senate the Dominick substitute, which was a reasonable bill and more like the House bill, was tabled by a vote of 41 to 39 does not give much comfort to the people who have to live under this law. The Congress as a whole must take responsibility for the Act and I hope some amendments will be adopted soon.

MILITARY OVERRUN ON THE COST OF WHITE FLAGS—ART BUCHWALD'S HISTORY FROM THE BUYING BID TO THE BAIL OUT

Mr. PROXMIER. Mr. President, on June 5, when Secretary Laird appeared before the Foreign Operations Subcommittee of the Appropriations Committee, of which I am Chairman, he said that if Senator McGOVERN's military budget proposal were adopted we would have to spend a billion dollars on white flags.

When Senator McGOVERN appeared before the Joint Economic Committee on June 16, of which I am also the chairman, I commented that with the way the Pentagon wasted funds on weapons systems, it would probably cost them a billion dollars to buy six white flags.

Now Art Buchwald has elaborated, as only Buchwald can, on that theme. He has, in the language of the military, given us a "scenario" of what would indeed happen if the military bought white flags. There is the exaggerated bid, the excessive specifications, the delays in delivery, the failure of the system to perform, the 80-percent overrun and the added 10-percent for bonuses, the bail-out, and the new contract for a new system to replace the one which did not work.

I ask unanimous consent that Mr. Buchwald's column be printed in the RECORD.

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

FLYING THE WF 1: THE HIGH COST OF SURRENDER

(By Art Buchwald)

Secretary of Defense Melvin Laird has suggested that if Sen. McGovern's defense budget of \$55 billion is ever adopted, we might as well throw in the towel and spend a billion dollars for white flags which we will hoist all over the world.

On the basis of past performance of our defense contractors, \$1 billion for white flags is a wholly unrealistic figure, and Mr. Laird knows it.

This is what might happen if the Defense Department let it be known that it was planning to contract for white flags to fly around the globe.

WASHINGTON, D.C., April 30, 1973.—The chairman of the House Armed Services Committee announced today that the Lockheed Flag Company has been given a \$1 billion contract to provide 500 white flags for the Defense Department. The chairman denied the fact that Lockheed Flag was located in his district of Swampville, La., had anything to do with the company's winning the order.

SWAMPVILLE, LA., July 14, 1973.—The president of the Lockheed Flag Company displayed a prototype of the WF1 (White Flag One) for the press this morning. The President said the WF1 would out-perform any white flag now flying. It would be an all-weather flag which would fly at night as well as during the day, and could stand gusts of wind up to 100 miles an hour. Lockheed Flag said it hoped to have the WF1 production in 10 months.

EDWARDS AIR FORCE BASE, CALIF., June 15, 1974.—The first WF1 was tested here today and Defense Department officials announced they were very pleased with the results. The WF1 flew at an altitude of 23 feet for three hours. Although it showed some fabric fatigue under stress, Lockheed Flag engineers said the damage was minimal, and easily could be repaired.

SWAMPVILLE, LA., September 2, 1974.—The president of Lockheed Flag announced today that due to increased labor costs, fabric fatigue and hikes in flagpole ropes, his company would not be able to fulfill its WF1 contract for \$1 billion. He said he was asking for a supplementary \$800 million, which was still a bargain for the country.

WASHINGTON, D.C., December 15, 1974.—The chairman of the House Armed Services Committee said he was recommending the \$800 million overrun for the WF1 as the security of the nation was at stake. He also said he was adding \$100 million extra for Christmas bonuses for Lockheed Flag executives.

ANCHORAGE, ALASKA, March 8, 1975.—Two WF1s crashed to the ground yesterday and Pentagon investigators suspect the wooden flagpoles used to fly the white flags were at fault. Termites were found in both flagpoles, and the Defense Department has grounded all WF1s until a new aluminum flagpole could be designed.

SWAMPVILLE, LA., May 11, 1975.—The president of the Lockheed Flag Company said he would need another \$1 billion to replace the flagpoles in the WF1. He said it was the Defense Department's insistence on wooden flagpoles that caused the overrun, and he would need the money immediately if the white flags were to be delivered on schedule.

WASHINGTON, D.C., May 12, 1975.—Sen. William Proxmire called the WF1 the biggest Defense Department bungle of the year and suggested the contract be cancelled.

Testifying in front of Proxmire's committee, the president of Lockheed Flag said that if he doesn't get \$1 billion immediately, his company would go bankrupt and not only would create a hardship for its stockholders but it would put 35 people out of work.

WASHINGTON, D.C., September 11, 1975.—Congress, at the urging of the White House, voted today to give the Lockheed Flag Company \$1 billion to complete work on the WF1 and also lend it another \$1 billion to develop a new multi-white flag project which could fly six white flags from the same flagpole at the same time.

SWAMPVILLE, LA., November 9, 1975.—The president of Lockheed Flag Company announced today that because of a strike he was asking the Defense Department for another . . .

REPRESENTATIVE JOHN BRADEMAs, OF INDIANA, RECEIVES AWARD OF MERIT FROM NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. KENNEDY. Mr. President, on June 9, 1972, a distinguished Representative from Indiana, Hon. JOHN BRADEMAs, was honored with an award of merit from the National Council of Senior Citizens at the 11th annual convention of the council.

The Award of Merit is given annually to one Member of the House of Representatives and one Senator for outstanding contributions to legislation benefiting the aging. Our distinguished colleague from Illinois (Mr. PERCY) was also honored at the ceremony.

Mr. President, as the citation so aptly noted:

The nation's elderly owe a debt of gratitude to Congressman John Brademas for his efforts to make life better for the retirement generation.

I have worked closely with Representative BRADEMAs, who is chairman of the Select Education Subcommittee of the House Committee on Education and Labor, on several measures affecting older citizens, particularly the Nutrition for the Elderly Act, and I can, therefore, speak from my own observation of his effectiveness as a legislative leader on programs to benefit the older people of our society.

Mr. President, I ask unanimous consent that both the text of the citation accompanying the award of merit to Representative BRADEMAs and his own remarks on this occasion be printed in the RECORD.

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

AWARD OF MERIT

The nation's elderly owe a debt of gratitude to Congressman John Brademas, Democrat of Indiana, for his effort to make life better for the retirement generation. Brademas is one of the principal sponsors of the Older Americans Act of 1972, the Nutrition Program for the Elderly and other measures to help the elderly. He has been an ardent supporter of an adequate level of income for thousands of Americans. A native of Mishawaka, Indiana, he attended school in South Bend, Indiana, served with the Navy in 1945 and 1946, attended Harvard University as a Veterans National Scholar, graduated with honors in 1953, studied at Britain's Oxford University on a Rhodes scholarship, named for Cecil Rhodes, British financier.

Brademas early on became a zealous advocate for the older generation, serving in 1955 as Legislative Assistant to the late Senator Patrick McNamara, one of the chief sponsors of the Older Americans Act of 1965. Brademas later served in a similar capacity for Congressman Thomas L. Ashley (Democrat-Ohio), then in 1956 was Executive As-

assistant to the late Adlai E. Stevenson during Stevenson's unsuccessful campaign for President that year.

In 1957-58 Brademas was Assistant Professor of Political Science at Saint Mary's College, Notre Dame, Indiana. He was elected Congressman at age 31 in 1958 to serve seven terms in the House of Representatives and presently performs the leadership role of House Majority Floor Whip. Now at age 45, Brademas is one of the most effective supporters of needed programs for the elderly in Congress.

REMARKS OF CONGRESSMAN JOHN BRADEMÁS UPON RECEIVING THE "AWARD OF MERIT" FROM THE NATIONAL COUNCIL OF SENIOR CITIZENS, INC., WASHINGTON, D.C., JUNE 9, 1972

First allow me to express my appreciation to Nelson Cruikshank, Bill Hutton and the officers and members of the National Council of Senior Citizens for this award of merit and the gracious citation which accompanies it. I should like as well to extend my warm congratulations to Senator Percy, Mr. Newburger, Assemblyman McCarthy, Mrs. Pemberton, and Charles Killinger on their awards.

I am all the more gratified to receive this award in the knowledge that it comes from the largest organization in the United States championing the cause of older Americans, the National Council of Senior Citizens.

As chairman of the House subcommittee with jurisdiction over the Older Americans Act, I can assure you that your council and its eloquent and effective executive director, Bill Hutton, are unfailing in their response to our subcommittee's requests for advice and information as we seek to shape legislation better to serve the needs of the older citizens of our society.

Now you and I know that we live at a time when the credibility of politics and politicians is under particularly severe attack. More and more people in our society seem to be concluding that politicians promise too much and that their performance once in office does not match their promises. Indeed, I think that most of you would agree, whoever your favorite candidate for President next fall, and whatever your party, that one of the reasons for the remarkable support generated by Senator George McGovern across the country is that people perceive him to be a politician who says what he means and means what he says.

And I suppose that of few areas of American life can it be said that the gap between promise and performance has been greater than the role of the Federal Government on programs for the aging.

You recall how two years ago, in April 1970, President Nixon told us, "for too long we have lacked a national policy and commitment to provide adequate services for older people."

I know that all of you in this room will not be astonished to be reminded that when Bill Hutton testified before my subcommittee a few months ago on the approach of the Nixon administration to the problems of older Americans, especially the elderly who live in poverty, Bill said, "Now we ask, what has the Nixon administration done for these unfortunate men and women since they came into office three years ago? In all honesty I want to say they have done absolutely nothing."

I do not wish to appear to be partisan this morning, although I am perfectly capable of being so! For if only the White House paid more attention to the advice of Senator Percy, not to speak of the admonitions of his other distinguished colleagues who are to address you today, Senator Kennedy and Senator Church, neither Bill Hutton nor I would feel compelled to offer such criticism.

For I think I can honestly say that the

major initiatives for Federal programs to make life better for the older people of our country have in the last three years not been generated from Pennsylvania Avenue, but from individual Senators and Congressmen—both Democrats and Republicans—working together on a wide variety of key legislative measures. I cite only the recent increase in social security benefits, the Nutrition Services for the Elderly Act passed by Congress last year and the outstanding work in alerting the Nation to the need to improve nursing home standards, an effort led by my distinguished colleague, David Pryor of Arkansas.

Even the law authorizing the White House Conference on Aging was initiated in Congress and not in the White House!

So I want you to know that I accept this award today not only with appreciation but also as further encouragement on the part of the National Council of Senior Citizens to us in Congress to continue to press for legislative programs that will mean effective action for the elderly.

Indeed, before I take my seat, I must tell you of another significant measure that we in Congress have initiated which can mean much to the older citizens of our country.

I speak of what can prove to be a landmark, comprehensive older Americans services bill.

Last year and this my subcommittee heard testimony from a wide variety of citizens, including Bill Hutton, in support of this legislation and next week my subcommittee is scheduled to meet to begin drawing up a final draft of this bill. I hope that we shall be able to report a bill with strong bipartisan support to the full Committee on Education and Labor, and that, working with our Senate colleagues, we can write this bill into law before the end of the ninety-second Congress.

Here are only some of the key features of the comprehensive Older Americans Services bill:

A strengthened role for the administration on aging within the Department of Health, Education, and Welfare;

Expanded services under the Older Americans Act;

Low-cost transportation;

Expanded work service opportunities, including strengthening the retired senior volunteer program (RVSP) and the Foster Grandparents program;

Effective coordination of Federal aging programs;

Pre-retirement training programs;

Health, nutrition, education, and other social services;

Improved systems for delivering services to older Americans, and meaningful employment opportunities;

Gerontological centers to study the social and other problems of the aging process;

Senior citizens community centers.

All these provisions are aimed at ensuring that the rhetoric about the problems of our elderly citizens is translated into effective programs to solve those problems.

Let me conclude, then, with some words of an old friend of mine, on whose staff I once had the honor to serve. The late Adlai E. Stevenson. They are words which come to my mind as I consider measures to improve conditions for our older citizens. Mr. Stevenson said:

"What a man knows at 50 that he did not know at 20 is, for the most part, incommunicable. The knowledge that he has acquired with age is not the knowledge of formulas or forms or words, but of people, places, action—a knowledge not gained by words but by touch, sight, sound, victories, failures, sleeplessness, devotion, love—the experience and emotions of this earth and one's self and of other men and perhaps too, a little faith and a little reverence for the things you cannot see."

The kind of knowledge, the kind of faith,

the kind of reverence which characterizes the older people of our society is much too scarce and much too precious in this great and wealthy nation of ours to be either wasted, or perhaps worse, ignored.

The time has come—the time is now—for a genuine commitment of deeds not words, to lifting the quality of life of the older citizens of the United States.

With a renewed sense, then, of advancing these ideas which I know you and I share, I gratefully and proudly accept this award of merit.

HOW THE ESKIMOS UTILIZE WALRUSES

Mr. STEVENS. Mr. President, on May 17, 1972, the Anchorage Daily Times, Alaska's largest newspaper, published an article entitled "Cousteau Films Walrus Story," written by Mr. Dennis Cowals, a Times staff writer.

The article detailed the filming efforts of Mr. Jacques Yves Cousteau on St. Lawrence Island and his endeavors to make a realistic documentary explaining the symbolic coexistence between the island's Eskimos and its walruses.

Far from wreaking a slaughter of the beasts, Cousteau found that the Eskimos of Gambell utilize every bit of the walruses. He said:

They use the skin to make their boats, the fat for cooking, the meat for themselves and their dogs. Everything is used.

Mr. President, I highly recommend this article to Senators who are interested and concerned about the upcoming ocean mammal legislation. I ask unanimous consent that the entire article be printed in the RECORD.

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

DURING "4 DAYS OF PERFECT WEATHER":

COUSTEAU FILMS WALRUS STORY

(By Dennis Cowals)

Jacques-Yves Cousteau came back from St. Lawrence Island yesterday, stopping in Anchorage long enough to watch some of his traveling companions on the three-hour flight be off loaded in cages, for transshipment to Texas and California, make a long-distance call, catch up on his mail from France and make a jet connection for Los Angeles.

"We had an incredible amount of luck," the underwater explorer beamed. "We had four days of perfect weather," he said. "We shot almost the whole film in four days."

Cousteau and former Interior Secretary Walter J. Hickel flew to St. Lawrence to join Cousteau's son Philippe in filming a television documentary detailing the coexistence of the island's Eskimos and walrus populations.

Four orphaned walrus pups were brought back to Anchorage with Cousteau in his Winship charter en route to a marine zoo in Texas.

Another pair have already been flown through Anchorage to Marineland of the Pacific. Walrus keeper feeds the young pups, some only a few days old and weighing more than 100 pounds at birth, a diet of clams and Wesson oil.

From Gambell, the headquarters of the expedition, the film crews ventured 75 miles west towards Russia in skin boats accompanying and filming the Eskimo hunters at work along the edge of the retreating pack ice among the migrating pods of walrus.

The man who invented the aqua-lung now

in use around the world said he felt "extremely lucky that we could go out with the Eskimos and share their life, to film the tough life of the Eskimo as well as the extraordinary life of the walrus."

But the life styles of the creatures and the people who depends on them for their existence are equally remarkable, he said. "The Eskimos of Gambell are exploiting every ounce of the walrus," he said, "They use the skin to make their boats, the fat for cooking, the meat for themselves and their dogs," he said, "Everything is used."

Cousteau is certain that "Eskimo hunting is no threat to the walrus." And while he says "The species is not in danger for the moment, it should be protected to a certain degree."

Having warned a U.S. Senate committee last year that "the sea is threatened," Cousteau has developed strong feelings about the way man treats his oceans. "We believe strongly that conservation, good conservation, is to establish a durable balance between man and nature."

He shakes his head at the mention of the marine mammal bill pending in Congress which proposes to ban the killing of all creatures such as the walrus. "Conservation should not protect animals to sentence the man. It means managing the resource for the good of man."

Only in the spring are the Eskimos able to hunt among the northerly migrating walrus herds, he said. And even then, he added, weather and other conditions frequently permit only two or three days' hunting in a month.

He scowls when he talks of "trophy hunters" and people who call it sport. He approved of hunting for meat and says the St. Lawrence Eskimos now require all "trophy hunters" (non-Eskimo sportsmen) to bring back the meat of any walrus killed on a guided hunt for the use of the villagers.

FOOD: THE PUBLIC'S RIGHT TO KNOW

Mr. HARTKE, Mr. President, on previous occasions I have remarked that we know so little about the food which we eat each day. We feel content if the food looks appetizing, pleases our senses, and causes no untoward discomfort. Yet we care far too little about the ingredients, the freshness, or the nutritional content of that food.

On June 8, the Washington Post published an article urging the public to become more informed about the food we eat. In it is a letter which describes the death of a 10-year-old child as the result of an allergic reaction to ice cream which contained whipped peanut butter.

I ask Senators to read this article and the letter it contains and to support the public's right to know what they eat.

Earlier this year, I introduced, together with the distinguished Senator from Utah (Mr. Moss), S. 3083, the Truth-in-Food-Labeling Act. If the provisions of this bill had been law, at least one life would have been saved.

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

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

LABELING: THE PUBLIC'S RIGHT TO KNOW (By Dr. Jean Mayer)

Over the years, I have insisted the public has a right to know what they eat. The only way to be sure of this—when it comes to processed food—is better labeling. This means labeling information on the caloric

content of a common portion of the food product, the proportion of protein, vitamins and minerals in the food, with an exact ingredient list.

For a lack of proper labeling, 10-year-old Michael Grzybinski died. If anyone thinks I am exaggerating the urgency of improved labeling, read this letter:

DEDHAM, MASS.,
April 29, 1972.

DEAR SIR: On Monday, April 17, 1972, my 10-year-old son, Michael, died from natural cause due to glottic edema and anaphylactic reaction to ingested peanuts. This was caused by eating ice cream with peanut butter whipped into it called "Butterfinger."

My son had an allergy to peanuts all his life. Even at age 3 he would not eat candy bars or cakes unless someone told him what the ingredients were. When older, he read the ingredients for himself. On the day this accident happened, some friends invited him for ice cream at their house. As there was only a picture of a Butterfinger candy bar, and no ingredients listed on the ice cream container, he decided it was okay to eat the ice cream. It did not say anything about containing peanuts.

When he came home the allergy reaction had already started. While I was checking to see what he had eaten, my son died.

I am writing this letter because it is my wife's and my hope that this tragedy does not happen to other people with this allergy, and that the container will be marked with the contents spelled out instead of only a picture of a candy bar.

We intend no legal action against the ice cream company, but only wish they would change their container cover to identify the contents.

Yours truly,

CHESTER J. GRZYBINSKI.

Michael's parents, with great courage, have allowed me to make this letter public in the hope that, other parents can avoid such a tragedy.

Government agencies have been curiously unwilling to enter the labeling arena. The Food and Drug Administration and the U.S. Department of Agriculture argue that they haven't the legal power to require full ingredient labeling.

The FDA at least agrees it would be useful to have such power, and has had a bill introduced into Congress. But the bill is woefully weak. And the FDA has been unmoved by the challenge of a group of young lawyers banded together and called, LABEL, Inc., who claim there's nothing in the law to prevent the FDA from taking action right now.

In desperation, a number of congressmen—chief among them Rep. Benjamin S. Rosenthal (D-N.Y.)—have introduced bills into the House and Senate. All of the bills have gone to the Interstate and Foreign Commerce Committee.

If any action is to result, vigorous pressure by aroused citizens is needed to get these bills out of committee—favorably.

Only if the legislators know voters are deeply concerned, even angry, will we get the laws to make us nutritiously better informed and, hopefully, guarantee no more needless deaths of 10-year-olds.

BUSINESS AND THE ENVIRONMENT

Mr. GURNEY, Mr. President, I would like to call the attention of the Congress—and of the Nation—to a program of public interest which will be held on October 16–20, 1972, in Disney World, Fla. Its title is "Business and the Environment," and it is being cosponsored by the University of Miami and Federal Publications, Inc., one of the country's leading producers of educational seminars.

The program is, in essence, a concen-

trated course for businessmen in their environmental responsibilities and in what they can do to satisfy those responsibilities. Its approach is unique and innovative. Unlike previous conferences on the subject, it is not a hand-wringing session but, rather, one in which environmental obligations are clearly explained and businessmen will be told what—as a practical matter—they can do today to reasonably comply with those obligations.

Ten topics, integrated into a cohesive whole will be intensively discussed in 40 hours of instruction: National Environmental Policy Act, Air Pollution, Water Pollution, Energy, Land-Use Planning, Monitoring Trends and Detection Techniques, Resource Recovery, New Technologies, Financing Pollution Control, and Environment Claims and Their Defenses. The faculty is composed of distinguished experts from the Government, universities, industry, the financial community, and the legal profession.

In short, "Business and the Environment" is a program of true benefit to the public—a program of practical worth to industry—a program which will serve this Nation well. The sponsors have sought my advice in the development of the curriculum, and I am proud to say that the results of our joint efforts are most gratifying.

HELP AVAILABLE FOR FOREST OWNERS

Mr. SPARKMAN, Mr. President, the Mobile Register and Press of June 17 contains an editorial entitled "Help Is Available for Forest Owners." I think it expresses quite well the importance of our forests to the Nation and the need for encouraging greater forest production in order to meet our housing needs.

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

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

HELP IS AVAILABLE FOR FOREST OWNERS

The acceleration of forest growth has become one of the primary goals of this nation, and responsibility for success rests largely upon landowners in the South, with nearly 200-million acres classified as forest land.

Urgency of action in this area of the economy is unquestioned, since 24-million new housing units must be built in the 1970s alone. That means using a lot of lumber, since nearly all homes use wood for framing and other building applications. This, of course, is in addition to the enormous use of trees by paper-making firms.

Then there is also the vital need for tree growing as an environmental asset, first, since they give off oxygen, an essential element in the air we breathe, secondly, woodlands must be maintained to meet the recreational needs of Americans.

One of several organizations vitally concerned about this Southern problem is the Southern Forest Products Association, headquartered in New Orleans.

It has adopted the slogan "Trees Forever," as a means of enlisting support of well-defined plans to bring two-thirds of the South's non-industrial acreage now owned by individuals, into proper forest management.

"These landowners must be encouraged to

develop sound forest practices, and must be given both the forestry and financial assistance necessary for them to begin growing trees on their land," says SFFA.

The association contends its program is capable of doubling timber growth in the region by year 2000.

Owners of non-industrial forest land can and are receiving help from the private forest industries. This aid comes in the form of free forestry advice, seedling and forest genetics.

Others to contact for assistance include state foresters, representatives of the U.S. Forest Service, the U.S. Soil and Water Conservation Districts and a variety of consulting foresters, county agents and others.

However, the Trees Forever effort also looks to Congress to adopt legislation extending federal assistance to landowners in need of help in the planting and managing their woodland acres with faster growing plants.

Government certainly has a big stake in whether tree growers accomplish the goal of meeting demands of the future.

ACCUSATIONS OF GENOCIDE AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have expressed the fear that that treaty would open the door to unfounded and slanderous attacks on the United States. These opponents do not believe that we are guilty of genocide; they are only worried that we might be charged with it. They cite, for example, a document entitled "We Charge Genocide" submitted to the United Nations in 1970 by a group of American black leaders.

I do not believe the United States is guilty of genocide. Ratifying the Genocide Convention would make our official position clear. It would provide us with specific definitions by which our actions could be measured. We have nothing to fear from such a measurement. Under the terms of the treaty, charges of genocide in the United States would be brought to court in the United States. We must never overlook the distinction between being charged with a crime and being convicted. This distinction is at the heart of our legal system. Our position is stronger if we firmly assert our belief in the law against genocide, and require any accusers to prove their case under the law.

The Foreign Relations Subcommittee on the Genocide Convention put the matter clearly:

There is a note of fear behind most arguments [against the treaty]—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people do not trust ourselves and our society.

Mr. President, the Genocide Convention poses no dangers to our Nation. We should make our stand on genocide unequivocal; I urge the Senate to take up and ratify the Genocide Convention immediately.

PROTECTION OF MARINE MAMMALS

Mr. STEVENS. Mr. President, I have recently returned from 3 days of hearings in Nome and Bethel, Alaska, on the

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Marine Mammal Protection Act. These Senate Commerce Committee hearings were authorized for the specific purpose of taking Native testimony on the provisions of the bill providing exceptions from the act for certain Alaska Natives.

We traveled to Northwest Alaska to permit many people from villages and towns in that part of the State who could not afford to journey to Washington to testify on the bill as it affected them. Because these people do not have the money to come to Washington and tell us why they need to take the animals for subsistence and Native arts and crafts, the chairman of the Commerce Committee (Mr. MAGNUSON) wisely permitted us to go to them. Those of us from the committee who were privileged to attend those hearings learned a great deal from the testimony.

Many of them came at great personal sacrifice and at great cost. Not only were they financially burdened, but some of them could only come at great personal inconvenience and even physical danger. Unfortunately, this is the time of the year during which spring breakup occurs. During the winter months, ice and snow cover the ground and rivers. At this time of the year it is relatively easy for Alaska's resourceful bush pilots to reach virtually every village and settlement by landing on the ice. During the summer months, after the ice and snow have melted, it is easy to reach the villages once again on floats or by boat. However, at the time the ice is breaking up, it is far too thin and spotty to support skis upon which airplanes must land. It is also still prevalent enough to block water-borne traffic. In these waters of near-freezing temperatures, one slip into icy currents can mean instant death or severe illness. Many witnesses traveled from 200 to 300 miles or more just to testify for 10 minutes.

Mr. President, I believe we all owe these courageous Alaskans our gratitude for undertaking such hazardous journeys in order to build a correct and complete Senate hearing record on the Marine Mammal Protection Act.

The subject of the hearings was the right of Alaska Natives to manufacture and sell in interstate commerce handmade Native arts, crafts, and clothing. This is the right to be let alone to continue their centuries-old way of life and the chosen trade of their forefathers.

The Alaskan Natives speak not only for themselves, but also for their cultural identity. Many of them fear the loss of their traditions and cultural assimilation.

Even more important is the necessity of earning a living in one of the harshest natural environments on the face of the globe. As I indicated at the time I introduced amendment 1048, virtually the only form of cash economy the people of northwest Alaska's coastal areas are able to obtain is through the sale of handmade Native arts and crafts and clothing. Thus, they have become totally dependent upon these mammals for even a marginal cash economy. This amendment is actually a matter of life and death for the Alaska Native people.

To other Americans from the "Lower 49" who may visit a zoo once a year and

see one or two sea mammals, my amendment might mean very little. However, if those same people had accompanied me into the villages of Alaska and listened to Alaskan Eskimos, Aleuts, and Indians testify before our committee, they would come to understand the harsh facts of life as they face my fellow Alaskans.

The testimony of these good people speaks for itself. I cannot improve upon their simple eloquence. They told it like it is.

Hunters and village leaders, carvers and old people, governmental officials and schoolchildren, merchants and housewives testified. Their testimony will be found in the printed hearing record.

A typical witness was Martha Aiken. Mrs. Aiken is an Eskimo from Barrow, Alaska, the northernmost village in the United States. The testimony of Mrs. Aiken is simple and to the point. I ask unanimous consent that it be printed at this point in the Record. Mrs. Aiken speaks not only for herself, as an Eskimo and as a mother and a housewife, but for tens of thousands of Eskimos and Aleuts in Northwest Alaska.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TESTIMONY

My name is Martha Aiken, a full blooded eskimo, born and raised at Barrow, a house wife and a mother. Recently started teaching our eskimo dialect to the 7th, 8th and 9th graders to read, write and speak it. We realize the importance of our eskimo culture our dialect and striving to help the young generation to get it back! Right now more and more of our young people are gradually speaking it in their work, playing and even in school. And, we hope not only to recapture the dialect but working on eskimo books to be edited and published. We have such high hopes for the future and will need the support of our mother country. The U.S.A. and its Congress. Surely like a mother she is to Alaska and Alaska just a few years a state. God give her wisdom to rule her children well, with love and understanding heart! And the child longing and looking up to her with expectant hopes to receive of what she asks of! You see other countries as other children, gobble more of the candy when your child had only one and your child's is blamed who had only one candy—blamed that she had finished the candy! Will you help her or will you take her only one candy as well? Alaska had lived and survived all the hardship of life way before it was sold to the U.S. and so has the hunter hunt with sheer courage and skills. What about the hunter's wife? A woman has her skills all her own—she's the one who sews all the warm clothes for the hunter—raised her children, cooks the meals, stores and dries all the meat, drying every skin of animals that her husband had killed—she's the one that cuts up the ringed seal—store the meat, cut up the blubber for seal oil, scrapes and stretch the skin to dry!

There are several different uses for ringed seal. If she needs a real poke to put away the blubber in—she picks out a smaller seal, cuts it through the head, turns it inside out, take out the meat, scrapes it and blow it like a balloon to dry, and makes sure no air comes out and rubs it with its blood and hang it to dry. Should she need a white bleached skin, she works on that in certain part of the year and in a different way! She's the one who dries, scrapes and sews the caribou skin to all sizes of clothing for the family. Every bit of caribou meat is tasty.

The head is the best part for an eskimo.

Sinews are made from the legs and also from the back. Its legs killed in wintertime are best for warm winter boots. Ugruk skins for boot soles. Walrus meat is delicious fresh or fermented.

And, the important and much sought after with much courage and skill is the priceless bowhead whale. The largest and the tastiest! Every part of the whale can be eaten. Many a man goes without sleep just to be blessed with a whale. A man with or without a job. When whale is caught there is much happiness and a means of our livelihood. All meat is taken ashore, no matter how rough the road to shore may be. And, once taken, to the villages, it is stored away in large hard dugged cellars. (So it is never spoiled or wasted all year round. To this day, eleven whales are killed at Barrow, but by the end of the year, not one piece of muktuk will be left. No wonder some call us the "blubber eaters." But we're not ashamed to be called as such because we can't live without oil, as more jobs are available more modern methods are used for hunting, but still meat and oil is our main diet. Though everybody thinks we're living modern these days, from a stranger's point of view. They never get closely acquainted with an eskimo family enough to see what our main diet consists of.

There are white in our villages, but they don't go to our homes to eat with us and therefore they don't know what we eat and live on.

And, it isn't chicken and steaks daily, although we do have those occasionally. In fact, we can't afford the store bought meat for very long! We depend more on the animals on sea and on land for our main diet. Think for a minute. Let the eskimo cut all eskimo diet and seal oil for a year. You know what would become of us? They'd either lose weight so much our skilled hunters would become as frail women. Or gain so much weight trying to satisfy their gnawing stomachs for eskimo food. Could you imagine the pangs or their thirst for oil and meat? Now, if our whites were commanded to quit raising chicken and cattle, and start eating only vegetables and fruit; well, that's how miserable it would be for an oil and meat eating eskimo. If our livelihood and our diet of centuries are taken away from us—what's the use of being called an eskimo? What's the use of trying to recapture our eskimo culture which is fast dying away! If this bill is passed and accepted what we are trying to recapture now will be completely destroyed. And once destroyed and lost who will recapture it after us?

I'm proud to be an eskimo and to say I can speak, read and write the dialect. Once I heard a teenager from Kotzebue personally say to me "It's awful to be an eskimo and don't understand or speak the language." Are we to be eskimos in name only though we look like eskimos? Or will you help us recapture our culture, customs, traditions and our dialect? Right now, eskimos are on the edge of nowhere balancing to keep their culture.

Will you be the one to balance the scale? Or will you be the ones to push us down. I pray to God that this is not so.

Mr. STEVENS. Mr. President, another particularly interesting and important facet of the Native subsistence economy is the dependence of certain villages on the bowhead whale. Alaskan Natives take a minimal number of whales for subsistence purposes each year. These few whales are vital for those several villages that depend upon them and, as indicated by expert testimony at the hearings, in no way endanger the species. On Sunday, May 21, 1972, at pages B-1 and B-2 of the Washington Post Outlook Section, Mrs. Lael Morgan wrote an excellent

article entitled "Whale Hunting in the Arctic." The article was written when Mrs. Morgan was a member of one of the whaling parties from Point Hope, Alaska. I ask unanimous consent that the article be printed in the RECORD.

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

WHALE HUNTING IN THE ARCTIC

(By Lael Morgan)

(The writer is an Alicia Patterson Fund fellow on leave from the Tundra Times of Fairbanks, Alaska.)

Point Hope, Alaska.—Esther Kingik Bosta wrote a note to her young brother's teacher: "Gussy is excused to go whaling." He would be away six weeks.

It was April and the start of the spring whaling season off the restless ice of the Chukchi Sea, when the Eskimos stake their lives for their groceries—the mammoth bowhead whale. Twelve crews, remnants of a thousand-year tradition, would set off with open boats for the thawing Arctic channels called "leads," camping in 10-by-12-foot tents on the treacherous ice. I became a cook for one of the crews.

The first water had opened up April 12 and the village of 400 had become tense with excitement. A week earlier the women had sewed new sealskin covers over the light boat frames made of driftwood and plywood. Now the preacher arrived by snow machine to bless our craft. The crew knelt for a prayer, in terse Eskimo, and we were away with "amen." The two dog teams went first, followed by snow machines pulling our boat and grub box.

The ice is a harsh, ever-changing world, bounded by towering pressure ridges of frozen blocks the size of deepfreezers. Our first "lead" was a narrow span of black water that spun off dark mists shot with sun. The men quickly anchored the guy ropes of our tent to hefty ice blocks. Three plywood planks were laid as flooring, and a stove, fashioned from an oil drum, puffed smoke through a pipe bedded with a shield in the canvas roof.

Outside a sharp wind tore from the northwest, adding sting to the sub-zero temperature. Inside, secure with a large dishpan of seal blubber chunks to fire the stove, we drank tea and waited for the wind to drop. Our harpoon and darting guns, modest weapons patented in the 1860s, were ready in the bow of the boat.

Our captain, Bernard Nash, waited with apparent calm, but he was actually tense inside. This was his second year as a captain and he had yet to get his whale. He was an excellent hunter; he had been harpoon man on the crew that killed Point Hope's record whale, a 65-footer. But last year he left his crew partway through the season to take a construction job outside the village. This year's hunt was outfitted at a cost of nearly \$700 from his income-tax refund, unemployment check and food stamps. It was important that we scored.

Our ice expert was Gus Kowuanna Sr. Good-natured and always joking, he is one of the toughest, wisest men the Arctic can produce. Also in the crew was Sam Nash, Bernard's son, who bears the name of a famous whaler who was his grandfather. Sam was a bookworm, but he had been on the ice most of his 21 years and was a good man with a paddle. So were Earl Kingik, Isaac Killigvik, Norman Omnik and Morris Oviok—all young and strong, all trained to the ice from childhood.

Gussy Kowuanna Jr. the 13-year-old excused from school, was our "boy" and had the hardest job of the lot. He fetched and carried, stayed up all night to tend the stove, did all the dirty work. But, as an apprentice whaler, he would get a man-sized share of the kill. He dreamed that next year or the year after he would take his

place at the paddle. His sister, Esther Bosta, was our head cook and my boss in the absence of the captain's wife. She was well traveled and educated, and had become a city dweller. But she came home for whaling because she loves the ice and is sought after as a cook.

The cry was "agvik"—the Eskimo word for "whale." Often it was not given. Rather, the watch from a crew farther down the channel would alert us by making a broad swimming motion with his arm; silence was one of our weapons.

The men acted as one, quickly taking their seats in the boat. Kowuanna pushed off, took his place in the stern with the steering oar, and they moved out, pushing their paddles soundlessly through the water. The bowhead was nearly three times the size of the boat, but it was wary. It surfaced and sounded, coming up out of range. Our crew returned, pulled the boat out and carefully knocked icy skim off the hull with their paddles. Spirits were still high. The season had started early and there would be many more whales.

Among Point Hopers, it's the mark of a man to go without sleep for days. Even at the beginning of the season, when the weather was savagely cold, our hunters shunned the comfort of our tent, keeping warm instead at the water's edge. When the whales came through en masse, the men would not eat and might spend five hours straight at their paddles. They would return crusted with frozen brine and send Gussy to the tent to exchange their frozen gloves for dry ones. Only occasionally would a man come to the tent to warm up or change clothes.

The whales would appear just about any time. Sometimes they surfaced in a "lead" so small you wouldn't expect a duck to land there. Sometimes they traveled after dark, and sometimes in a blanket of fog when floating ice was at its most unpredictable and dangerous.

A whale can travel about 50 miles an hour if he puts his mind to it, Kowuanna told me. One of the Point Hope boats can go 12 miles an hour or maybe faster if the crew is good. "When you see a whale you gotta work, work. Work like hell to catch him . . . Work until you sweat," Kowuanna said. You must strike him from behind or directly in front, for his eyes are on the sides; if he sees you, he'll move out. Particularly with our outdated weapons, our crew needed the advantage of surprise.

The women's lot was less exciting than the men's, but we were an important support team. Cooking on the oil drum stove and a small Coleman burner, we turned out endless meals of caribou stew, boiled polar bear, muktuk (edible whale skin, which is delicious with mustard) and elder duck. The meals were served with pilot bread (thick, bland crackers) and yeast doughnuts, which we made by the gross in the dishpan, fashioning them with our fingers without the aid of a cutter. I was clumsy, and a little leery of the native foods. But the crew was patient and I managed to hold my own.

It was also our job to cut blubber for the stove, babysit the dog teams for our crew and carry meals down to our men on watch. Often we walked 5 to 15 miles a day over rough ice. After a day like that you can sleep anywhere, and when the whales ran thick we slept on the ice.

The day of the first catch, we watched our men go out until they disappeared over the horizon. For two hours we waited in the darkness until finally, from far off, we heard the echoing cheers of our crew and five others. We cheered and yelled back, laughing and crying and hugging one another. The first whale! Agvik! Meat!

The tension was gone at last. It was the first time in two weary weeks on the ice that the women really laughed. We knew we would eat. It was not our whale, but we had helped.

We got a share. Then we went back to our watch.

The winds shifted and tried to push our camp to Siberia. We hurried our gear to the ice of the point and returned two days later. Again we camped, only to have the men shaken in the night by crashing bergs and move again. Later the open water froze and our men smashed away at the young ice with their paddles. Finally it defeated them, freezing thick enough to support skilled walkers, who moved cautiously out to open water a mile beyond.

One day we took food to them only to evacuate in mid-meal and watch our picnic site become open water. Two of our crew fell in, hauled themselves out, changed clothes and went back to the hunt. And we scored. A 38-foot bowhead shouldered in close to the camp of a neighboring crew, who harpooned it. Our crew hurried to assist. We got our harpoon in, too. Rope was fetched to secure the animal. But it revived despite the fact it had taken six black powder bombs, spouted blood and sounded to die alone.

We searched for it. Three days later it surfaced, a "stinker." The meat was fit only for dogs, but the muktuk was good and we helped with the long, foul job of butchering. With nearly 70 men working, it took more than 12 hours. Ours was a good share.

The weather turned warmer. We took breakfast to the men one morning to find our boat out. Ruth, the captain's wife, and Esther and I waited by the lead, enjoying the sun and excitement as 20 bowheads and dozens of kittenish little beluga whales cruised by.

Our men came home happy despite the fact it was late afternoon and they had fasted for 14 hours. They had helped bring in three whales, one a 57-footer. But the south wind came in while we were butchering, and it pushed in a crushing front of lee that buried the big whale before we really got to it. The crews escaped with no time to spare. We regrouped, waited out the wind, and went back only to find old landmarks missing and our leads frozen.

"How much is a whale worth to you in groceries?" I asked the captain.

"Why, 30 to 60 tons," which would be shared with the other villagers, he replied. "And we will use every bit of it—everything but the liver and the lungs, which will go to the dogs."

But whaling meant more than food to them. "It is our tradition," Morris Oviok said. "The tradition of our forefathers."

Mr. STEVENS. Mr. President, hearing records will be available to all Members of the Senate and House of Representatives.

I am sure that all of my colleagues are aware of the problems the American Indians have faced in the Western United States in their dealings with the Federal Government. This Congress has enacted a significant piece of legislation—the Alaska Native Claims Settlement Act—to prevent the same problems from arising in Alaska.

I urge Members of Congress not to pass a mammal protection act without adequate protections for the Alaska Natives. We must be sure that we do not destroy a civilization in the hope of saving the ocean mammals.

WNEP-TV—ABC—SUPPORTS STRICT HANDGUN CONTROL LEGISLATION, DESIGNED TO BAN THE "SATURDAY NIGHT SPECIAL"

Mr. BAYH. Mr. President, I commend WNEP-TV for their editorial, "Handgun controls are in the best interest of the

public," which was aired on Thursday, June 15, 1972, in Avoca, Pa.

The recent attempted assassination of Governor Wallace and the shooting of 11 persons in a suburban Raleigh, N.C., shopping center have rekindled interest in gun control legislation.

However, Congress should not let this opportunity, born of tragedy, pass without action only to reoccur when tragic events again call to the public's attention the need for legislation. There have been enough killings and enough armed robberies.

Mr. President, the full Committee on the Judiciary has before it now my bill S. 2507, which would prohibit the sale and delivery by licensed importers, manufacturers, dealers, or collectors, of any firearms, other than a rifle or shotgun, which the Secretary of the Treasury determines to be unsuitable for lawful sporting purposes. We in Congress now have the opportunity to act on this legislation and offer to the Senate a bill, which is not a panacea, but at least a starting point in controlling the abuse of weapons which are not good for anything like marksmanship or hunting animals, they just hunt people.

Mr. President, for the benefit of my colleagues, at this point in the RECORD I ask unanimous consent that the WNEP-TV editorial of Thursday, June 15, 1972, be printed in the RECORD.

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

HANDGUN CONTROLS ARE IN THE BEST INTEREST OF THE PUBLIC

In 1970 more than 8,000 Americans were killed with hand guns, an average of 22 people a day. In the same year, 130,000 robberies were committed by individuals carrying hand guns. In 1970, 79,000 individuals were victims of aggravated assault by gun.

At the same time, 73 police officers were killed with hand guns. So far this year, 42 law enforcement officers have been killed, 30 of them with hand guns. Of the 633 policemen killed in the past decade, 630 were murdered with guns and 472 of these by hand gun.

Those who tell us the 1968 Federal Gun Law is sufficient to stop the great American shootout are dead wrong. The law does ban the importation of cheap foreign made guns, but it does not prohibit the importation of their parts. The *Minneapolis Star* tells us that the parts are imported and the Saturday night specials are assembled at cottage industries where workers put together these cheap, small caliber, easily concealed pistols favored by lawbreakers.

We think these facts speak for themselves. In our opinion, strict hand gun control legislation, designed to ban the Saturday night special is in order.

This necessary reform is in the best interest of those who obey the law and those who enforce the law and it would work to the disadvantage of those who would break the law.

Washington Police Chief Jerry Willson favors such a law. New York Police Commissioner Patrick Murphy tells us that there is absolutely no legitimate reason to permit the importation, manufacture or sale of these weapons or their parts. They are sought by people who have illicit motives, but who have some difficulty in securing a better gun.

The late J. Edgar Hoover considered tough, comprehensive, uniform gun control legislation imperative for the public's safety. Congressional action to ban the cheap hand gun—the Saturday night special—is a step

in that direction and such action should be taken now.

IMPRESSIONS OF LALIBALA, ETHIOPIA

Mr. McGEE. Mr. President, this morning's Washington Post contains a column by William Raspberry describing his journey to Lalibala, Ethiopia, where he had the unique experience of exploring the 10 rock-hewn churches which date from the 12th century.

During a Senate Appropriations Committee-sponsored study mission to Africa in 1971, I also had the exciting opportunity to visit these historic treasures. And as Mr. Raspberry so aptly concludes:

If the fantastic rock churches, which are what the village of Lalibala is all about, were better known, they would be no worse than the eighth wonder of the ancient world.

Lalibala is a very moving experience for those who have the opportunity to visit it. As a matter of fact, my wife, Loraine, who accompanied me on the African study mission, wrote a column for the Wyoming news media upon our return conveying her impressions of Lalibala.

I ask unanimous consent that Mr. Raspberry's column and Loraine McGee's column be printed in the RECORD.

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

[From the Washington Post, June 23, 1972]

KING LALIBALA'S EDIFICES

(By William Raspberry)

LALIBALA, ETHIOPIA, June 23.—I didn't learn about Lalibala in school; you didn't either. Our children might.

If the fantastic rock churches, which are what the village of Lalibala is all about, were better known, they would be no worse than the eighth wonder of the ancient world.

King Lalibala, one learns from a combination of the meager literature available and the word-of-mouth accounts of the people who live here, was emperor of Ethiopia around the 11th century, and something of a religious fanatic.

A visit to Jerusalem convinced him that he should reproduce that city in his own mountainous land. The village that bears his name is the result.

Some say he chose the technique he used in order to protect his Christian edifices from marauding Moslems, although it is difficult to see how King Lalibala—let alone any invaders—ever negotiated the incredible hills that surrounded the village.

But whatever the reason for his choice, the result is stupendous. What he did was to build, no, carve his churches out of solid rock, starting at ground level.

That is, he'd start with bedrock, dig a four-sided trench in it, and in the stone cube that remained in the center, he would carve—or have carved—a multirocked, vaulted-ceilinged, elaborate embossed and perfectly beautiful church. He did 12 of these, a few of them built up rather than monolithic. Ten of them still stand, all 10 in regular—sometimes daily—use today.

Of those eight are accessible with only a moderately treacherous scramble down steps carved into the rock-ground. Originally, all eight were interconnected by tunnels, though some of the tunnels have collapsed. These churches are almost impossible to see until you're virtually on top of them.

The other two churches—the first two built by the King, the people of Lalibala tell you—are not quite so accessible.

They are the sightseer's reward for a 1½-

hour combination walk and mule ride up unbelievably, treacherously narrow, rock-strewn trails that cling to the edge of precipices that I've been dreaming about for the two nights since my wife and I made the climb.

It makes me no less proud to recall having to pull my mule over at a wide place in the trail so that native women, barefoot and burdened with bundles of wood, could trot ahead of us, making snide remarks in Amharic to our 10-year-old guides, Tedesse and Tigabu, about how frightened we seemed to be, or to know that so many of these mountain people (somehow it never occurred to me that there were mountain people in Africa) in this village of 3,000 make the arduous scramble up to the church every week. (The villagers—men, women and children—always seem to be going up and down the mountain trails as if to a fire, though to a stranger's eyes there seems to be no good reason for the treks, there being precious little—aside from the churches—on either end of the trail.)

But the churches are the thing, and one is not inclined to take strong issue with the tourist pamphlet that characterizes Lalibala's churches as "rivaling monuments of ancient Greece and Egypt, ancient cruciform temples of mysterious origin, not 'built' but hewn and intricately carved from virgin rock . . . a true wonder of the world."

The real true wonder, though, is that they have so long escaped wide attention. (Lalibala is just a little on the way to becoming a tourist trap, though a trap for hardy tourists only.) Some of Ethiopia's magnificent monolithic churches, though not those at Lalibala, were unseen by non-Ethiopians until 1966, according to Georg Gerster, author of the authoritative, beautifully illustrated and expensive book on the subject, "Churches in Rock: Early Christian Art in Ethiopia" (Phaidon Press, London, about \$38).

They're seen now at least enough to keep a once-a-day DC3 flying the "historic route" that includes Lalibala and to support a small, fairly comfortable hotel.

Things should pick up even more with the promise now of major archaeological studies of the region by scientists under the joint auspices of the United Nations and the Ethiopian Archaeological Institute.

This undertaking is the best hope that our children—or at any rate, our grandchildren—will escape our own ignorance of this New Jerusalem.

LALIBALA—A 12TH-CENTURY MONUMENT TO A CHRISTIAN KING'S DREAM
(By Mrs. Gale McGee)

In the rugged and primitive mountains of north-central Ethiopia is Lalibala, the site of eleven major churches all hewn out of a single solid rock.

Gale and I had the once-in-a-lifetime experience of visiting these awe inspiring shrines during his recent Senate Appropriations Committee-sponsored study mission to Africa and the Middle East. And with the Easter season now upon us, I think it is only appropriate to share with you this experience from the pages of the history of Christianity.

King Lalibala, a 12th-century Ethiopian monarch, was a man of powerful Christian faith. This man's extraordinary dream of a "new Jerusalem" gave rise to the construction of eleven churches, each carved out of solid granite. Local legend has it that the churches were built by King Lalibala in response to a divine command and with the aid of angels. Whatever the motivating force was behind the construction of these gigantic monument, they are certainly inspirational.

The complex of churches and chapels is carved into the shoulder of a mountain. Four of the shrines are enmeshed in Lalibala's maze of tunnels, galleries, shafts and alley-

ways. They are completely carved out of a single block of stone.

We were told that workers freed massive rectangular blocks of stone by digging trenches on four sides down into the rock. Artists then sculptured these blocks into houses of worship, fashioning them after conventional churches. Yet, each church is a single chunk of rock and each has its own character.

The Church of the World's Redeemer is the largest. The Church of St. Mary's features luxuriant flowerlike designs painted on its ceilings. Finally, there is the Church of St. George, carved in the shape of a cruciform—a towering triumph of a people who chose to rally around the symbol of the cross.

There is considerable speculation as to how the churches were built. The majority of experts, I am told, hold that artisans chiseled the interiors from the top to the bottom of the structure, forming first the vaulted ceilings, then the arches, capitals, pillars and bases. Thus, they would, at the start, have used the uppermost rise of windows both for access and removal of debris.

However, Swedish architect, Barnard Lindahl, who has studied the shrines quite extensively, believes that the interior work proceeded from the bottom up. He believes that the stone masons chiseled from the main entrance to the altar, probably first cutting the nave (the middle part of the church which is flanked by the aisles) and then going to the aisles.

When I reflected on the tens of thousands of man-hours which must have been required to construct these churches out of the rock before me, I was overwhelmed. One can compare these works to the pyramids of Egypt, truly one of the wonders of the world. These monuments must certainly rate as even more impressive than the pyramids. They would probably be one of the wonders of the world if it wasn't for their location in this remote area of Ethiopia.

Another intriguing aspect of the Churches is the significance the Ethiopian people attach to Lalibala. According to the Ethiopians, Lalibala is the site where Christianity was born. They illustrate this belief quite graphically by pointing to crypts in the largest of the churches marking the places where they believe Moses, Jacob, and even Christ are buried.

From Lalibala, we flew to Jerusalem in the Holy Land. There we again walked through the Stations of the Cross. Our tour ended at what is believed to be Christ's tomb. We reflected on what we had seen at Lalibala and Jerusalem. It isn't important that Lalibala and all its splendor represents the stronghold of Black Christianity. What is important is that Christianity knows no color. Black or White, this faith has endured the ages. This is the real message of Easter. Christianity is as pertinent today as it was 2,000 years ago, in any language or color.

AMERICANISM AND THE NATIONAL DEFENSE

Mr. ROBERT C. BYRD. Mr. President, on March 2, 1972, a constituent of mine, Mr. J. C. Hupp, gave a prepared address to the Fairmont, W. Va., Rotary Club on the subject of "Americanism and the National Defense."

Mr. President, I ask unanimous consent that Mr. Hupp's speech be printed in the Record.

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

AMERICANISM AND THE NATIONAL DEFENSE

Fellow members of the Rotary Club: The subject assigned to me today is Americanism and the National Defense. Colonel Jaynes,

who spoke to us a month ago, spoke as an Authority on economic and did a good job of it. I am speaking to you today as a Reporter, so as to avoid responsibility if you find that I am wrong. Some of the things I will say may shock you and you may violently disagree with me.

I am sure the average American has confidence that our leaders are furnishing adequate national defense for our nation. For nearly two hundred years with the spirit of America backing up our national leaders our country guaranteed the safety of the lives of our citizens and the continuation of our national government. We have known nothing but freedom and liberty given us by the sacrifice of our forefathers. So, it is not to be wondered at that our citizens do not realize that something has happened to the leadership of our nation. The responsibility for the change is upon both those who lead us and on us voting citizens for this is a republic and the government is the responsibility of the citizens.

A great many citizens seem to think we have put too much money into defense. I do not like to come before you knowing that if you take seriously what I say, that you are going to be concerned and that you will not leave our meeting today in a cheerful mood. But I feel that Americans today are not aware of our very great danger to both the lives of our citizens and the survival of our nation. For a good many years a number of us have been deeply concerned about this subject. But most of our citizens are apparently unaware of it. All our people are against war. We want peace. The difference is how to achieve peace. A very large group of Americans seem to think we can achieve peace by doing away with our army, navy and air force. When we do away with defenses we are sure to bring on a war. Today we are facing a communist group that has never changed its objective. Today, as fifty years ago, it is out to bury us and there is only one road to peace with this group, or in fact, with any bully, and that is we must be strong and negotiate from strength. When we withheld bombing North Vietnam and from using our armies to win a victory, there was no use in trying to negotiate in Paris. The enemy did not believe we would pay the price of success and they fought on with the full expectation we would finally go home without victory and that is what we are doing now because of political pressure at home. We did the same thing in Korea and MacArthur said he had never known or studied any such method of conducting a war.

These two wars are the first of the kind we have ever fought. It is not the American way. The outspoken opposition at home also convinced our enemies we were not united. Eisenhower said he could not have won the second World War had he experienced the opposition at home that has prevailed during the Vietnam War. Church leaders and others who joined the marches, prolonged the war and caused the deaths of thousands of Americans. From these two wars and from many other causes some of which are political and much of which is a misunderstanding of the dangers we are in, has caused opposition to our defenses in Congress. So much of our welfare money has gone so far beyond the reasonable needs of our people, and is being worse than wasted, that it adds to the list of our people who do not want to work, fight, or do anything else. They have become un-American.

The surest way to get us into war is to go ahead with complete disarmament. There are reported to be more than a hundred Senators and Congressmen, some of them announced candidates for the Presidency, who think we should spend nothing on national defense.

When candidate Muskie recently condemned the President's speech on the state of the nation, he was giving aid and comfort to the enemies of our country.

As a school teacher I became deeply interested in American History and in Americanism as it has developed over the years since we became a Nation. George Washington advised us not to become too deeply involved in quarrels between foreign nations. It seems we have largely forgotten this advice—although George, himself, might modify that statement somewhat if he were with us today.

President Monroe advanced the Monroe Doctrine by which we would not stand idly by while a foreign nation built up a military system on this side of the Atlantic. President John Kennedy received bad advice and I saw him on television when he said he had made a tremendous mistake in betraying the patriots of Cuba when they were prepared to clear out the communists at the Bay of Pigs. We at that time abandoned the Monroe Doctrine and gave the communists a spring board within reach of this continent and so greatly endangering our country.

As Americans we have helped the people of many nations when they were starving and this has become an item in our Americanism. India and China were two such nations we often helped but under communist leadership these nations now profoundly hate us.

A few years ago I prepared an article for the monthly magazine of the company I work for. The title was "I Was Born With A Silver Spoon In My Mouth" in which I tried to point out that I was born in America, a country with the greatest freedom of any nation on the face of the earth in any age of human history—the United States of America. I was born in a country where all we have a right to ask for is an opportunity, good health, a chance for an education, and an opportunity to work in our chosen field. Behind the iron curtain is fear, not freedom; slavery, not initiative; suppression, not motivation; terror, not happiness; restriction, not help to progress.

I have been highly interested in Americanism because it represents the fundamentals of what we stand for in America. At one of the company national meetings, I opened the convention on this subject. For some years I have been state chairman of the Americanism Committee for the Society Sons of The Revolution for West Virginia and have made annual reports on this subject and attended national meetings.

I have sincerely hoped that the capitalistic system under freedom would continue down the years for those who come after us.

We have seen the continual development of socialism in America, the weakening of our national defenses, and a retreat from facing the demands of our communist enemies. We saw a ship taken by Northern Korean communists on the high seas with little immediate reaction on our part.

Just imagine what would have happened if this action had occurred when Theodore Roosevelt was president of the United States.

For years our money has gone into welfare until our people have come to believe that the Preamble of the Constitution which says "Promote the General Welfare" means that we are to live on the government.

As our citizens have weakened they have come more and more to look to the government for a livelihood. We have deteriorated physically until, I am informed, only 38% of the young men who came before military boards are able to pass the tests for soldiers. It is difficult to find people willing to work. The self dependence of our pioneer ancestors seems to have disappeared. Many of our young men and women demand that they start at the top and not be required to work their way up.

Many of you men, as well as myself, had to begin even below the bottom and work our way up to the bottom.

Today we face a host of problems in America—such as the national debt, pollution, crime, problems in our colleges, lack of

interest in voting, softness on criminals, and a host of others.

Two of these problems are the national debt and irresponsible spending by the government and the other has been national defense. We expected Nixon, judging by his platform, to do much for us on these two points, but for some reason he has gone into reverse and the national debt has been larger than ever before. Also he has been timid in the face of objections to build up our national defenses and has asked for a mere pittance in proportion to our very great needs with which to face an active enemy.

But one of these problems is so important that if we neglect it and fail to solve this problem, none of the others will mean anything to us, and that is the problem of national defense. We will not be able to protect the lives of our citizens nor guarantee the survival of our government.

The history of nations is very similar in that when they become prosperous they begin to decay.

This country has tremendous wealth. Over 40% of our families have incomes of more than \$10,000 per year. Rome had a like experience. They became prosperous and began to feed their people and keep them on the government pay roll. They lost the desire to defend themselves and were no longer willing to pay the price for victory. The German people of the North did not have wealth or culture, but they were willing to pay the price so they came down and took over then Rome ceased to be a nation.

Our nation is too young to die. Twice my own age goes back to within 4 years of the last Indian raid in this tri-state area. We are putting much more money into welfare than into defense. Our people no longer like to work. Most of them are on some sort of welfare. The quality of manhood and womanhood is changing. You all know about these things. Young men burn their draft cards. Many church leaders suggest that more and more of these young men be conscientious objectors. *No conscientious objector should be recognized*, but every citizen of this republic should be required to render some kind of service at a time of national danger.

President Nixon appointed the *Blue Ribbon Defense Panel* in 1969. The Panel submitted its report in July 1970 on certain points as to our defense system. In making this survey it became increasingly clear that if observable trends continue the U.S. will become a second rate power incapable of assuring the future security and freedom of its people. Members of the panel reserved the right to make a supplementary report and seven of them including Lewis F. Powell, Jr., who is now a member of the U.S. Supreme Court, make this report. The supplementary report subjects were not asked for by the President. The President has not publicized this report, as far as I know.

Here are some of the statements and facts:

This committee believes if the people know these facts they will demand that we avoid becoming a second rate power, if we are not already in that class with all the consequences of that position. The committee states: The Soviets now have superiority in ICBM's. They out-strip us in offensive and defensive weapons. Our technical superiority will soon be lost to them. *They are seeking a first strike capability.* They have long since passed the point they and we stressed in the 1960's and are going right ahead building for one thing and that is to obliterate us in the first strike so we cannot retaliate. There is a mounting hostility of our public towards the military and against our only security. Unless we change public sentiment we will soon be, if we are not now, a *second rate power.*

At our national capital the American Security Council has been organized by concerned Americans to inform our citizens of

our peril. World order has been maintained by the military strength of our United States. The Soviet Union now envisions their domination with all that means. Our own superiority has ended. Our own weapons system is obsolete. I recently spent a week in Florida in the home of a retired Colonel of the Air Force. He is of the opinion we are not capable of defending ourselves against the Soviet military machine. He thinks the defense system has greatly disintegrated. Forty five officers including non-Coms have been killed in the past eighteen months by their own men both white and colored troops in Vietnam, mostly by *hand grenades*. In Vietnam the officers no longer are in command, just like the students in colleges have taken over. The officials continually fear assassination. Hand grenades have been called in and not allowed to the soldiers except when going into combat. Members of the Air Force receive periodic letters that confirm the terrible danger this country is in.

The Soviet ICBM's can deliver a megatonnage of nuclear war heads several times greater than the U.S. it is estimated from 7 to 8 times greater than our own. Their Naval build up is challenging U.S. Naval supremacy. Red China is also achieving ICBM capability. Sec. of Defense, Melvin Laird, said a year ago that by the mid 1970's neither the vital interests of the U.S. nor the lives and freedom of our citizens will be secure. We are not far from the mid 1970's. Yet in the face of this peril to America many demand that we cut down or entirely abolish the defense system we have. Recently I heard a speaker on television asking for economy and stated it can best be achieved by cutting down our defense spending which is not needed. And as our defense spending goes down that of the Soviet Union goes up. Their defense spending more than equals our own although their gross national product is half ours.

We are training fewer scientists and engineers than is the Soviet Union. And why at a time like this are many of our citizens hostile to U.S. Defense? Certainly it must be a lack of understanding of our relative position and the intentions of our enemies unless they desire to commit national suicide. We can do any one thing to assure peace and that is to have a capability *equal to or superior to theirs*. This is the only possible road to peace. The Soviets have not changed their objective and *appeasement and negotiations with them now simply means that we are on the road to national extinction*. Nato forces in Europe with 300,000 Americans are confronted with a large force and better equipped Soviet force. The Berlin Wall still stands and Soviet forces surround Berlin. Any loyal American who undermines our own military forces must either be ill informed or he must prefer suicide for himself and family.

The world order that has been preserved by America is now disintegrating. Unless we maintain superiority, all countries of the world including our own will soon suffer communist domination. In the mid seventies at the present rate of development, the Soviets will have double our ICBM force.

The Russians are now producing submarines of a superior quality and these submarines are patrolling the coasts of America all the time, which threatens the survival of our national command headquarters, most of our cities, and our bombers in what we consider hard shelters we had hoped to use as deterrents. In the 60's it was assumed that neither country would risk a first strike. We said in no event would we do so. Now we know the Soviets are planning a first strike capability.

The Soviet cities have defenses. Our cities have no defenses. They, by a first strike, can kill one hundred millions of our people, destroy our missile bases, and obliterate our capital city of Washington, D.C. Until recent years the Soviet had a great land army but

no navy. Today it now has a challenging naval ability. It has the largest submarine fleet in the world and is rapidly overtaking the U.S. in other ships. It is taking over the Indian Ocean and is rapidly gaining command in the Mediterranean. At last President Nixon is sending a fleet to the Indian Ocean to get established at this time. Soviet ships are new and modern. The majority of ours are twenty years old. Their Navy will soon eliminate the freedom of the seas.

For well onto three hundred years the British Navy preserved the freedom of the seas. Then we took over. If we stand by and allow the Soviets to take over, there will be no more freedom of the seas.

Within a span of two decades, mostly within the last five years, we have moved from complete security to perilous insecurity. The mood of the people of this country and Congress has been to retreat from defense. This indifference in the face of national peril is without precedent in our national history. To submit to communist domination when their national produce is half of ours is unbelievable. Certainly if our people are informed they will do all they can to preserve our lives and country. Unless our people are alerted and demand that our Congress support adequate defense, many of us believe this nation is doomed—and that by 1976, the two hundredth year after the declaration of independence, we will definitely be at the mercy of communism and they have no mercy. In 1972 you will see every week articles in newspapers and magazines on this subject. The American Security Council is making itself felt. If citizens will tell their representatives how much they are concerned, then our defenses will be strengthened—if there is yet time. Don't forget that peace can come to us only through strength.

The Doves are bringing us nearer to war each day.

The Nixon trip to China is for the purpose of borrowing time.

Both we and China are in need of help in facing the Soviets. Together we can postpone any aggressive intentions of the Soviets.

The small nations of Asia no longer look to us for help. We will give up South Vietnam, Korea, and Chang Kai Chek's Formosa.

We will get nothing except a postponement of attack by the Soviets. This surrender would not have been necessary if we had kept our military power.

Unless we use this gained time to become strong militarily, we will sooner or later have to face the Soviets and possibly with the Chinese also and we will have no hope of winning.

As a nation we have fallen morally. We have lost our military superiority, and in our standing with other nations we have sunk to a tremendous low.

China wants to get U.S. out of Asia. She will succeed. She will succeed in the one China policy for all Chinese and that one will be Communist China.

She wants trade with the West and will get it. We are going far more than half way with China.

This final China deal proves the end of the U.S. military and political dominance.

We have only one hope and that would have to be backed up by our people.

We will have to pay the price of becoming a powerful military nation, and we are likely so committed to welfare we cannot pay the price.

This year 1972 the expenditures for health, education and welfare, is much greater than for our national defense.

Whatever the cost for national defense, we had best pay it if we want peace and if we want to survive.

Gentlemen, I take the position this country is in great peril. I shall be most grateful if any one of you can prove I am wrong.

Most of our political leaders assure us

that our defense is in good form and all is well, but when you present certain facts and ask for real evidence, they are too busy to furnish it. But our Congressmen and Senators do want to know what we think.

THE FIRST COMMENCEMENT AT EISENHOWER COLLEGE

Mr. JAVITS. Mr. President, on May 28, Eisenhower College, at Seneca Falls, N.Y., held its first commencement. The school has come far since its groundbreaking in 1965, which was attended by General Eisenhower himself. It was altogether fitting that on the auspicious occasion of this first commencement, the address was delivered by a distinguished American who had been a close personal friend and associate of the late President Dwight D. Eisenhower, after whom the school was named and for whom the school stands as a living memorial.

I ask unanimous consent to have printed in the RECORD the address delivered by Gen. Lauris Norstad, chairman of the board of Owens-Corning Fiberglass Corp., at the first commencement of Eisenhower College.

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

TALK BY GEN. LAURIS NORSTAD

This first Commencement of Eisenhower College is truly an important beginning. Today, the distinction, the pride and the honor belong to you who graduate as the first class this College launches into the world. You are the first flowering of an idea, of an institution. Your families and friends, your College, are proud, as they should be, that you have successfully run the prescribed academic course. But perhaps it is an even greater thing that you, with the administration and the faculty, have pioneered in establishing a pattern of practices, customs and attitudes, social and academic standards, which, altogether, define a point of departure for Eisenhower College. It is from this base that it will continue its program toward the stature which we all hope it will attain, which its supporters throughout the country expect and which it must achieve to be worthy of the great name it bears. This is your day; we are privileged to share it with you.

But in the longer range, this event also marks the birth of a real center of interest in the ideals and principles associated with the Eisenhower name. It provides an atmosphere in which these ideas may be encouraged to grow; it establishes an instrument by which they can be propagated within and beyond these walls so that both students and the broad society of which we are a part may benefit. Thus, the goodness and the strength, the ideas and the ideals of the man we honor—as we honor you, our first graduating class—will continue to help us in times of frustration or fear, of deep private or public concern.

The significance of this institution and this, its first Commencement as monuments to General Eisenhower urge me to speak on a subject on which he offered precept by his words and gave example by his life. I shall talk to you about responsibility.

It has been said: "A university educates a man, not by teaching him what he knew not, but by making him what he was not, and what he will remain forever." (Ruskin). This, I think, expresses the value of education—not so much that it prepares one to practice a particular profession or occupation, but that it gives him a clearer view and understanding of his own opinions, his own judgments, so that, in the life ahead, he will be better able to judge ideas and circum-

stances with balance and perception, to act wisely on his judgments, to follow loyally or boldly lead.

Your task—for yourself as an individual, for the organizations of which you will be a part, for the country whose citizen you are—your task is to translate into constructive influence the values your education has added to your own dimensions. It is not only the voice of my generation, it is history that says change is brought only by the active and concerned, not by those who passively watch the world go by, not by the lotus eaters.

Anything one might think of saying to a graduating class sounds almost too familiar; it seems to have been said so many times before. But it is not in the nature of things for someone of my generation to resist the temptation to advise and counsel those younger than himself. Although we may think we speak with a certain wisdom, you may not be inclined to give us top marks even for our handling of our own private affairs; you may question seriously our conduct of the public business. Yours is supposed to be a generation of doubt, of protest but, strangely, that has been said, with more or less justification, of almost every generation before yours. And it is a good thing.

The right to question—to challenge—to dissent, is clearly etched into the framework of the concept and the practice of democracy in this country. Our country's founders were dissenters. But this right, like most others, carries with it an obligation to think and to act responsibly. There have been other periods of questioning and dissent—the Reformation and the Renaissance, the Age of Reason and the Industrial Revolution—and other generations have met challenges as great for their time as ours are today for us, and, in the process, they have advanced civilization and enhanced the general welfare.

So as you go out to make this world you inherit different and, we hope, better than what we turn over to you, I encourage you to doubt, to question, to dissent, whenever you really believe your point. But as we examine public goals and priorities, as we question economic and social programs, challenge military concepts and strategies, and voice our doubts on the conduct of foreign affairs, let us note that there are two kinds of criticism of public policy. There is reckless, irresponsible criticism which defaces the relevant facts, debases men's motives, argues that the way to deal with trouble is to evade it, and ignores the fact that for the leader there may be as many moral issues involved in inaction as in action. On the other hand, there is responsible criticism, when the self-disciplined, free man seeks out the facts, thoughtfully considers them, and offers or supports positive, constructive alternatives. It seems to me that, out of respect for a past that has brought this country greatness and out of obligation to the future to which you may elect to be more master than slave, you must choose carefully and consciously between these courses.

At this point I must note that the words spoken here today are silhouetted against the screen of current events: Vietnam, the fear, the misery, the death of people there, the agony of people here as we resent our failure over a period of more than ten years, live with the painful moral issues involved, suffer over the right course for our country. And all this happens in an election year, a time when over-simplification and hyperbole tend to cloud and confuse every issue. This, indeed, is a challenge to our sense of responsibility and to our obligation to penetrate the rhetoric, to remember that, even if we seem now to be a somewhat divided people, we are united in our wish for an end to this tragic struggle, in our hope for peace.

Perhaps there was more hope than history,

and certainly there were the circumstances of a far simpler world, when Cardinal Newman said that knowledge "puts the mind above the influences of chance and necessity, above anxiety, suspense, unsettlement and superstition, which is the lot of the many." These influences, all of them, it seems to me, are part of our lives; they define our time. *Chance and necessity, anxiety, suspense, unsettlement and superstition.* But there is also challenge, excitement, purpose, honor, trust, faith and hope. The balance of influences, it seems to me, is a favorable one—perhaps never more favorable.

As we look to your future, and as we consider the responsibility you must carry, it is inevitable that you should wonder about this charge being imposed on you by an earlier generation. It is reasonable for you to ask—indeed, even to ask with some vehemence—how well that earlier generation stepped up to the obligations which were there to be met in its time. Every succeeding generation has had the right to do this asking in respect to its predecessors. Every generation has weighed those who have gone before and, in some measure and to some degree, has found them wanting.

If you evaluate us, you will find it evident that we have not done everything well, that we have left you no end of hard jobs, creative, important and exciting jobs. Yet, I would not want you to infer from this that we of the generation still more or less in charge have been failures simply because we have left still undone so much that is important.

We have, indeed, failed in many ways. But while we lament the loss of what could have been, we note a well-known circumstance of life: it is in the nature of man to fail. But failure brings shame only when there is no sense of purpose, when man stops trying. I would like to believe that in my time Americans have tried hard. Fearful wars were fought. Tyrannies were put down. Broken societies were repaired. Vast sections of mankind have found freedom. A world organization has been set to adjudicate the disputes of nations and to extend the rule of reason and of law. New Alliances were constructed to hold off the new tyrannies, and under those defensive shields we prospered. We have done things, we have paid terrible prices, we have borne agonies—in great measure so that you will not have to repeat these experiences. Your future is clearer because of what we have swept away.

And the past gives you great advances in science, in education, in social and political philosophy, in every field of man's knowledge. It permits you to move to a new set of priorities—priorities which gain in significance because of what that past can claim as accomplishment, priorities which are launched from what has been learned in such accomplishment, priorities which allow you to refine and perfect the grosser results of earlier effort. The record that we of the older generation have built, with all of its imperfections, we add to our legacy to you—with some sorrow and regret for our failures, with some measure of pride for the good achieved in our time. And all this we pass on without apology.

As you accept this legacy, and you have little choice, and as you start the business of creating the better one which you in turn will pass on a few decades from now, you will find inspiration and direction in these final official words of President Eisenhower, spoken in January of 1961:

"To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

"We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its

heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love."

And now to return to here and now and to you who graduate today.

The shocking violence in Maryland a few weeks ago, although not unprecedented as we know all too well, still troubles us. And it should. As I have said earlier, in disturbing times, we turn to the voices of the good and the strong to sustain us. Thus turning, let me give you the words of a distinguished American, a friend and admirer of General Eisenhower, a man who was a great servant of his city, his state and his nation for more than fifty years, the late Henry Stimson. More than a quarter of a century ago he said:

"We must not let ourselves be engulfed in the passing waves which obscure the current of progress. The sinfulness and weakness of man are evident to anyone who lives in the active world. But men are also good and great, kind and wise. Honor begets honor; faith begets faith; and hope is the mainspring of life. I have lived with the reality of war, and I have praised soldiers; but the hope of honorable, faithful peace is a greater thing, and I have lived with that, too. That a man must live with both together is inherent in the nature of our present stormy stage of human progress, but it has also many times been the nature of progress in the past, and it is not reason for despair."

Mr. Stimson then referred to the generations ahead, to you here today!

"Let them have hope and virtue, and let them believe in mankind and its future, for there is good as well as evil, and the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and even disaster, will never know defeat."

From his experience, from his deep sense of responsibility, from his own life full of service and achievement, General Eisenhower would wish you each an active and vigorous life with its share of pain, problems, sorrows, but all of these balanced with the joy of having tried hard, and the satisfaction of having returned something of value to the civilization, the nation and the people which have given you so much. We join him in this wish.

CIVILIAN CONTROL OF THE MILITARY—THE NOMINATION OF GENERAL ABRAMS

Mr. PROXMIRE. Mr. President, unless Gen. Creighton W. Abrams gives a complete and thoroughly satisfactory explanation of the more than 20 unauthorized airstrikes by the 7th Air Force while Abrams commanded our forces in Vietnam, I will fight his confirmation as Army Chief of Staff.

The entire issue of civilian control over the military in forming American policy is at stake. I do not intend to see this most important constitutional question swept under the rug, downgraded, ignored, or whitewashed.

At the time of General Lavelle's unauthorized bomber raids in Vietnam over a considerable number of weeks, General Abrams was the Commanding General of MAC-V, the head man in Vietnam. On the face of it, he has a great deal to explain.

If he knew what was going on, if he allowed General Lavelle to exceed his orders, and did nothing about it, he is culpable.

If he did not know about it, and that is what Secretary Laird now tells us, unless he has some completely satisfactory explanation, he should have known about it. In either case, there is a real question whether General Abrams fulfilled his obligation. Traditionally, the American military has acknowledged civilian control not only in words but in deeds. General Abrams must show, in the most affirmative way, that in his actions he displayed the deepest respect for civilian control over the military and that he was not an overt or covert party to exceeding proper orders.

GENERAL ABRAMS SHOULD HAVE KNOWN

There are many objective reasons why General Abrams as MAC-V should have known what was going on. Throughout the period when General Lavelle was carrying out his unauthorized airstrikes, his command submitted afterstrike reports to MAC-V on all missions flown. General Lavelle had to get MAC-V clearance for projected missions. Reports of bombs and rocket usage as well as fuel consumption were made routinely. There is a vast difference between the amount of ordnance needed for a few protective reaction strikes on radar and antiaircraft weapons and the amounts for preventive and interdiction bombing carried on by General Lavelle's 7th Air Force. Future stock levels of bombs and rockets had to be requisitioned by the 7th Air Force from MAC-V on the basis of future planned strike requirements.

Unless MAC-V knew what was going on and covertly approved it, these actions should have raised the most serious questions in the mind of General Abrams as to what was actually going on. If he did not know about it, he should have known about it.

SENATE MUST PERFORM ITS CONSTITUTIONAL DUTY

It is the duty of the Senate to determine whether General Abrams has upheld both the spirit and the letter of the Constitution of the United States before he is confirmed as Army Chief of Staff.

Unless he can show in the most affirmative way that he did not know about General Lavelle's actions and/or gives us a complete explanation as to why he did not know about them, his competence to act as Army Chief of Staff in a democratic society will be under the most serious question.

The credibility of the Army and the issue of civilian control of the military are both at stake.

A SALUTE TO EDUCATION

Mr. PASTORE. Mr. President, in these June days, throughout the length and breadth of America, the teachers and those whom they have taught are offering "A Salute to Education."

It is only natural that the State of Rhode Island, that colonial pioneer in learning, should raise its voice in praise.

In historic New England only Harvard and Yale antedate Brown University which 203 years ago graduated its first class.

The charter of that college was one of the most liberal of its kind written in the 18th century. Its doors were

closed only during the years of the Revolution as faculty and students bore arms—and its buildings were the bivouac of the French soldiers of Rochambeau.

In those historic times, Brown conferred honorary degrees on such immortal figures as George Washington, John Adams, Thomas Jefferson, Benjamin Franklin, John Hancock, Alexander Hamilton, Nathanael Green, and Stephen Hopkins, Rhode Island's delegate to the convention that produced the Declaration of Independence.

Yes—Rhode Island fostered the great university. But it also fostered that immortal educational institution, the one-room school.

I would like to frame my "Salute to Education" in the dimensions of those devoted teachers whose years of service reach back to that school of schools.

June, the month of graduation for scholars, is proverbially the month of retirement for teachers bringing their precious task to a close.

It so happens that two such teachers are retiring this June in a typical small Rhode Island community. They are teachers whose service spans the growth from the one-room school to the most modern of educational facilities.

The community of their dedication paid them high tribute on the occasion of their retirement and I had the privilege of adding my sentiments to the general accolade.

I am sure that my thoughts express the universal appreciation and affection of pupils past and present—indeed, the thoughts of all our people—and our praise for all teachers is personified by these recipients.

So I add these letters to my "Salute to Education" and make them my salute to educators everywhere.

Mr. President, I ask unanimous consent to include these letters in the RECORD.

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

JUNE 8, 1972.

Mrs. JANE ANDERSON,
Exeter-West Greenwich Regional School
District, Nooseneck Hill Road, Coventry,
R.I.

DEAR Mrs. ANDERSON: Let me include every good birthday wish along with words of appreciation as your school year comes to a close—and wrap them all up in congratulations for all the school days of 1972—which you have distinguished as Teacher of the Year.

You symbolize what I dare to call the sacredness of the one-room schoolhouse—than which the greatest university cannot claim to be so close to the human heart and home.

You signify the wide responsibility—the character and capability—the deep dedication of the teacher in that intimate schoolhouse—a responsibility concentrated in the close communion with youth you guide to a sense of duty and destiny—the individual's important service in a world however wide.

From all the decades of devotion you draw dividends of satisfaction in the lives you have influenced.

May you be an inspiration to good minds and great hearts to accept that onerous but so honorable profession of teaching—that they may find their reward—as you have found yours—in shaping the citizen of tomorrow in the soul of the student of today.

Again—congratulations and appreciation.

Most sincerely yours,

JOHN O. PASTORE,
U.S. Senator.

JUNE 14, 1972.

Mrs. MARGARET WHITFORD,
Lineham School,
West Greenwich, R.I.

DEAR Mrs. WHITFORD: As you retire from the responsibilities of teaching after thirty two devoted years, let me add my word of commendation to the praise and gratitude of the community you have served so well.

I speak as a public official who, as Governor and United States Senator, found great satisfaction in government commitment to education—and its finest dividends in the "close to home" values of the community school and its capable teachers.

There has been placed in your keeping the most priceless of our possessions—our children—whose lives and loyalties you mold in their very learning.

You have seen and shaped great advances in education from the one-room school to the most modern facilities—but the heart of the school is still the heart of the teacher.

Indeed, the American character is at its truest in the small community where knowledge of neighbor creates love of neighbor—love that is expressed tonight as neighbors and friends—associates of the present and students of the past pay tribute to you as teacher—honoring themselves and your profession as they honor you.

May this night be memorable through a future of health and happiness for you.

Most sincerely yours,

JOHN O. PASTORE,
U.S. Senator.

THE CEASE-FIRE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I welcome the cease-fire scheduled to begin next Monday in Ulster. The cease-fire is an important and historic new step on the road to peace in Northern Ireland, a step full of hope that a permanent peace can soon be achieved with full respect for the rights of all the people of Ulster, Catholics and Protestants alike.

Leaders on both sides in Ulster and Great Britain deserve the strongest praise for their success in accomplishing the cease-fire. In many respects, this new step toward peace is a tribute to the skillful, fair, and patient efforts of Mr. William Whitelaw, and the very real progress he has made toward ending the old policy of internment and translating the new policy of direct rule into fair and evenhanded action. The cease-fire is also a tribute to Mr. John Hume, Mr. Paddy Devlin, and other moderate Catholic leaders in Northern Ireland, who have responded to the deep yearning of their people for an end to the killing and violence. It is a tribute to the persistent efforts of thousands of ordinary citizens in Ulster, especially the Catholic women who stood up so bravely against the terrorists in recent weeks and demanded peace. And, it is a tribute to the leaders of the IRA, who at last have accepted the call for peace and an end to the campaign of terror.

Above all, perhaps, the cease-fire is a tribute to Prime Minister Heath and the success of the new initiative announced last March by the British Government, including the suspension of the Stormont government, the institution of direct

rule, and the beginning of the end of internment.

For months, while policies like internment, tragedies like Londonderry, and the daily bombings and murders were seared into the conscience of the world, all calls for change were resisted. The intransigent policy of the Stormont regime continued to inflame the issue. At last, in March, a policy that failed was put aside, and Britain regained the road to peace in Ulster.

One more point needs to be made. The world knows the bitter passions and violence that have been spawned by centuries of conflict over Ireland. Frequently, in my own past comments on British policy toward Ulster, I have noted that, in some respects, Ulster seemed to be Britain's Vietnam. But the analogy was reciprocal, and it now has a brighter side.

Surely, if Britain can find its way in Ulster, the United States can do no less in Vietnam. Surely, it can be no more difficult for Britain to reach agreement with the IRA than it is for the United States to reach agreement with North Vietnam. So long as the unparalleled killing and violence go on in Indochina, the cease-fire in Ulster will be a constant reminder that our own intransigent policy toward Vietnam has failed, and that we have not yet found the formula for peace. Prime Minister Heath and Mr. Whitelaw have set a high standard for President Nixon and Dr. Kissinger to follow. The world now has a dramatic demonstration of what can be accomplished by men of good will, genuinely seeking peace. Thus, it is my hope and prayer that the cease-fire in Ulster will be followed at the earliest possible opportunity by a cease-fire in Indochina.

Mr. President, I ask unanimous consent that two articles by Mr. Whitelaw may be printed in the RECORD. The first is an article entitled "There Are Only Victims in Ulster," which appeared in yesterday's New York Times, and which is an excerpt from a recent speech by Mr. Whitelaw in London. The second is the text of a television address made by Mr. Whitelaw to the people of Ulster on June 16, and reprinted in the Manchester Guardian on June 17.

[From the New York Times, June 22, 1972]

THERE ARE ONLY VICTIMS IN ULSTER

(William Whitelaw is British Secretary of State for Northern Ireland. This article is excerpted from a recent speech in London)

(By William Whitelaw)

LONDON.—I have set myself to make use of every possible approach—diplomatic, blunt, direct, polite—to persuade as many people as possible to join hands with me in making Northern Ireland a place where the man who wants to draw attention to his point of view doesn't have to depend on a loaded gun or a bomb for the purpose.

The situation is not just about law and order. It is not simply a question of meeting a force of which we cannot approve with a greater force of which we can approve. If history is to pass judgment on the work we are trying to do now then please God let it not be, "They took the easy way out—the way to short-term peace and long-term disaster."

Nor is the situation one where a single, straightforward move, whether by Protestants, Catholics, by us here in London or by

statesmen anywhere in the world, will produce a solution as if by a wave of a magician's wand, in a flash.

Nevertheless this is not a situation in which there is no peace to be found. It is not beyond the wit of man to devise a solution. I know that those who want peace will triumph in the end. But the point of view is often put—how can we hope to get anywhere with a problem that has defied the abilities of many of our politicians for centuries? The Irish will always fight among themselves, it is argued. Surely we should just wash our hands of the whole sorry mess? This I cannot possibly accept.

To begin with I doubt whether any of us would be in public life if we did not sincerely believe that it is in the power of man himself to right these wrongs which man himself has inflicted. That is the simple answer to those who say there is no peace to be found. But there is also a more specific answer. It is not a matter of votes won or lost, it is not an arguing point for academics. It is a brutal and brutalizing tragedy where grievous suffering and destruction is daily inflicted, where people are regularly maimed and disfigured for life, where the ultimate disaster of loss of life is an almost daily happening.

Fear is the constant companion of a great number of its people. Not just the physical fear of the bomb and the bullet but fear of the things their fathers feared. For a Protestant, fear that he will be handed over into a united Ireland against his will. For a Catholic, the fear that discrimination and political intimidation will bedevil his own life and that of his family. On both counts the British Government has made its position totally clear. Let me say it again. Without the consent of the majority of the people of Northern Ireland the United Kingdom Government will not countenance the absorption of the province into a united Ireland.

To the Catholics in Northern Ireland let me say that the security forces will give their protection to all who are in need of it. There will be no discrimination on the grounds of religion either in Northern Ireland, or, indeed, anywhere else in the United Kingdom.

What then is to be done? If we were sure, in all likelihood I would not be here tonight, for there would be no office of Secretary of State for Northern Ireland, and the horrific events which have become such a depressing feature of Ulster life would not be screaming at us from the headlines and the television sets. So we work and we think and we hope and we pray.

It appalls me, as it must appall all people of good sense, to read of behavior which puts men's jobs at risk. What good does it do any cause to wage war on workpeople, to imperil their right to earn an honest livelihood, to prevent a man from trying to pay his way and do the best for his family? I know now that I have a great reservoir of goodwill in Northern Ireland on which I can draw in my efforts. And I know I have the united people of Great Britain. What I am seeking to achieve is simple. I am seeking the help of all in building a place with a real future, a place of promise, a place where the voices that are loudest in the land are not the voices of the wreckers and the chronically disgruntled.

And I am convinced that slowly—and there are signs that it may be already happening—the two communities in Northern Ireland must learn to come together and to live together. It will happen because it must happen. There are no martyrs in Northern Ireland. There are only victims. The dying will have to stop. We are utterly determined that it should be soon.

[From the Manchester Guardian, June 17, 1972]

WITELAW BEGS ULSTER FOR SANITY

Mr. William Witelaw, Secretary of State

CXVIII—1401—Part 17

for Northern Ireland, said in a statement to the people of Ulster last night:

After almost three months of direct rule the time has come for some straight talking. Since I have arrived here I have found that no one in Northern Ireland believes in mincing words. You now want to know from me where events are taking us and how I see the future for Northern Ireland; above all, what is to happen to you and your families, and what you can do to help shape events.

First then, what I am doing. I am here on behalf of the British Government, who represents you just as much as the people in England, Scotland, and Wales, to try to lead the way out of the strife and bitterness that has bedeviled Northern Ireland for so long.

Some of you may think that I have been making too many concessions to this or that group; that I have been seeing more of some people than others; that I have listened too readily to some and not to others. But I can say that I have shown there is on all sides a real demand for peace and a craving for an end to violence and terrorism, that people everywhere have had enough.

Very well, then, what happens now, especially as we all realise in our hearts that time is short in which to find the solution we all, or very nearly all, seek so desperately?

I have always insisted on working for the community of Northern Ireland as a whole; one community. But I have to face the fact that there are two parts of this community.

To the majority, the Protestants, I say this. I represent the British Government which has placed on the Statute Book for Parliament a categorical pledge that the border will not be changed against your will, and the Labour Party has endorsed this pledge in Parliament. No one is going to force changing that against your will, as certainly as no terrorist or gunman is going to be able to blast and bomb you into the republic.

To the minority, the Catholics, I give a pledge, too. You will have a square deal. The new jobs available will be shared out fairly. New investment will be spread evenly across the province. You will have the opportunity to play your full part in the life of the community. I think I have proved my honest intentions by the way in which I have been phasing out internment. I believe I have shown you can trust me too.

And to both communities I can say I have made no secret deals. I think you can judge, just as I am not the sort of man who responds to ultimatums or a loaded pistol at my head, nor am I the sort of man who makes secret deals with anyone, whoever they are.

I want an end to violence. I want peace. There is nothing secret about that, believe me. And violence is not only shooting or bombing in crowded thoroughfares. It is just as violent an outrage if a man and his family are driven out of their home, have to pack their belongings and quit because of sectarian threats. How can I get new jobs in Drumahoe when fanatics are allowed to destroy the historic Londonderry Guildhall, from which so much good work has been done for the city by the Commission?

Equally, how can I persuade firms to come to Belfast when teenagers roam the street, burning cars and barricading, ripping up the paving stones and destroying the disciplined image the Ulsterman has abroad? You know it cannot go on. Nor can independent areas be permitted to offer shelter for those who plan death and destruction to the innocent.

I must say that, while I do not envisage a purely military solution to this problem, I will have to come to grips with it unless the people within themselves take a hold of the situation. They can in one way immediately demonstrate, as can others, that they accept the time has come to put their house in order.

OFFENSIVE

The civil disobedience campaign is deeply offensive, not only to law-abiding people in Northern Ireland who have been paying their way throughout the troubled years, but also to the tax payers throughout the United Kingdom. This is a way in which now, this week, every individual person can show that they want a return to normality by starting to pay their way again.

Well, now what am I going to do to help? I recognise that one of the big problems worrying everybody is the feeling of insecurity that is in the air. Yesterday, in Parliament, I invited the people of Northern Ireland to discuss with me, urgently, how a conference should be set up about the future of the democracy in Northern Ireland.

It really is time to start the talking and stop the shooting. I want them now to get round the table and hammer out the problem. Some will say they won't agree. At first, meetings like this rarely do, but it is from meetings and talks that sooner or later the solutions must come. If my conversations show that there is a widespread desire for an early plebiscite on the border then the British Government will be ready to arrange it.

The other opportunity for democracy is the future local government elections. I have already said that the local government elections must go ahead this autumn. After much thought, however, and discussion, I have decided that it would be right to hold these elections on the basis of proportional representation such as Northern Ireland had in the 1920s.

This may mean that the elections will have to be postponed to November or December, but the new Councils will take office in April, as planned. This decision to have proportional representation will not bind any future Northern Ireland election. It will, however, be an opportunity to see how this system works and so to decide whether it would be appropriate for the future.

These, then, are the opportunities that I offer. This is a moment when a stark choice faces us all in Northern Ireland. The danger of intercommunal conflict is very real. No one, not even the most bitter extremists themselves, will gain from that. At the same time, many innocent people, including women and children, will suffer.

If, alas, such a tragedy were to occur, I can assure you that the British Government will discharge its responsibility to you and seek to protect you as citizens of the United Kingdom. But we could not hope to prevent bloodshed. There is, however, another way. There is a real chance now to draw back from the brink, end the violence, and promote a real and lasting peace. A ceasefire now would provide new opportunity for us all. Sanity and common sense must prevail before it is too late.

SALUTE TO AMERICAN EDUCATION

Mr. ROBERT C. BYRD, Mr. President, I wish to associate myself with those who on yesterday, gave their salute to American education, emphasizing its importance in a free society.

Education, above all else, is the one essential upon which any free society must rest. Representative government and free, democratic institutions cannot exist without an informed people.

Nowhere is this more clearly demonstrated than in totalitarian societies, where the first impulse, and the first goal, of the dictator is to bend the educational process to his own ends.

It is highly appropriate, then, that the importance of education in a society such as ours should be marked in the

manner in which my colleagues have done so.

Almost my first reaction, when education is mentioned, is to recall the influence which three wonderful teachers had on my own life. I have been fortunate in having had many good instructors in my life, in college classes, in law school, and elsewhere. But three who taught me in my high school days in the southern West Virginia coal fields stand out.

One was an English teacher, one was a math teacher, and the other, who only recently passed away, was my music teacher. Each in his or her own way made an indelible impression for good upon me that will last as long as I live.

The English teacher to whom I refer was Miss Anna Brochick, who, like the other two, taught me when I was a student at Mark Twain High School at Stotesbury in Raleigh County, W. Va. Through literature and language, she opened a window on the world for me. She introduced me to books which informed and inspired me. And so thoroughly did she drill me in the rules of grammar that they remain with me to this day.

David Reemsnyder was a high school mathematics teacher. He made algebra and geometry exciting to me. He made figures come alive. He taught me the orderliness and the precision of numbers, the exactness of expressing the relationship of facts through equations. I am sure that he stimulated me to think more logically than I might otherwise have done.

And then there was Mrs. W. J. B. Cormany, wife of the principal of our school and my music teacher, who I am sure has gone to join a choir of angels somewhere on high. She taught me to play the violin, and the music I made lifted me above the mundane, workday world. I shall be forever in her debt for her inspiration, and for the appreciation she helped me develop for things other than the material things of this world.

I must also mention Mr. Cormany, in addition to the others. He was a physics teacher as well as principal. But I remember him best for the discipline which he both demanded and inspired. There was none of the permissive nonsense about him which weakens schools today. He was a strong man and a fine educator whom we respected. He is deceased now, but his influence with those who were his students lives on.

The school in which these dedicated teachers taught was, because of them, a remarkably good high school for that time and place. Many young people other than I benefited greatly from being students there. I am sure that there were then, and that there are now, innumerable schools like it throughout our land.

Because this is so, because America's school system—from kindergarten to the university—makes education available for all, our free society survives and flowers as a model for all people in a world that grows increasingly authoritarian.

Education is the leavening force which makes democratic institutions work. It is the enemy of autocracy. A free peo-

ple, to remain free, must always be the champions of education for all.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business having expired, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will state 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.

AMENDMENT NO. 1265

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1265) of the Senator from Pennsylvania (Mr. SCOTT), which the clerk will state.

The assistant legislative clerk read as follows:

On page 6, line 20, strike "\$600,000,000" and insert in lieu thereof "\$725,000,000".

On page 8, lines 14 and 15, strike "\$618,000,000" and insert in lieu thereof "\$618,000,000, of which not less than \$50,000,000 shall be available solely for Israel".

On page 8, lines 15 and 16, strike "\$650,000,000" and insert in lieu thereof "\$770,000,000, of which not less than \$70,000,000 shall be available solely for Israel".

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Republican leader yield me 30 seconds?

Mr. SCOTT. Yes, Mr. President, I yield to the distinguished assistant majority leader.

The PRESIDING OFFICER. Will the Senator from West Virginia withhold his comments until the Senate is in order? The Senator will be in order.

The Senator may proceed.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 878, S. 3511. This item has been cleared on both sides.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3511) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That there is hereby authorized to be appro-

priated to the National Science Foundation for the fiscal year ending June 30, 1973, to enable it to carry out its functions under the National Science Foundation Act of 1950, and under title IX of the National Defense Education Act of 1958, for the following categories:

- (1) Scientific Research Project Support, \$275,300,000;
- (2) National and Special Research Programs, \$112,500,000;
- (3) National Research Centers, \$42,300,000;
- (4) Computing Activities in Education and Research, \$20,500,000;
- (5) Science Information Activities, \$9,500,000;
- (6) International Cooperative Scientific Activities, \$4,700,000;
- (7) Research Applied to National Needs, \$96,500,000;
- (8) Intergovernmental Science Program, \$3,200,000;
- (9) Institutional Improvement for Science, \$22,000,000;
- (10) Graduate Student Support, \$25,000,000;
- (11) Science Education Improvement, \$76,000,000;
- (12) Planning and Policy Studies, \$3,200,000; and
- (13) Program Development and Management, \$29,300,000.

Sec. 2. Notwithstanding any other provision of this Act—

(a) of the amount stipulated for the purpose of "National and Special Research Programs" in category (2) of section 1, not less than \$6,000,000 shall be available for the oceanographic ship construction/conversion program;

(b) of the amount stipulated for the purpose of "Research Applied to National Needs" in category (7) of section 1, not less than \$26,000,000 shall be available for energy research and technology programs, including but not limited to solar, geothermal, and other nonconventional energy sources, and not less than \$10,000,000 shall be available for earthquake engineering programs.

Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed \$5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 4. In addition to such sums as are authorized by section 1, not to exceed \$7,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 5. Appropriations made pursuant to the authority provided in sections 1, 3, and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 6. (a) No funds may be transferred to or from any particular category listed in section 1 if the total of the funds so transferred to or from that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each such committee before the expiration of such period has transmitted to the

Director written notice to the effect that such committee has no objection to the proposed action.

(b) The provisions of subsection (a) shall not apply during any period in which the Congress is in adjournment sine die.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. Section 3(a)(1) of the National Science Foundation Act of 1950 is amended—

(1) by inserting "and scientific education programs at all levels" after "scientific research potential"; and

(2) by striking out "scientific activities" and inserting in lieu thereof "scientific and educational activities".

SEC. 9. The National Science Foundation shall establish a Division of Energy Research and Technology which shall carry out the Foundation's energy research and technology programs.

SEC. 10. This Act may be cited as the "National Science Foundation Authorization Act of 1973".

Mr. KENNEDY. Mr. President, I wish to speak in support of S. 3511, the National Science Foundation Authorization Act of 1973. This bill would authorize the Foundation \$720 million for fiscal year 1973. I introduced the bill on April 19 and the bill with an amendment, was unanimously voted by the Committee on Labor and Public Welfare on May 30.

Since its creation as an independent agency in 1950, the National Science Foundation has carried out the extremely important mission of maintaining the Nation's scientific strength. The Foundation operates no laboratories or scientific facilities of its own, but through grants and contracts supports programs of scientific research and education in thousands of universities, research institutes, and other organizations. These programs cover all fields of science and engineering, encompassing the mathematical and physical sciences, engineering, social sciences, biological and medical sciences, materials research, and the environmental sciences. They cover all levels of science education from elementary school through postdoctoral fellowships. And these programs are carried out in all of the 50 States to assure a strong, broadly based national scientific enterprise.

The impact of the Foundation's programs are both pervasive and profound on the Nation and on the future of mankind. For we live in an age of science—from the computers that increasingly manage our transactions to the transistors that power our electronic devices to the advanced medical technology which promises profoundly to affect the maintenance of man's health. Science has become essential to the Nation's military security, to the strength of its domestic economy and international economic position, and, indeed, to the resolution of the widespread social problems which beset our Nation.

But scientific research is not a spigot which can be turned on and off at will. Before scientific knowhow can be effectively applied to particular problems in areas such as transportation, health care, housing, communications, energy resources, nutrition, and pollution control, the underlying foundation of basic research must be patiently and continuously built over the years, and the Nation's scientific and technical talent must be carefully nurtured and trained.

This is the key task to which the Foundation has directed its principal efforts over the years; but in recent years the Foundation has also expanded its programs with respect to applied research which is relevant to the Nation's social problems. Although the various Federal agencies sponsor some applied research relevant to their particular missions, there remains a considerable amount of extremely important applied research which is too broad in scope or too fundamental in substance to fall within the mandate or resources of the mission agencies. The National Science Foundation is the only agency which can tackle these problems. So the role of the National Science Foundation is to keep the

Nation strong in basic science, sponsor the applied research which cannot be effectively handled by other agencies, and assure the Nation an adequate supply of scientific talent.

S. 3511, as amended by the Committee on Labor and Public Welfare would authorize \$720 million for these purposes in fiscal year 1973. This represents only a 2-percent increase over the \$704 million authorization voted by the Senate for fiscal year 1972. This is less than would be necessary to account for the inflation in research and education costs.

The bill, however, is \$73 million higher than the \$647 million amount contained in the administration's budget request for fiscal year 1973. This additional funding is for urgently needed research and education programs in science and engineering. The principal programs which account for the additional funding are \$48 million more for science education programs; \$16.5 million more for research applied to national needs; \$3.2 million more for oceanographic ship construction; and \$2.2 million more for intergovernmental science programs.

The \$48 million more for science education programs includes \$18 million more for institutional improvement for science, \$17.8 million more for graduate student support, and \$20.2 million more for science education improvement. These increases are necessary to arrest the recent decline in Federal support of science education programs and assure the Nation a strong academic science program and an adequate supply of scientific talent over the coming years.

Although the country is witnessing a high level of technical unemployment at this time, this is a condition which cannot continue. S. 32, the National Science Policy and Priorities Act, which is now under consideration by the Committee on Labor and Public Welfare, should go a long way toward reducing the current unemployment rate among scientists, engineers, and technicians, if it is enacted. And the increasing pressure of national problems requiring scientific talent for their solution makes it clear that overall demand for scientific talent in our society will continue to grow over the years ahead.

In the April 7 issue of Science magazine, the executive director of the Scientific Manpower Commission—Mrs. Betty Vetter—was quoted as follows:

The needs for technologically trained experts to meet national and social goals will not have diminished by the time these smaller classes emerge from the educational pipeline. We will still be trying to erase urban blight, produce adequate clean energy, purge the environment, create effective transportation systems, and provide adequate health care, while maintaining our national defense and continuing some level of space exploration. If the state of the economy and a reordering of national priorities has enabled us to convert these needs into demand (meaning jobs), the supply of technologically trained specialists may again be too small in a few years.

The situation has been further exacerbated by the administration's unconscionable action in impounding \$21,000,000 in fiscal year 1972 appropriated funds for National Science Foundation educational programs. During fiscal year 1972, the Office of Management and Budget

impounded \$5,000,000 for institutional improvement for science, \$4,800,000 for graduate student support, and \$11,200,000 for science education improvement. Although the administration has indicated these funds will be released in fiscal year 1973, the injury to important science education programs has already been incurred.

To provide the Nation with the scientific talent which will be required over the coming years, it is important that the National Science Foundation be authorized the total of \$123 million for educational programs which is contained in this bill.

The \$16,500,000 additional for research applied to national needs includes \$12,600,000 additional for energy research and technology, and \$3,900,000 additional for earthquake engineering. The bill brings the total in those two areas to \$26,000,000 for energy research and technology, and \$10,000,000 for earthquake engineering.

The proposed program of research applied to national needs—RANN—is substantially below minimum requirement levels based on the assessment of need provided by various non-NSF witnesses particularly in the areas of energy research and earthquake engineering. Congressman Mike McCormack testified on the Nation's burgeoning energy problem and the urgency of finding ways to meet these increased energy demands. This and other information convinced the committee that the amount of \$13.4 million included in the Foundation's budget request for energy research is far less than that demanded by the situation. The dimensions of the energy problem were brought into sharp focus by the testimony provided by Congressman McCormack. For example, by 1985 it is estimated that the United States will have to import more than 44 percent of its oil. Some estimates indicate that domestic supplies of natural gas may be entirely exhausted by the decade 1990-2000, and that by that time as much as 50 percent of our petroleum requirements may have to be met from foreign sources. S. 3511 provides that a minimum of \$26 million is to be used by NSF for the purpose of energy research and related technological problems, including research on solar, geothermal, and other nonconventional energy sources.

The budget request for NSF includes only \$6.1 million for earthquake engineering. This program provides research support for projects to develop economically feasible design and construction methods for earthquake resistant structures, including buildings, dams, and so forth, that can significantly reduce the hazards to life from earthquake motions. The NSF program in earthquake engineering is unique in that it is the only program of its kind aimed at finding practical engineering methods that can help alleviate the damages caused by earthquakes. The need for greatly expanded Federal support for research in this area was strongly substantiated by the information included in the hearing record.

The additional \$3,900,000 for earthquake engineering, for a total program of \$10 million, is of great importance to the lives and property of thousands of Amer-

ican citizens in all parts of the country. Contrary to the prevalent view, earthquakes in America are not limited to California and Alaska. There is no State in the Union which has not experienced earthquake damage at one time or another. Twenty States have been subjected to serious damage, and are likely to experience serious damage again. These include South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas, as well as California and Alaska. Through the earthquake engineering program, the Nation can take steps to prepare for future earthquakes and to minimize their adverse consequences.

Another area of vital importance to the nations continuing efforts to improve environmental quality is the provision of modern research vessels needed for the conduct of advanced research in oceanography. Of the 32 research vessels supported by the National Science Foundation, 13, or more than 40 percent, were built 25 or more years ago. The Foundation's budget request provides for the construction of one new research vessel at a cost of \$2.8 million. Close examination of the ship replacement requirements makes it clear that the Foundation should accelerate fleet modernization programs in fiscal year 1973; therefore S. 3511 provides an additional \$3.2 million to augment the Foundation's ship construction program, bringing the authorization for new ship construction to \$6 million in fiscal year 1973.

The additional \$2.2 million for intergovernmental science programs, bringing the total to \$3.2 million is designed to make the benefits of science and technology available for practical utilization within the various States and regions of the Nation. States, regional, and local governmental agencies must be strengthened so that they can play their proper role in transferring scientific knowledge into industrial applications and into public technology programs which serve the citizens in their regions. For several years the National Science Foundation has been sponsoring a pilot intergovernmental science program designed to achieve these goals. The program has proved successful, and the time has come to expand its pilot activities to a level which can meet the widespread needs throughout the country.

The following is a brief summary of the programs included in the National Science Authorization Act:

First. Scientific research project support, \$275,300,000. The objectives of this program is to provide support for individual scientists or groups of scientists in finding answers to unresolved scientific questions. The fiscal year 1973 program provides for the expansion of biological, physical, environmental, and social sciences, and engineering, particularly in those areas where new knowledge can lead to the solution of problems of national concern in the seventies, or where increased efforts can significantly advance our understanding of basic life processes, natural phenomena and physical laws that govern our universe.

Second. National and special research

programs, \$112,500,000. These are a variety of major programs which require special coordination, and include the: International biological program; Global atmospheric research program; Experimental R. & D. incentives program; National R. & D. assessment program; International decade of ocean exploration; ocean sediment coring program; Arctic research program; U.S. Antarctic research program; oceanographic facilities and support; and logistics support for the 1973 solar eclipse.

Third. National Research Centers, \$42,300,000. These include the National Astronomy and Ionosphere Center at Arecibo; Kitt Peak National Observatory; Cerro Tololo Inter-American Observatory; National Radio Astronomy Observatory; and National Center for Atmospheric Research.

Fourth. Computing activities in education and research, \$20,500,000. This program is designed to: develop new knowledge in the computer sciences for application in the design of improved computer hardware, software, and integrated computer systems; promote the development of innovative computer uses in the educational process; and seek new ways to couple the capabilities of computers to the conduct of research in all areas of science.

Fifth. Science information activities, \$9,500,000. This program is designed to facilitate the flow of scientific and technical information and reduce unnecessary redundancy and overlap in the generation and dissemination of scientific information.

Sixth. International cooperative scientific activities, \$4,700,000. This program is designed to promote U.S. access to, and appropriate participation in, international scientific activities.

Seventh. Research applied to national needs, \$96,500,000. This program includes: \$25,500,000 for advanced technology applications; \$26,000,000 for energy research and technology programs; \$25,000,000 for environmental systems and resources; \$14,000,000 for social systems and human resources; and \$6,000,000 for exploratory research and problem assessment.

Eighth. Intergovernmental science program, \$3,200,000 to aid State, regional, and local governmental agencies in making the benefits of science and technology more widely available within their regions.

Ninth. Institutional improvement for science, \$22,000,000. These funds will go to colleges and universities to improve their academic science programs and to increase the effectiveness of their research programs, through improved management.

Tenth. Graduate student support, \$25,000,000. Of this amount \$17,000,000 will go for graduate fellowships to assure an adequate flow of highly talented individuals into science careers; \$10,000,000 will go for postdoctoral fellowships to assist scientists and engineers in upgrading their professional skills and in making a transition into other technical areas.

Eleventh. Science Education Improvement, \$76,000,000. This program is designed to help improve the effectiveness

of science education at all academic levels. It focuses on such problems as: increasing the cost effectiveness of science education through improved programs, technology, and instructional strategies and methodologies; assuring the Nation of a large enough and flexible enough scientific and technical workforce; improving science education for the non-scientist; and providing adequate science educational opportunities outside the formal structure of the educational system.

Twelfth. Planning and Policy Studies, \$3,200,000. This program is designed to provide the factual data and analytical basis for sound national science policy decisions.

Thirteenth. Program Development and Management, \$29,300,000. These funds are used to provide for the operation and management costs of carrying out the preceding 12 programs, and amount to less than 4 percent of the total authorization of \$740,000,000.

In addition to the above programs, the bill authorizes the appropriation to the National Science Foundation of \$7,000,000 to be paid in excess foreign currencies, for expenses which the Foundation incurs in its activities abroad.

As can be seen from the foregoing summary, the programs of the National Science Foundation are extremely diverse and far reaching. In many cases their effects will not be felt for years, or even decades. But if the history of our century can serve as a guide, sooner or later their effects will definitely have a major impact.

Science is the key to progress in our time, and the programs of the National Science Foundation represent an essential investment in the Nation's future. If we do not make the necessary investment today, we, our children, and our children's children will suffer immeasurably for our shortsightedness in the years ahead.

I urge each Senator to vote for this important authorization.

Mr. CRANSTON. The National Science Foundation bill reported today by the Labor and Public Welfare Committee contains an authorization for \$10 million for earthquake engineering research. The administration's original proposal called for a \$3 million earthquake engineering program. On March 21, 1972, I introduced legislation calling for the establishment of a \$10 million per year earthquake engineering program in the NSF. Thereafter the administration revised its request upward to \$6.1 million. The \$6.1 million authorization, however, still fell short of the level of research which my studies had indicated was needed to achieve timely results in light of the overwhelming need for better knowledge in the earthquake engineering field. I therefore introduced an amendment to increase the program level to the full \$10 million I had originally proposed. The committee accepted that amendment and this legislation calls for a \$10 million earthquake engineering research program for fiscal year 1973.

Passage of this proposal is an important first step toward the creation of a program conducted at the national level. In August, the Senate Commerce Com-

mittee will commence hearings in California on my legislation to create a permanent earthquake engineering program with a multiyear authorization. That program establishes certain goals, such as the rewriting of building codes to conform to findings of earthquake engineering research.

The need for earthquake engineering research is clear.

The San Fernando earthquake registered only 6.6 on the Richter scale—the 1906 San Francisco earthquake registered 8.2; the 1964 Alaska earthquake, 8.4. An earthquake measuring 8.0 on the Richter scale releases almost 1,000 times the amount of energy as an earthquake registering 6.0.

If another earthquake of the magnitude of the 1906 San Francisco quake were to strike California, 500 times the energy of the San Fernando quake would be released. A 1968 report prepared by a group of the Nation's top earthquake experts for the President's Office of Science and Technology, estimates that an earthquake registering 8.2 in California today could cause up to \$50 billion damage and take thousands of lives.

There is a 75-percent chance that an earthquake of that magnitude will occur along the San Andreas fault in California within the next 30 years, according to testimony by the former director of the California Earthquake Office before the Senate Public Works Committee last year. An earthquake of magnitude 7.0 or greater is likely to occur at least once a decade, according to an earthquake engineering report prepared for the National Science Foundation in 1969.

During an earthquake, every structure or object in contact with the earth, every piece of equipment in contact with a structure, even the ground that supports the structure, all experience stresses and strains. Whether the structure collapses will depend largely on the original engineering design.

It is the objective of earthquake engineering to develop structural designs and code standards to avert massive death and destruction. The advantages of such construction designs were demonstrated during the 1923 Tokyo earthquake. Some 74,000 persons died, 54 percent of all brick buildings collapsed, and 10 percent of the few reinforced concrete structures collapsed. Frank Lloyd Wright's Imperial Hotel was the only large building that offered safety because of its revolutionary, floating cantilever construction.

Current minimum construction standards are determined throughout the United States by city and county building codes. The Uniform Building Code published by the International Conference of Building Officials and based on testing done by the Structural Engineers Association of California, is preeminent in the field. However, the San Fernando earthquake has raised serious questions about the adequacy of the code provisions.

Earthquake engineers call the San Fernando earthquake the first comprehensive practical test of American earthquake codes. That earthquake tragically demonstrated the inadequacy of existing building codes.

The \$24 million Olive View Medical Center was dedicated in November 1970. Three months later, the second floor of the psychiatric center collapsed to the ground in the earthquake; the facility is a total loss. The San Fernando earthquake caused the collapse of a freeway interchange under construction at the time of the quake. It was designed in late 1968.

Many other buildings, bridges, and utility structures which sustained serious damage under the earthquake stress had been built to meet current code requirements. Clearly, we must reevaluate the assumption on which the codes are based. A critical and comprehensive review is needed.

Earthquake engineering research, which will use new methods, such as computer analysis of structural reaction to earthquakes, will enable earthquake resistant structures to be built. The new knowledge gained from a program in earthquake engineering research will be translated into revised building codes.

Mr. DOMINICK. Mr. President, I am extremely pleased to support S. 3511 which authorizes funding in the amount of \$727 million for important scientific research, science education, and other science activities of the National Science Foundation for fiscal year 1973.

Our Nation and our democratic form of government are experiencing environmental, economical, and technological challenges which are far more complex and more costly to resolve than any we have had to face in our 196 years of existence as a Nation.

It is clear that the future health of this Nation depends to an increasing degree on the success we are able to achieve in utilizing science and technology for purposes that will be of benefit to mankind. The National Science Foundation has a broad congressional mandate to support programs that will extend the frontiers of science and technology and that will bring the Nation's science resources to bear more effectively on major problems of national concern.

Specifically, the program authorized by S. 3511 will permit the Foundation to make significant progress toward the attainment of the major science mission objectives of the agency.

First, it provides \$405.6 million for fundamental research designed to increase the base of scientific knowledge through a number of major research programs, including research project support in the various fields of science, through eight national research programs, and through fundamental research programs carried out at five national research centers.

Second, it provides \$121 million for research in selected areas that can contribute to the achievement of national goals through the use of science and technology. It is in this area that the Foundation has demonstrated its unique ability to be responsive to emerging needs of the Nation. For example, under the Foundation's program of research applied to national needs, major research efforts will be focused on the Nation's energy requirement including alternative methods to supply this energy. Another major research thrust is designed to find

economical ways to build earthquake resistant structures that can reduce the hazards to life and to property caused by earthquakes.

Authorization is also included for two new programs that deal specifically with the encouragement of R. & D. programs that can benefit the civilian economy and projects that will increase our understanding of the process of invention, innovation, and application of science and technology and their impact on economic growth and productivity. I am convinced that these pioneering programs will open avenues for more effective employment of science and technology in all aspects of our industrial and service economy. I should add that these initiatives will experiment, test, and assess the use of R. & D. in State and local agencies and other organizations in the public sector as well.

The science programs authorized in this bill will make important contributions to our national commitment to improve the quality of life and of our citizens and will help provide the basis on which American can remain strong among the nations of the world.

Third, the program authorized by S. 3511 will permit the Foundation to proceed with the development and implementation of a revitalized science education improvement program. The science education activities of the Foundation have undergone a major restructuring in order to bring these activities in line with the emerging needs of students, instructors, institutions, and our society in general. I want to stress that it is essential that the Foundation be provided the funding necessary to develop more diversity in the science education experience of students to broaden their range of career options and to better prepare science and nonscience students for a productive life in our highly industrialized and technologically advanced society. The bill, as proposed, will also help insure the Nation a flow of the very best of the Nation's science and engineering student population into the stream of science and engineering careers.

Finally, Mr. President, S. 3511 provides the necessary authorization to permit the Foundation to extend those programs that increase the exchange and accessibility of scientific knowledge on a national and global basis, and that will enhance capabilities for using computers to perform advanced research, and to make greater use of computers in the education process.

Taken together, Mr. President, the programs authorized by S. 3511 represent a strong commitment on the part of this Nation to the further development of the Nation's scientific and technological capabilities.

The amendment was agreed to.

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

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized. Mr. SCOTT. Mr. President, I yield myself such time as I may require.

This amendment raises the authorization for grant military assistance to \$725 million and the authorization for security supporting assistance to \$770 million, of which \$70 million is specifically earmarked for Israel.

First. The amendment restores \$125 million to the authorization for grant military assistance which was cut by the Foreign Relations Committee. This figure is still a reduction of over \$55 million from the administration's original request of \$780 million; but it will, if approved, provide a military assistance program which will give us an international environment in which our security interests will be protected.

As the Members of the Senate are well aware, the grant military assistance program is the linchpin of the Nixon doctrine. It allows us to withdraw American forces from around the world by enabling allied and friendly governments to field armed forces which can bear an increasing share of the common defense burden. Now for the first time since the conclusion of World War II, we can look to our allies to bear the primary burden for meeting nonnuclear threats to the common peace. The millions we authorize for these grant military assistance programs save billions for the American taxpayer. It is conservatively estimated that it costs \$10,000 a year to keep an American soldier overseas, but only \$500 a year to train and equip a foreign soldier to take his place.

Cuts of the magnitude proposed in the bill as it now stands would stall the equipment modernization program for Korea, hence making it more difficult to reduce our military presence there in future years.

These cuts would also reduce our efforts to assist Cambodia in meeting North Vietnamese attacks. Cambodia's armed forces are tying down North Vietnamese, Vietcong troops which would otherwise be available for service in Vietnam.

Cuts of this magnitude would have a serious impact on Thailand as well, for a substantial cutback in our program there would set back Thailand's counterinsurgency efforts and could place in jeopardy the essential facilities in Thailand which are used by our forces operating in Southeast Asia.

In less than 3½ years, over half a million American military personnel have been withdrawn from the east Asia and Pacific area alone. The cost to the American taxpayer of the Vietnam war has dropped from \$29 billion in fiscal year 1968 to \$10 billion in fiscal year 1972. Yet because of our grant military assistance programs, the MASF funded defense appropriation, and the security supporting assistance program, others have been able to fill in behind us.

Second. On the security supporting assistance side, my amendment restores \$120 million which the Foreign Relations Committee cut from the administration's request. This is still a reduction of \$74 million from the administration's original request of \$884 million. This amendment, if adopted, would give us a con-

tinuing viable program. A program which would give us the resources to provide the economic support which allied and friendly governments in Southeast Asia need to allow them to carry on with the primary burden of their own defense as our involvement in Vietnam winds down. Funding at this level would also assure continued stability in the Mideast by assuring the economic viability of Israel and Jordan. I have specifically earmarked \$70 million of supporting assistance for Israel—\$20 million more than under present law—to assure that that Nation and her people will not lack resources during this continued twilight period of no war and no peace in the area.

Mr. President, my amendment will restore these programs to respectable levels, and in my view this restoration is justified. The administration is winding down the war in Vietnam in a responsible manner. This administration is reducing America's share of the cost of common security programs. This administration has demonstrated that it has the capacity to devise new policies to meet changing world conditions. These new policies are working in Southeast Asia and elsewhere. And this bill will, if adequately funded, give us the resources we need to continue to make progress.

In the foreseeable future the hope for a better world will rest primarily as it has in the recent past upon the faith that other nations, friend and foe alike, have that this country will keep its word and honor its commitments.

The Nixon doctrine is moving the primary burden for meeting nonnuclear threats to the peace from us to others. This policy is working in Southeast Asia and elsewhere. And this legislation, if adequately funded, will enable us to complete the job.

Mr. President, one of the most important objectives of my amendment is to keep the Government's faith with the Republic of South Korea. As is well known, in order to reduce our forces generally overseas, we have reduced the sum of our presence in South Korea by a very substantial withdrawal of personnel. But in doing so, we have given our own word as a government to the Republic of South Korea that we will not allow them to be penalized by this withdrawal to the extent of being unable to defend their own country, and they have said to us that while they need our forces, they also understand our problem, and that if we will modernize their equipment and give them the tools to protect their own country, it will to some degree compensate them for the lowered American presence in the area.

Mr. President, I have been at the armistice line at Panmunjom. I have seen the Korean forces. I have reviewed their crack regiments myself. I have seen their men and their officers and their equipment, and their air forces.

These are among the bravest people in the world. Buffeted as they have been over the centuries by their neighbors, occupied for long periods of time by China and by Japan, brought into a condition of dependency for generation after generation, these people who early maintained an independent and magnif-

icent culture of their own, from the time of the Silla Dynasty and before, on through the Koryo Dynasty, and down to the Yi Dynasty. These people who have maintained their national strength, whose culture and economic achievements have been a source of pride to civilization—those who value civilization—saw their future very much brightened after World War II when their independence was restored to them and they again became the Republic of Korea.

Then, one more time they were divided, this time by internal conflict, into two nations, a long and bloody conflict, in which the United States participated, which I had the opportunity to see briefly in uniform, on the ground, and in the air.

I talked to General Hodge before we withdrew the American presence there once before in Korea, in Seoul; and he said to me:

If we withdraw these forces, it will only mean war.

A couple of years later, that is exactly what happened, in 1950. I think I talked to him in 1947 or 1949. Our complete withdrawal of the American presence did not contribute to peace. It actually encouraged the hostile forces of the north to move in. It encouraged subversion in both north and south.

As a result, the independence of Korea was threatened and the country ultimately was divided. The United States was forced into a war which could have been avoided had we not, in the late 1940's, hastily withdrawn all our troops, under our cry of, "Let's not be involved any more." So we decided not to be involved, and we became involved in one of the most costly conflicts in our history. That is the lesson of Korea.

I think we owe it to our own security and survival, and to theirs, and we owe it to our own sense of justice—we owe it to ourselves as a nation which has given its word to aid these people—to help them modernize their forces, if we are again in the process of withdrawal from the territory of a friendly nation. So I hope this amendment will be adopted.

I think the business of second-guessing your government on matters of this kind is highly risky. Where a government has been elected by the people, where it is carrying out the foreign policy of the nation, where it makes commitments and pledges its word to governments, the Senate of the United States ought not come in and say, "Well, we think we can do better. We are better foreign policy experts than you are. Never mind what you said in South Korea. We just won't give them the money."

Not only would that damage us in South Korea; it would damage our credibility wherever else in the world the word of the United States is pledged and is felt to be as good as its bond. So I hope that the Senate will adopt this amendment, that we will do justice to Korea.

There is, of course, our obligation to assist Cambodia; because Cambodia is pinning down troops of the enemy which otherwise would be engaged in South Vietnam and prolong that conflict, which already has gone on much too long.

I have added \$20 million for Israel, because we want at least to continue to

maintain the status quo, in the hope that Israel and the Arab nations finally will be able to convert the cease-fire into a permanent peace. We have a cease-fire and no peace in two parts of the world—in Korea and in the Middle East.

Our purpose in our foreign policy is to promote peace—to promote peace in Korea, to promote peace in Indochina, and to promote peace in the Middle East. Our best chance of doing so is to be prepared to keep our commitments and, in the case of Israel, the only democracy in the Middle East, to support its very valiant forces as they, by their very determination and readiness to defend themselves, deter aggressors, whether they be neighbors or whether they be great powers.

So it seems to me that this amendment is meritorious. It does not restore all the money. It is realistic. It is a reduction from the amount which the administration asked, as I recited earlier. But it does restore it to a more viable level which would enable us at least to keep our commitments.

I hope, therefore, that the amendment will be adopted.

Mr. DOLE. Mr. President, I rise in support of the amendment of the distinguished Republican leader which would restore a measure of the cuts in military and supporting assistance proposed by the Senate Foreign Relations Committee and earmark an additional \$20 million in supporting assistance for Israel. Total supporting assistance for Israel would then amount to \$70 million.

Although it would be a disservice to the cause of world peace to exaggerate or otherwise create undue optimism concerning recent international developments—developments largely resulting from U.S. initiatives—I think it is a fact that there exists in this country and in this body increased hope that after a quarter of a century the enmity of the cold war may be disintegrating. And one would also hope that developments on the world scene will have an impact on the conflict in Vietnam. But if there are significant movements toward peace today, it is because we and our allies have the strength which encourages those who have different views to seek to resolve our differences through peaceful means.

Nonetheless it is vitally important to remember that we will only be able to capitalize on such opportunities for peace if we and our allies can continue to negotiate from positions of strength. For more than 10 days, now, the Senate has been considering legislation which is crucial to the Nixon doctrine, which encourages our allies to assume greater responsibilities for their own defense, and to the maintenance of our allies' self-defense capabilities at sufficient strength to encourage the process of detente which President Nixon has so imaginatively pursued in recent months.

But severe cuts by the Senate Foreign Relations Committee in the supporting assistance and military assistance programs recommended by the administration jeopardize important U.S. security interests in Europe, the Middle East, as well as in Southeast Asia. Supporting assistance provides the economic support

which Vietnam, Cambodia, Laos, Thailand, Israel, Jordan, and others need to sustain their economies while they withstand military and political pressures from their adversaries. We have seen that the need to maintain strong military forces in the Middle East has created an economic strain on both Israel and Jordan which they cannot meet without outside assistance. The same is true in Vietnam, Cambodia, and Laos, where the substantial amounts of military equipment which we are supplying to them will be far less effective if we do not provide an adequate level of economic aid which will permit them to mobilize their own manpower.

Supporting assistance also includes the financial support which we provide for the care of refugees and war casualties in Southeast Asia. The recent North Vietnamese offensive caused an additional 800,000 refugees in Vietnam and an uncounted number of civilian war casualties. It is my impression that most Members of the Congress agree that support for this purpose should be adequate in all cases and even relatively generous.

The grant military assistance program is the linchpin of the Nixon doctrine. It provides allied and friendly governments with a portion of the equipment and training necessary to enable them to bear primary responsibility for their own defense.

A 23-percent cut in grant military assistance in fiscal year 1973, coming on top of a 28-percent cut in fiscal year 1972, would threaten the stability of Cambodia and Thailand; weaken the contribution Turkey can make to stability in the Middle East and the strength of the Mediterranean flank of NATO; set back our program to modernize Korea's armed forces; and weaken our relationships with a number of nations who permit us to station U.S. forces on their territory. With these reductions in effect, meaningful programs for such countries as China, Indonesia, the Philippines, Greece, and Ethiopia could not be completed, and important U.S. policy objectives in these countries would be imperiled.

This program cannot be viewed in isolation from other expenditures for national security. It is considerably less costly to train and equip an allied soldier than to station an American soldier overseas. Thus these programs provide a great advantage to wise allocation of defense funds and to effective distribution of the Nation's resources. As a direct result of this program and the Vietnamization program, we have been able to withdraw over half a million American personnel from East Asia and the Pacific thus saving both lives and dollars.

While the bill before us is an amendment to the Foreign Assistance Act, it is in fact almost exclusively a bill concerned with the international security program of our country. To maintain the position of strength essential to our country our allies and our friends in what we trust will prove to be a turning point toward peace, the Scott amendment would raise the authorization for grant military assistance to \$725 million and the authorization for security supporting assistance to \$770 million, of which

\$70 million is specifically earmarked for Israel. I urge Senators to support the President's efforts for peace by supporting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. SCOTT. I yield.

Mr. SPARKMAN. As I understand it, the Senator's amendment provides for an amount, we may say, between what the administration requested and what the committee recommended.

Mr. SCOTT. That is correct. It restores a part of the fund, but it is a reduction of more than \$55 million from the original request of \$780 million, and it is a reduction—

Mr. SPARKMAN. From \$844 million.

Mr. SCOTT. It is a reduction of \$74 million from the administration's original request of \$884 million.

Mr. SPARKMAN. That is, in supporting assistance.

Mr. SCOTT. Yes.

Mr. SPARKMAN. And \$55 million in military grant aid.

Mr. SCOTT. That is correct.

Mr. SPARKMAN. Did the Senator name the beneficiary nations?

Mr. SCOTT. I will be glad to do so.

Mr. SPARKMAN. I am not suggesting amounts, just the countries.

Mr. SCOTT. The beneficiary nations which particularly would be benefited here are the Republic of South Korea, the Government of Thailand, the Government of Cambodia, the State of Israel, and the Kingdom of Jordan.

Mr. SPARKMAN. Is it the Senator's contention that we have commitments to all those countries?

Mr. SCOTT. That is correct.

Mr. SPARKMAN. In the South Korea allotment—or whatever it is called—is the matter of modernizing their equipment involved?

Mr. SCOTT. It is. That is the principal purpose of the restoration, to enable us to keep the given word of the United States, that in consideration—in part, certainly—of the necessity for us to lower our profile in that area, to reduce our presence in that area, we have agreed to help them to modernize their means of defense.

Mr. SPARKMAN. That was really a part of the arrangement that was worked out, either formally or informally, making it possible for us to withdraw U.S. troops from South Korea?

Mr. SCOTT. That is correct.

We are in the position of having gone ahead with the withdrawal of our troops, having taken the benefit of the agreement so far as America is concerned, and then being confronted with a hesitant situation in the Senate, as to whether we should keep our part of the bargain—the modernization of the equipment of the South Korea forces.

If I were a South Korean and heard that the Senate had gone ahead with the return of American soldiers and then had failed to supply the modernization of equipment as promised, not only would I have a low opinion of the Senate, but also, I would have a very low opinion of the word of the United States.

Mr. SPARKMAN. I may say this, that

I have a strong feeling for the South Korean situation. I have visited there several times. I have been up on the DMZ area where the South Koreans have their divisions and we have our men. I have seen the equipment the South Koreans use. I know how badly they need modernization. I was pleased when our Government and the South Korean Government worked out an understanding to the effect that we would help them modernize.

Let me say to the Senator from Pennsylvania that I have asked someone who is opposed to this to come to the floor to handle the opposition. I am not in a position to oppose the position of the Senator from Pennsylvania because I think it is so important to all the countries the Senator named, but particularly is the importance to South Korea and Israel. The others may be just as important, I am sure.

Mr. SCOTT. The Senator is right about South Korea. I have already made the point that I served briefly in South Korea on the carrier *Valley Forge*.

I did see the fighting quality of the South Koreans. I have been honored by their government along with General Van Fleet on a subsequent occasion at the time of the inauguration of President Park. This might be said to dispose me even further in their favor, but what moves me is the keeping of a promise and my own personal observation of the gallantry and the determination of the South Koreans to preserve their independence.

Mr. SPARKMAN. I have shared similar recognition by the South Korean Government. I was also given an honorary degree by their National University. However, let me say that does not convince me on this. I am convinced on this by the absolute necessity of having a well-equipped force on the DMZ line, as long as we do not have some kind of agreement whereby peace can be assured. We are still there under the armistice; are we not?

Mr. SCOTT. Yes.

Mr. SPARKMAN. It is necessary to keep the force there. My own feeling is that we should have it there.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time for the quorum be charged equally to both sides.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. 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. SPARKMAN. Mr. President, I ask unanimous consent that the Senator from Florida (Mr. GURNEY) be recognized for 5 minutes on the time of the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, I strongly support the amendment of the distinguished minority leader to restore some of the military assistance funds cut by the Foreign Relations Committee.

First, this amendment will provide adequate economic supporting assistance to Israel—a nation whose continuing economic stability is crucial if peace is ever to be achieved in the Middle East. The recent activities of the Palestinian guerrillas and the tragic shootout at LOD Airport in Tel Aviv underscore the need for such assistance.

Second, this amendment will enable the administration to move ahead in implementing the Vietnamization program. It gives allies and friendly governments the assistance which they continue to need if North Vietnamese aggression is to be successfully contained.

Finally, it enables us to get on with the job of equipping and training allied and friendly government forces so that these forces, rather than U.S. forces, will be able, in the first instance, to meet conventional threats to the common peace.

Mr. President, these programs, which we are considering today, have been instrumental in creating the essential preconditions for a generation of peace. They have enabled us to bring American servicemen home—over half a million from the Pacific alone—and they have enabled us to leave local forces behind which are capable of defending their own governments and institutions.

I do not think there is any more dramatic and convincing evidence of that than what is going on in Vietnam at the present time. The North Vietnamese launched an invasion of South Vietnam and used practically all of their forces. These forces were as well equipped as any modern army. They used tanks and artillery pieces by the hundreds. Many of them were of the modern type of artillery. There were also rocket weapons.

The siege at An Loc ruined that village. Yet, despite that massive attack with the most modern of equipment, the South Vietnamese has not only been able to contain the aggression and turn back the attack, but in some cases they have made slight advances.

Mr. President, as I say, there is no more dramatic evidence that Vietnamization is working and that the training of the South Vietnamese troops to take over their own battles has been successful. That is what this foreign assistance program is all about. If we continue to do that at the level of spending the administration has recommended, it seems to me that servicemen other than the U.S. soldiers will do this kind of fighting, which is what ought to be done.

Mr. President, for the first time in over 25 years other nations are becoming increasingly able to stand on their own, militarily. Given this record of accomplishment, I believe that this military assistance program deserves our continued support. Deep cuts of the nature imposed by the Foreign Relations Committee would serve merely to cripple this administration's foreign policy without bringing forward valid alternative policies. As far as this Senator is concerned, such drastic cuts are neither justified or desirable.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GURNEY. Mr. President, I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. 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. CHURCH. Mr. President, I send to the desk a perfecting amendment to that offered by the distinguished minority leader, and ask that the amendment be stated.

The PRESIDING OFFICER. The amendment is not in order, except by unanimous consent, until all time has been used on the pending amendment or has been yielded back.

Mr. SCOTT. Mr. President, if the Senator will yield, I have not seen the amendment, and I would rather defer—

Mr. CHURCH. Mr. President, I ask that the amendment be returned in order that it may be examined by the distinguished minority leader.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

Mr. President, I have reached an understanding with the distinguished minority leader and we are ready to yield back the remainder of the time on each side to bring up the perfecting amendment.

Mr. President, I ask unanimous consent that the amendment I have offered may be called up and considered at this time.

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

The amendment will be stated.

The legislative clerk read the amendment offered by Mr. CHURCH for himself and Mr. BAYH to the Scott amendment (No. 1265) as follows:

Strike out the first paragraph of the amendment. In lieu of the language proposed to be inserted by the third paragraph of the amendment by Senator Scott insert the following: \$685,000,000, of which not less than \$85,000,000 shall be available solely for Israel."

Mr. SCOTT. Mr. President, I yield myself 3 minutes on the substitute.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes on the substitute or perfecting amendment.

Mr. SCOTT. Mr. President, all the substitute does is to attempt what has often been tried in the Senate, and that is to increase the amount to Israel, hoping that all Senators who are motivated by the Jewish vote will immediately rush in and support the substitute, and, of course, the \$15 million additional can then be knocked out in conference and everybody will be happy.

Well, that is about all it is. My amendment, of course, adds \$20 million for Israel. To that the distinguished Senator from Idaho adds another \$15 million, but the price of his giving a little more money to Israel is that no more money goes to Korea, and no more money

goes to any other country mentioned in my amendment—no more money goes to Jordan, no more money goes to the Middle East.

This is simply an attempt to say to Senators, as they walk through the door just before the vote, "We raise the amount of money for Israel. You want to vote for that don't you?", and in that way hope that Senators will thereby adopt the substitute and strike out what we are trying to do; namely, the restoration of all these other funds in the amendment.

So I do not think the substitute should be passed for that reason alone. Otherwise we get into a bidding contest here, where each Senator who has an amendment offers to authorize more money for Israel, but always at the cost of cutting everybody else. I do not think the Government of Israel wants you to do that, and I do not think the Government of the United States wants you to do that.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. SCOTT. I yield myself 1 additional minute.

I do not think this is the way to legislate.

I realize that by being exceptionally candid on the floor I have abandoned the usual subterfuges which we interchange with each other so often, but that is all this is. When one examines the proposal, he will see that it is done for the purpose, when a Senator comes in and asks what this is all about, of being able to say, "Well, it is a substitute amendment to give Israel more money." This is a time when there is hardly anybody on the floor—there is nobody here now except us chickens—I am sorry; the Senator from Wyoming (Mr. McGee) says that I should speak for myself—for us chickens and one rooster, then. [Laughter.]

There is nobody else here, so when they come in and they want to know what it is all about, unless somebody makes the record clear what it is all about, they will not know it is an attempt to keep face with South Korea and an attempt to shore up other nations who have been friendly to us, who are pinning down other nations who are not friendly to us, and as an attempt to continue peace in the Middle East—

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

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SCOTT. Mr. President, I yield myself 2 minutes so I may yield to the Senator from Missouri.

Mr. SYMINGTON. May I ask the Senator if he thinks that adding \$20 million for Israel will hurt the overall bill?

Mr. SCOTT. The overall bill?

Mr. SYMINGTON. Yes. Would adding \$20 million hurt the Senator's proposal? As long as nobody is here but "us chickens," I thought I might as well bring it up.

Mr. SCOTT. Yes. My proposal would help Jordan, Israel, Korea, Cambodia, and would ease tensions, I believe, in those areas of the world. I am so used to, as an old hand around here, almost going into my 30th year in Congress, all these substitute motions. The usual ma-

neuver in the House is on a motion to recommit. Over here it is a motion to do something for Israel. That is all it is.

I hope the substitute will fail, for the reason that it does strike down our attempt to keep faith with the Government and people of South Korea and to maintain our foreign relations in those other areas.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. CHURCH. Mr. President, in the same spirit of candor that has been shown by the distinguished minority leader, recent votes taken in the Senate have been against increasing the overall amount of this bill. For instance, only last week the Senate rejected attempts to increase military credit sales. Yet, at this point comes another attempt to increase the total amounts in the bill.

But this one has a sugar spoon attached, earmarking an additional \$20 million for Israel.

I would first point out that the Senate Committee on Foreign Relations has earmarked \$50 million in the present bill for Israel. We wanted to make certain, given the present circumstances in the Middle East, that the military capabilities of Israel are sufficient to discourage another Arab attack on that country. We wanted to provide in various ways Israel the capability to secure its borders. If we are going to err, let us err on the side of generosity. Let us make certain that Israel's defense is adequate, particularly in view of the continuing Russian effort to rebuild the Arab military forces.

So, with respect to this one particular in the amendment offered by the Senator from Pennsylvania, I have no quarrel. The amount, in fact, could well be increased further. That is the reason that I have added an additional \$15 million, so that the increase for Israel is not the \$20 million provided in Senator Scott's amendment, but the \$35 million provided in the perfecting amendment.

That, I think, can be justified; but the rest cannot be justified. The rest of this amendment would increase the overall cost of this bill by \$245 million—nearly a quarter of a billion dollars would be added, if the Senate adopted the amendment offered by the minority leader—\$125 million for military grant assistance and \$120 million for economic supporting assistance.

The Senate bill is fully adequate. The committee took the evidence and heard the testimony; it has, in fact, increased the overall amount for military assistance above the levels of last year. The bill contains approximately \$100 million more in military assistance than the Senate approved last year. The committee feels that that is fully adequate to meet the need.

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

Mr. CHURCH. I am happy to yield to the distinguished Senator from Indiana.

Mr. BAYH. I do not wish to interrupt the carefully considered remarks of one of the most distinguished and illustrious members of the Foreign Relations Committee, but as one who is not a member of the Committee on Foreign Relations,

I must say that I find great logic in the presentation of the Senator from Idaho.

The Senator has stressed the difference between the committee's recommendations and the recommendations of our illustrious minority leader. From a slightly different perspective, I find it equally alarming to look at the trend of the last couple of years.

While, in the early years of this administration, there was established a doctrine known as the Nixon doctrine, which was designed to try to spread the burden of regional defense among the nations of that region. This policy goal made a great deal of sense to me since it would enhance international cooperation, and lessen the overloaded burden that existed on the backs of the taxpayers of the United States. Nevertheless, as I look at the figures that are before me, it seems as if the trend has been alarmingly in the opposite direction.

For 1970 we appropriated \$350 million in military grants, \$70 million in military credit sales, and \$395 million for supporting assistance; the amount requested by the administration for 1973, just 4 years later, is more than twice that amount—\$780 million in military grants, \$527 million in military credits, and \$844 million for supporting assistance.

The committee, in its wisdom, cut those figures back to \$600 million, \$400 million, and \$650 million respectively, but the Senator from Pennsylvania seeks again to raise that military grant figure to \$725 million and the supporting assistance figure to \$770 million. The committee has already doubled the amount which was appropriated for 1970; this amendment would add still another quarter of a billion dollars when we are trying to implement the Nixon doctrine by spreading the burden of defense costs.

Mr. CHURCH. The Senator is quite correct. All the committee is trying to do is hold the line rather modestly against this swelling program.

All these programs, as the Senator knows, get larger with each passing year through "bureaucratic momentum;" the committee is trying to put the brakes to this phenomena.

I call the Senator's attention to the fact that in so doing, we have had to yield some ground. There is \$100 million more in this bill than in last year's bill, to start with, for military assistance. The Senator from Pennsylvania, however, has added a quarter of a billion dollars more. As a consequence, unless we are just going to throw open the door and say, in effect, that any amount is acceptable to Congress, that we will no longer exercise our judgment or attempt to impose some reasonable restraint on behalf of the people we represent, who must pay the bill, then I would think it prudent for the Senate to support the committee.

Mr. BAYH. Will the Senator permit me to interrupt for just one last question, to get his thoughts?

Mr. CHURCH. I yield.

Mr. BAYH. This whole question of when and where to spend military funds has not been examined in the past as carefully as I think the Senate is determined to examine it in the future.

A fundamental principle which must be considered is the relationship of the expenditures to our national interest.

It is rather obvious to the Senator from Indiana, and I am sure to the Senator from Idaho, that what happens in the Middle East with respect to the security and continued freedom of the State of Israel is very much in our national interest, and that there is a great deal of sympathy in this country to support that small democracy and provide them the wherewithal to defend themselves. That is exactly what they are doing; we are not asking for divisions or air support from the United States, but for the military hardware to defend themselves.

I do not want to be too harsh, but it appears almost as if this very important authorization to help sustain democracy in Israel is being used almost as a black-mail effort to get several times that amount to spend we know not where and we know not for what. Is the Senator from Indiana too harsh in his judgment?

Mr. CHURCH. The Senator is accurate in his observation, and his statement is certainly no more harsh than the opening remarks of the distinguished minority leader. The distinguished Senator from Indiana is quite right.

I have never had any difficulty when it comes to supplying military assistance or economic assistance, when needed, to Israel. Israel is a democratic country. It has the full and loyal support of its people. It has demonstrated again and again its capacity to defend itself, without ever calling upon a single American soldier.

My difficulty is with this tendency of ours, through this military assistance program and the foreign military sales effort, to supply 40 or 50 different governments in the world with our arms, and in the main, to supply various dictatorial regimes, all under the guise of anticommunism. However, most of these American financed and furnished weapons have been used by these regimes to hold their own people in check. We have allowed this to grow and grow until it has become global in its scope. It is now a monstrously immoral program.

I point out to the Senator that, insofar as the war theater is concerned, insofar as Laos and South Vietnam and Cambodia are concerned, whatever military assistance is needed for those countries is not covered by this bill, anyway. All of that—and it is a great deal, as the Senator knows—is covered in the so-called defense budget of the United States.

What is really being asked for here is a quarter of a billion dollars more to distribute to countries which, in the main, if not almost in the entirety, are reactionary, repressive regimes, and certainly by no stretch of the imagination could be compared to the kind of government or society represented by the free and sovereign State of Israel.

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

Mr. CHURCH. I yield.

Mr. SCOTT. Does the Senator include the Republic of South Korea as a reactionary, repressive regime?

Mr. CHURCH. The Senator from

Idaho has no particular admiration for the Government of South Korea. There is a great difference between that government and the Government of Israel. I want to say that most emphatically. The two are not comparable at all.

Mr. SCOTT. The Senator has met the ruler of the Kingdom of Jordan. Does he include the Kingdom of Jordan as a reactionary and regressive or recessive regime?

Mr. CHURCH. I do not place it in the list of flourishing democracies in the world.

Mr. SCOTT. In other words, the Senator is condemning all these other countries which have been friends and allies of the United States and is using that as an argument for not keeping our given word, as in our promise to Korea to modernize their equipment.

Mr. CHURCH. The Senator from Idaho does not condemn any government. The Senator from Idaho is saying that the committee bill contains adequate money for these purposes and that it ought not be increased by another quarter of a billion dollars. It already has been increased by \$100 million, and nearly all the bill is directed toward such governments as those mentioned by the Senator from Pennsylvania. It is sufficient. It need not be increased.

A special case can be made for Israel, because it is a very special country, faced by a very difficult problem—the problem of Russian-supplied military arms and equipment to the surrounding Arab States which are unanimously hostile to Israel and against whom Israel has fought several wars.

Israel's position is a special one. We should be particularly careful to make certain that we earmark sufficient funds for Israel to maintain an effective and successful military deterrent against the outbreak of further warfare in the Middle East.

Mr. SCOTT. Would not the Senator, then agree, that it is necessary to help South Korea maintain an effective and successful military deterrent against those who might endanger its security?

Mr. CHURCH. The bill as reported by the committee contains adequate funding for that purpose.

Mr. SCOTT. I think it is obvious that we cannot agree—

The PRESIDING OFFICER. All time of the Senator from Idaho has expired. The Senator from Pennsylvania has 9 minutes remaining.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion to table has not been offered.

Mr. CHURCH. I give notice that I shall ask for the yeas and nays when the motion is made.

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. SCOTT. Mr. President, I yield back the remainder of my time, and I now move to table the substitute of the Senator from Idaho to the amendment of the Senator from Pennsylvania.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the motion to table.

The yeas and the nays were not ordered.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. 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. CHURCH. Mr. President, I ask for the yeas and the nays on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Utah (Mr. MOSS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. GAMBRELL), would each vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from New Hampshire (Mr. CORTON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from Ohio (Mr. TAFT) are detained on official business.

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 35, nays 38, as follows:

[No. 242 Leg.]
YEAS—35

Alken	Allott	Beall
Allen	Baker	Bennett

Boggs	Fong	Smith
Buckley	Gurney	Sparkman
Cook	Jordan, Idaho	Stafford
Cooper	Mathias	Stennis
Curtis	Miller	Stevens
Dole	Packwood	Talmadge
Dominick	Pearson	Thurmond
Eastland	Saxbe	Tower
Ervin	Schweiker	Young
Fannin	Scott	

NAYS—38

Anderson	Cranston	Montoya
Bayh	Eagleton	Nelson
Bentsen	Fulbright	Pastore
Bible	Harris	Pell
Brooke	Hart	Proxmire
Burdick	Hartke	Randolph
Byrd	Jackson	Roth
Harry F., Jr.	Javits	Spong
Byrd, Robert C.	Kennedy	Stevenson
Cannon	Long	Symington
Case	Magnuson	Tunney
Chiles	McGee	Weicker
Church	Mondale	Williams

NOT VOTING—27

Bellmon	Hatfield	McGovern
Brock	Hollings	McIntyre
Cotton	Hruska	Metcalfe
Ellender	Hughes	Moss
Gambrell	Humphrey	Mundt
Goldwater	Inouye	Muskie
Gravel	Jordan, N.C.	Percy
Griffin	Mansfield	Ribicoff
Hansen	MCClellan	Taft

So the motion to table the Church amendment was rejected.

The PRESIDING OFFICER (Mr. KENNEDY). The question occurs on agreeing to the Church amendment to the Scott amendment. All time has expired.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from New Hampshire (Mr. CORTON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming

(Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Arizona would vote "nay" and the Senator from Oregon would vote "yea."

The result was announced—yeas 54, nays 21, as follows:

[No. 243 Leg.]
YEAS—54

Allott	Dole	Pell
Anderson	Eagleton	Proxmire
Baker	Eastland	Randolph
Bayh	Fulbright	Roth
Bentsen	Harris	Saxbe
Bible	Hart	Schweiker
Boggs	Hartke	Sparkman
Brooke	Jackson	Spong
Buckley	Javits	Stevens
Burdick	Kennedy	Stevenson
Byrd	Long	Symington
Harry F., Jr.	Magnuson	Talmadge
Byrd, Robert C.	Mathias	Thurmond
Cannon	Miller	Tower
Case	Mondale	Tunney
Chiles	Montoya	Weicker
Church	Nelson	Williams
Cook	Pastore	
Cranston	Pearson	

NAYS—21

Aiken	Dominick	Packwood
Allen	Ervin	Scott
Beall	Fannin	Smith
Bellmon	Fong	Stafford
Bennett	Gurney	Stennis
Cooper	Jordan, Idaho	Taft
Curtis	McGee	Young

NOT VOTING—25

Brock	Hollings	McIntyre
Cotton	Hruska	Metcalfe
Ellender	Hughes	Moss
Gambrell	Humphrey	Mundt
Goldwater	Inouye	Muskie
Gravel	Jordan, N.C.	Percy
Griffin	Mansfield	Ribicoff
Hansen	MCClellan	
Hatfield	McGovern	

So Mr. CHURCH's amendment to the Scott amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment to the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the Scott amendment, as amended.

Who yields time?

Mr. SCOTT. I yield back the remainder of my time.

Mr. CHURCH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the Scott amendment, as amended (putting the question).

The amendment, as amended, was agreed to.

Mr. CHURCH. I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the amendment to be offered by the Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 7, line 18, delete "(a)". On line 22, beginning with the word, "by" strike through the word, "funds" on line 24, and insert in lieu thereof: "in Thailand by any military forces, other than the national forces of Thailand or the United States."

On page 8, line 1, insert a period after "purpose".

On page 8, line 1, beginning with the word, "and" strike through line 10.

Mr. DOMINICK. Mr. President, if I may have the attention of Senators I think we can be very brief on this amendment and, hopefully, with the cooperation of the Senator from New Jersey and the Senator from Idaho, we will be able to dispose of it rather rapidly.

Mr. President, my original amendment which was printed would have struck the total section 515 on pages 7 and 8. I have talked at length with members of the staff and with the Senator from New Jersey, and the amendment I have submitted is different in considerable substance from the amendment which was originally offered.

What we are doing in the amendment I have offered now is strike any reference either to combat or military operations in Laos or military operations in North Vietnam, leaving in, however, the proposed prohibition on the use of funds insofar as third countries are concerned in Thailand.

Mr. STENNIS. Mr. President, may we have quiet in the Senate? This is an important matter.

The PRESIDING OFFICER (Mr. BURDICK). The Senate will be in order.

Mr. DOMINICK. As a result of this amendment, if agreed to, the provision which is before Senators on pages 7 and 8 would read as follows:

No funds authorized or appropriated under any provision of law shall be made available by any officer, employee, or agency of the United States Government, for the purpose of financing any military operations in Thailand by any military forces other than the national forces of Thailand or the United States . . .

Then it would read after that:

unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose.

And the remainder of the section would then be stricken.

The reason why we have done this is that the Armed Services Committee as such by, I believe, a general agreement between the Armed Services Committee Chairman and the Chairman of the Foreign Relations Committee, has maintained jurisdiction in connection with Vietnam and with Laos.

The general military assistance jurisdiction is in the Foreign Relations Committee and would be applicable insofar as Thailand is concerned. So we are leaving Thailand in. But I want to make it explicit—and I think the Senator from

New Jersey would agree with this—that there is no situation in Thailand at the present time which would lead to support of any third party troops in that area. We anticipate none. Consequently, this wording, although it may be important from the point of view of asserting jurisdiction in what we are doing in military operations country by country, is no more important for Thailand than it would be for India or Pakistan or any other country in the world in which we do not contemplate doing this.

Personally, I feel the legislation as such is not what I would like to see in the bill, but almost all legislation in this body is a matter of compromise along these lines, and it may be that the question of whether this provision should be in at any point can be taken up, as it has been in the past, in conference, and then either knocked out or left in by the conferees.

It is, as I say, my feeling that this is a good substitute; that it takes care of the items which were of concern to me and the other distinguished members of this body who sponsored the original proposal that I put in, namely, Senators STENNIS, YOUNG, EASTLAND, BENNETT, TOWER, and DOLE. I believe, as far as I can ascertain, that this amendment would be satisfactory to those cosponsors. I tried to stay in touch with as many of them as I could. As I say, it does, in part at least, meet some of the purposes the Senator from New Jersey was seeking, but it does not any longer conflict with the jurisdiction we would otherwise have in the Armed Services Committee.

I am happy to yield at this point to the Senator from New Jersey.

Mr. CASE. I thank my colleague. His statement is accurate and very fair, as his statements always are. I would have preferred that the section the Senator from Colorado is amending remain in the bill as I introduced it and the Foreign Relations Committee approved it, but we cannot always get everything we want. I am glad, speaking for myself only, to accept the Senator's amendment as the best that we can get under the circumstances.

Mr. President, I am absolutely opposed to the United States carrying on large scale mercenary operations anywhere—Southeast Asia or anywhere else—without congressional authorization. I think that if our democracy and our Constitution mean anything, such authorization should be mandatory. But I think we cannot avoid the fact that there are ongoing mercenary operations in Laos and in North Vietnam financed by the United States. We know this. We know that Thai troops are in Laos because, after a long series of newspaper leaks and interviews with Thai troops themselves, the administration finally stated publicly last year that this was so. We know of the operations in North Vietnam only because of newspaper accounts. Perhaps some day we are going to be officially informed of the facts on American financed ground raids in North Vietnam.

But I do accept the fact that these operations exist, although I believe Congress should have been asked to author-

ize them. Congress unofficially has been aware of them. The Armed Services Committees have been advised about them. As I understand, the Appropriations Subcommittee dealing with defense appropriations has known about them. Appropriations have been made by Congress with this knowledge. So, in a sense—and I am sure this is the view of the majority of the Members of the Congress—there is some feeling that these operations have been authorized by Congress and that the Senate is unwilling to stop them at this particular point, with hostilities continuing.

Recognizing that while not necessarily agreeing, I accept the suggestion offered by the Senator from Colorado (Mr. DOMINICK), although it goes against my grain to do so because of my general view of the undesirability of unauthorized mercenary operations; but I think he has proposed something which meets one of my main purposes, and that is to establish the fact that, in the future, specific congressional authorizations should be necessary.

Mr. DOMINICK. Mr. President, I appreciate what the Senator has said. I know it has been a concern of his for a long period of time. It is my understanding, on reading this amendment—and I would like to have this colloquy with the Senator from New Jersey—that this would not prohibit the United States from supporting our ally Thailand within Thailand with some of the problems they may have. Is that correct?

Mr. CASE. This does not prevent American support in Thailand to Thai troops. That is quite correct.

Mr. DOMINICK. And it would not prohibit our support of what might be termed irregular troops who are nationals of Thailand?

Mr. CASE. Would the Senator repeat that?

Mr. DOMINICK. Yes. It would not prevent support of what might be termed irregular forces or nationals of Thailand. In other words, in case some of the tribesmen who are not part of the regular armed forces there should find themselves in problems because of invasion by some country, they could be supported, too?

Mr. CASE. It would be my feeling that the rationale of what we are doing would not prohibit American support to Thai regular or irregular troops in Thailand so long as they were under direction of the Thai Government.

Mr. DOMINICK. That is what I wanted to get as far as the RECORD is concerned. I am glad the Senator goes along with that, because that is my understanding of what the amendment would do.

It seems to me that the striking of lines 2 through 10, really, on page 8 is a significant compromise by the distinguished Senator from New Jersey—taking out reference to Laos and Vietnam.

I see my distinguished chairman here. I am sure he may have some questions or comments on it.

Mr. CASE. Would the Senator permit me to make one more observation before completing this colloquy? I think I should say I do not regard what we are doing here in any way to be an authorization of any kind for American assist-

ance, but the elimination of new prescriptions against certain kinds of American assistance. That is the purpose of it.

Mr. DOMINICK. That is my understanding.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. DOMINICK. I am happy to yield.

Mr. STENNIS. I would like to make this comment. This is a subject of concern to all of us. It is a matter that is very difficult to handle, frankly. It is difficult for the Department of Defense or the Department of State, or whatever agency of government may be involved. We have had this problem before our committee many times, and will continue to have it.

I want to commend the Senator from Colorado, who is a very able member of our committee, for the work he has done in connection with this provision in the bill. I think he and the Senator from New Jersey have reached a very good adjustment of the situation without injury to the position we find ourselves in over there.

Believing that as I do, I am glad to join with him in the modification that he has proposed here, and am delighted to see, too, the Senator from New Jersey willing to meet the Senator and seek to accomplish something that I think will improve the situation without aggravating our present problem there.

Mr. DOMINICK. Mr. President, I surely appreciate the support of the Senator from Mississippi and the Senator from North Dakota, who was one of the very prominent cosponsors of my originally proposed amendment.

I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, as I understand the modification, it would not run contrary to the Nixon foreign policy, which I believe is a good one, that of helping friendly nations throughout the world but not using our own troops. They would do their own fighting. I think from time to time it is helpful to give financial assistance to other countries and military supplies and money for economic and other purposes. I hope we will get away from this business of trying to fight the battles of the whole world. That is what the main part of the Nixon policy is about. I think the modification fits well into that foreign policy.

Mr. DOMINICK. I thank the Senator from North Dakota, and I completely agree with him.

As we all know, there are problems in Thailand. They are not nearly as serious as they are in some areas of Southeast Asia, but there are problems in both northeast and southeast Thailand. To date, their regular armed forces have been able to maintain this problem within a reasonable area. That would not prohibit us from giving adequate support, in case they need it, to provide the Thais, or nations in that area, the ability to do their own fighting, which I think we are all for.

So I thank the Senator from New Jersey, the Senator from Mississippi, and the Senator from North Dakota for their support, and I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, as the Senator is limited in time, perhaps I had better seek time from the Senator from Arkansas. Will the Senator from Arkansas yield me some time?

Mr. FULBRIGHT. I yield the Senator from New York whatever time he may require.

Mr. JAVITS. Mr. President, I am in agreement with the Senator from New Jersey that this is probably the best way now realistically available to us in which to resolve the question. I appreciate that in war, you use many means which may be distasteful. I am deeply opposed to our being in this war in Indochina, but that is neither here nor there on this issue. The important point here, Mr. President, is that we are, in a sense, condoning a lack of information to Congress.

We did not adopt this amendment lightly in the Foreign Relations Committee. We adopted it only in extremis, because the whole concept of advice and consent in consultation with the Committee on Foreign Relations has broken down in a very serious way. I hope that seeing these evidences of it—which are numerous, not just this alone; the Azores and Bahrain provision, the executive agreements provision, and other matters with which we have dealt, reflect that as well. It will be seen that the situation might have been otherwise had the administration kept us closely informed of what it was doing and why.

I see no reason why it should not have done so. This idea that only the President and his people can be trusted with a secret has already been exploded by the revelations of the Pentagon papers, the Jack Anderson disclosures, the daily trickle of official "leaks" and so on.

The Joint Atomic Energy Committee is entrusted, we believe, with the very highest secrets of government, at least what are alleged to be the highest secrets of government, without qualm. What is it that seems to create a barrier between the Committee on Foreign Relations and the administration, in respect of accountability and responsibility for "classified" information? I think that is what is at the base of this provision, and I deprecate it.

Mr. President, beyond that, we have ongoing activities in Cambodia which raise very serious questions about the good faith with which the administration is sticking by the provisions of the law, including the amendment of Senator COOPER and Senator CHURCH with respect to the range of activities to go on in Cambodia with our backing, and my own amendment making clear in law that we have no commitment to the defense of the Government of Cambodia nor does our aid imply or authorize any such inference.

Yet, the evidence continues to mount that there is a real effort to sort of get around those particular provisions with respect to Cambodia. The press has reported that American advisers—prohibited by law in Cambodia—hover off the ground in helicopters, so their feet do not touch the earth while they direct operations. Such maneuvers to avoid one of the inhibitions of the law raised serious questions of the integrity of the law and the authority of Congress, somewhat like General Lavelle's unauthorized raids.

It is this kind of thing, Mr. President, which deeply troubles Members of Congress and deeply troubles the relationships which are involved here with the executive department, and which cause such deep concern with respect to the whole Indochina involvement. Mr. President, if there is one thing we have now learned, and the decisive passage by the Senate of the War Powers Act is a clear indication of that, it is that we do not want to back into another Vietnam, or be drawn into it, because the progress of events is such as to make it inevitable.

In 1970, following the Lon Nol coup d'etat against Sihanouk's neutralist government and the attack he ordered against the Communist staging bases along the Cambodia border, President Nixon sent U.S. forces into Cambodia—in that much disputed action. In his April 30 address announcing this attack, the President justified it as a move "to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal programs."

The attack in Cambodia was described as a one-shot affair and subsequent requests to Congress for military aid funds for Cambodia were portrayed as being short term measures related to Vietnamization and withdrawal of U.S. forces. On May 14, Secretary Rogers said that the defense of the Cambodian Government was not the primary purpose of the actions taken, and "that will not be our purpose in the future."

When Congress first authorized the Cambodian assistance request of President Nixon, I authored an amendment which was included in the law, and which has been retained in slightly reworded form since. My amendment, section 7(b), stated:

Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

The initial administration request for military assistance to Cambodia, on May 12, 1970, was for \$7.9 million but grew by the end of the year to \$155 million. In 1971 it grew to \$246.4 million, and this year the request was \$300 million for military aid and \$30 million in economic aid.

This pattern of logarithmic growth of U.S. military support and involvement in Cambodia would have been cause for grave concern in and of itself. But then, on March 14, 1972, Secretary Rogers stated to the House Foreign Affairs Committee, in support of the Cambodian aid request:

As you know, one of the reasons we have increased the request for Cambodia assistance is that we are anxious to see that the Government in Cambodia survives.

Mr. President, what has become of the provision written into law from the outset, and retained in law ever since, establishing that we have no commitment to Cambodia—or to the Government of Cambodia—for its defense?

I do not think we are being kept candidly informed about what is going on in Cambodia. I have doubts that the thrust of U.S. programs in Cambodia square with the spirit, intent, and letter

of the law. Moreover, the question is not merely an academic one. It is a very important one closely related to our whole Indochina experience. The situation in Cambodia, according to a June 6, 1972, New York Times report, is disquietingly like the situation in Vietnam in the early 1960's. I include this report as part of my text:

CAMBODIA SEEMS ADRIPT AFTER 2 YEARS AS REPUBLIC

(By Craig R. Whitney)

PNOMPENH, CAMBODIA, June 5.—From a start full of hope two years ago, Cambodia has sunk into a deep malaise, without confidence in her leadership, institutions, or ability to decide her own future, in the assessment of a wide range of Cambodians and foreign diplomats.

The malaise has been months in developing, but has had a chance to take root in the last two months, during which the Government of President Lon Nol has been virtually paralyzed by its attempts to legitimize itself as a popularly elected presidential regime.

Yesterday the country held its first presidential election. Marshall Lon Nol was ahead in preliminary results today with 58 per cent of the vote, while his closest contender, In Tam, had 24 per cent, and the marshal will almost certainly turn out to be the winner when the final results of the light voting are proclaimed by the Government in a few days.

He proclaimed himself President March 13 after dissolving what remained of the Cambodian legislature, with Mr. In Tam at its head, and bowed to student pressure to eliminate his friend and closest adviser, Lieut. Gen. Sisowath Sirik Matak, from the Government. The next legislative elections will not take place for three months.

The beginning of the worst part of the decline in Cambodia's morale seems to date from the disastrous rout of Cambodian troops trying to clear Route 6 north of Phnompenh in December. Since that operation, called Tchenla 2, the Cambodian Army has made no new offensive sweeps except unsuccessful ones around the temples of Angkor.

In recent weeks the Cambodians have, almost without a fight, given up most of the territory east of the Mekong River that North Vietnamese and Vietcong troops are using as a staging area for the offensive in South Vietnam.

AMERICAN OFFICIAL GLOOMY

A high American official, speaking of the United States' \$200-million military aid program in Cambodia, shrugged his shoulders as if in despair and said: "I don't see any vigorous prosecution of the war in the cards. Tchenla 2 caused a certain lack of confidence on the part of Lon Nol and the army and the Communists' use of tanks and large amounts of heavy ammunition in their offensive has just indicated to the Khmer that they are no match for the North Vietnamese."

It was also the failure of Tchenla 2 that caused the exacerbation of political strains, but that had been growing quietly ever since March, 1970, when Marshal Lon Nol enjoyed seemingly unanimous backing at the beginning of the republic. The trend since then has been one of centralized rule in his weak hands, but with growing frustration and, with the elections of the weekend, open opposition by some who supported the President in the beginning.

Marshal Lon Nol's principal opponent in the election, Mr. In Tam, was president of the Cambodian National Assembly at the time of the overthrow of Prince Norodom Sihanouk and was one of the three principal figures of the new republic in 1970—along with the President and his close friend, General Sirik Matak.

What has happened to Mr. In Tam and to General Sirik Matak shows, in some ways,

the deterioration of the regime. In the summer of 1971, Mr. In Tam became Minister of the Interior, but asked to resign and was dismissed last September as his differences with the marshal grew. He became president of the renamed Constituent Assembly in November after Marshal Lon Nol took away the legislature's law-making powers and told it to proceed with the drafting of a constitution.

But in March, after student demonstrations against General Sirik Matak, who was Lon Nol's premier and, in effect, the man who had ruled Cambodia since the marshal's stroke more than a year ago, the President bowed to these outside pressures, took General Sirik Matak out of the Government and abolished the Constituent Assembly.

Within 10 days, he had his subordinates draft a constitution to his liking, establishing a presidential form of government with a Cabinet answerable to him and to the two-house legislature, and submitted it to a nationwide referendum, which approved it April 30.

Since March, the Government has been headed by the only man Lon Nol could get to accept the job, Son Ngoc Thanh, a shadowy figure who was on the side of the anti-Sihanouk forces at the beginning of the republic but whose allegiance is now believed to be mostly to the forms and trappings of the republican Government.

"The Government has been virtually paralyzed for the past two months while Lon Nol has been trying to secure his political future," a senior diplomat said. "I would hope he'd start to govern again rather quickly after the elections."

Indeed, in the last few days in Phnompenh have been devoted almost entirely to political activities. A giant parade of military vehicles filled with soldiers bearing placards has circled the city almost every morning, blaring Marshal Lon Nol's political propaganda and DC-3 aircraft have dropped thousands of little pictures of the marshal—similar to those printed on the ballots—all over the city.

During the voting yesterday, Mr. In Tam charged that the Government was making it difficult for his supporters to vote for him, and that his pollwatchers had not been permitted in some of the places where military people, who strongly support Marshal Lon Nol, were voting. Today, he said he would contest the results as "fraudulent and anti-democratic." There has been talk of a coup d'etat by disgruntled elements, but Mr. In Tam refused, in an interview, to go that far.

The third candidate, Keo Ann, was the dean of the Faculty of law of Phnompenh, whose students led the fight against General Sirik Matak in the spring, but he did not campaign prominently and was expected to get less than 5 per cent of the vote.

Mr. In Tam campaigned actively, but one Western diplomat said: Even if In Tam said nothing, a lot of people would vote for him. There's a feeling that the Government has not kept any of the promises it had made, and that it is corrupt.

NOT ENTIRELY BLEAK

In the preliminary results, Mr. Keo Ann did better than expected and the two opposition candidates together had almost 42 per cent.

American officials here point out that the situation is not entirely bleak, and say that a series of monetary reforms and changes in Government policy have stayed off a serious rice shortage that seemed to be inevitable last fall. In fact, only 20,000 tons of rice was imported and only 10,000 tons had to be used, according to American economists.

The Nixon Administration has asked Congress for \$75-million in economic aid to Cambodia for the fiscal year beginning July 1, twice this fiscal year's amount.

But the Cambodian budget is at a large

deficit because of the war, and unrest is growing among low-paid civil servants and salaried workers whose pay has not kept up with inflation. In the last few weeks, for example, there have been a series of strikes for higher wages in Government ministries—something inconceivable in the early days of the republic.

The unrest within the Government and in political movements outside it has been matched by a growth in the ranks of the Cambodian Communists, who are fighting against the Government forces alongside the North Vietnamese and Vietcong in the occupied parts of the country.

The number of members of Khmer Rouge, the Cambodian Communist force, is now estimated at at least 30,000. "There has been a growth, a development of the movement, which, we think, has serious longer-term meaning for the country," an American diplomat said. "But the Government seems to resist the notion that the way to stand up to them is to fight them hard."

Both Mr. In Tam and Marshal Lon Nol, in their campaign statements, emphasized that they wished for a reconciliation with the Cambodian Communists but neither offered any detailed proposals for achieving a reconciliation. One Western diplomat even said, "I don't think it's certain that even if the Vietnam war ended by negotiations, the war in Cambodia would necessarily end at the same time."

All the Cambodian factions seem to realize that, ever since Tchenla 2, it is futile to talk of chasing the North Vietnamese out of the country and that peace will not come to Cambodia before it comes to Vietnam—in the framework of an internationally guaranteed settlement.

The outlook for the future, according to diplomats here, is that the Cambodian forces will offer only token resistance to the Vietnamese Communists, reoccupying lost territory only when the enemy abandons it, and leaving again—as the Cambodian Army has done in the last two months in Svayrieng and Preyeng provinces near the Vietnamese border—when the North Vietnamese want that territory. It is already a kind of de facto truce.

Mr. President there is another aspect of the situation there which gives me concern. I had a colloquy with Senator SPARKMAN and Senator MANSFIELD, concerning the handling of our military assistance in Cambodia. This colloquy took place on December 22, 1970 when the conference report on the first Cambodian aid authorization was adopted in the Senate. The focus of the colloquy was on the question of avoiding the establishment of a large U.S. military organization in Cambodia to run the MAP program. I quote that colloquy because it is quite interesting and instructive in light of the actual situation we find today:

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I am very interested to know whether the statement made by the managers on the part of the House, which is now before the Senate on this Cambodian matter, would or would not contemplate the existence of what is called the MAG—that is, a Military Assistance Group—in Cambodia. There is much concern here that once one of these Military Assistance Groups is put in, it is the beginning of a chain of action that leads to troops.

The particular statement on the part of the managers relates to U.S. military personnel provided to supervise the distribution and care of U.S. military supplies and equipment delivered to Cambodia.

That can be done, of course, by individuals

operating out of the military section of the embassy or by a MAG.

Mr. MANSFIELD. It is my understanding that it does not include a MAG, that it will be done by the military attachés in the Embassy.

Mr. JAVITS. I thank the Senator.

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

Mr. JAVITS. I yield.

Mr. SPARKMAN. I am glad the Senator brought that up. As a matter of fact, I was going to bring it up.

Of course, the Senator knows that the managers on the part of the Senate do not file a report or a statement. The managers on the part of the House do.

I am certain that the Senator will agree with me that their statement does not necessarily constitute law. That just happens to be a unilateral interpretation that they have given to this, and we certainly had nothing of this in mind. In fact, I believe it was clearly stated in our discussions in the committee that this work would be handled by aides out of the Embassy.

Mr. JAVITS. That is the important point.

Mr. SPARKMAN. They have it, for one thing, in the latter part, where it refers to training Cambodians in South Vietnam. There is nothing in the measure that would point this up or that would dispute it. It is my understanding that we are doing that now. This measure, as I interpret it, does not affect that.

Mr. JAVITS. I should like to say to the Senator that I support the conference report, that I think they have rendered the country a great service in settling this matter.

I understand Senator Aiken's worries, and I agree with him. But I believe that, as we talked originally in an effort to settle this matter, when things lean on each other, they probably will work out. We have many other recourses if they do not.

Mr. SPARKMAN. Speaking of these reports, I think it is understandable that reports of different kinds and rumors get out. During the last several days, under the management of our coach and general manager, we have had many conferences—sometimes several conferences in the same day—and it is very easy for rumors or reports to get out which do not necessarily state the true conditions.

Mr. JAVITS. I think it is important for the Senate that Senator SPARKMAN and Senator MANSFIELD express it authoritatively, that this language does not indicate the existence of any understanding that there will be a MAG; but, on the contrary, that an understanding does exist that if any military personnel are required, it will be personnel operating out of the military section of the embassy.

Mr. SPARKMAN. Of course, the effect of a statement such as this, or a statement by one of us, if we made it, would affect the legislation only in the event that it is ambiguous. I do not think the proposed legislation is ambiguous. Certainly, we threshed it out thoroughly on the floor of the Senate when we were debating the measure. I think it is clear and can be understood easily.

Mr. JAVITS. I think the Senator has made a fine record on it, and I thank him very much.

Mr. President, the situation seems to have turned out quite differently from what we intended. In this regard, let me quote briefly from a recent report of the Foreign Relations Committee:

On January 31, 1971, a Military Equipment Delivery Team Cambodia (MEDTC) was formed to administer the program. The Chief of the MEDTC and his staff were located in Saigon, but 16 and later an additional 7 MEDTC officers were stationed in Phnom Penh. In July 1971, the MERTC Chief, a Brigadier General, moved to Phnom Penh, and the MERTC element in Cambodia was raised to its present strength. In Phnom

Penh, there are now 43 MEDTC personnel (50 are authorized and up to 12 more have been approved by the Executive Branch). There are 63 other MEDTC personnel at MACV in Saigon. Of the 12 new personnel, 4 will be used to monitor third-country national contracts (50 additional third-country nationals will be hired to train Cambodians in logistics), 4 to monitor training, 3 to be assigned to help advise on port operations at Kompong Som and 1 will be a fiscal specialist who will monitor the military uses portion of the Public Law 480 agreements (these agreements are discussed below).

Although American military personnel in the MEDTC seem to be acutely aware of the prohibition against their acting as advisors or participants in the planning and execution of tactical operations, they are nevertheless deeply involved as advisors or organizers in activities such as force planning, military budgeting, logistics and training. As noted above, 11 of the 12 new MEDTC personnel will be involved in logistics and training activities.

I have heard that the spirit of the law has been stretched even further in that U.S. military personnel who are training Cambodian troops in South Vietnam sometimes accompany those Cambodian forces back to Cambodia, and at the border these U.S. trainers become members of MEDTC. If this is so, I question whether it is not tantamount to a violation of the law.

I know we are at war, and I am in favor of supporting the South Vietnamese financially, assuming they can remain viable. I know that could include ARVN military actions in Cambodia. I have no objection per se to that, Mr. President; and I believe that is probably the generality of opinion in the Senate.

But that is a very different thing from backing into a war by getting involved ourselves in Cambodia, whether directly or indirectly through advisers or in some other way, so that we inevitably somehow acquire a "national commitment," and it is said the national "honor" is at stake, as the President has expressed it, or his honor as President is at stake, and the powers of his office. We get all involved in our own dialectic, and next thing you know you have had it, you are in another Vietnam fighting to honor another "commitment."

Mr. President, I make these remarks only by way of expressing the hope that provisions such as the ones addressed by Senator DOMINICK's amendment may be obviated by a much closer relation, between the appropriate committees of Congress, in this case, the Senate Foreign Relations Committee. I do not relish the idea of locking this into law, which does have a tendency to put U.S. policy in something of a bind—Senator DOMINICK and his associates are strongly calling our attention to that, and I understand it perfectly—but it is brought about by a long-standing and long proceeding series of events which erode a sense of feeling on the part of those who have responsibility to the Senate for foreign policy, insofar as we ourselves participate in it, that they really know what is going on.

As regards the Cambodia situation, I am considering whether there is an appropriate amendment to introduce to clear up the anomalies and ambiguities I have discussed.

Mr. President, I hope very much it is in this area that we can make the most progress, and can be instructed by what has here occurred, in showing how urgently necessary it is that we be informed.

Mr. COOPER. Mr. President, will someone yield me 3 or 4 minutes?

Mr. DOMINICK. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, first I wish to ask a question of the distinguished Senator from Colorado. Does the Senator's amendment strike subsection (b) on page 8 also?

Mr. DOMINICK. Yes, it does.

Mr. COOPER. I am glad it does, because even if we had to vote on the total section, I intended to ask that (a) and (b) be severed for a separate vote. I do not believe we have a constitutional right to require the President of the United States to provide the Congress to report, at least in advance, on detailed military operations.

But to go to the subject which the Senator from New York (Mr. JAVITS) has just been ably discussing.

I should like to point out that we learned—I am sure that some Members of the Senate knew before—sometime in 1967 and 1968 about our operations in Laos. These operations began in 1962 or 1963 under the administration of President Kennedy, and have continued since that time.

I recall that on August 12, 1968, I offered an amendment to prohibit the use of any U.S. forces in support of Thailand or Laos, to prevent the expansion of the Vietnam war, excluding Cambodia, because at that time Cambodia was considered a neutral country. The amendment was adopted unanimously by the Senate, although we were told at that time by Senator STENNIS that Secretary Laird had reported that it was not of any effect. Later I discovered why it was not—because my use of the term "U.S. Forces" evidently did not include the use of CIA forces.

I support the modification of the Senator from Colorado, but I do want to point out a contradictory position. Evidently, we are supporting this amendment because we are at war and operations are going on in Laos which we are not willing to interrupt because we are at war, and evidently because we consider it would endanger our forces, whether CIA in Laos or regular U.S. forces in South Vietnam, are not willing to strike all funds for Laos and to stop this operation.

I simply point out that it is contradictory to adopt this kind of measure with respect to Laos, and to vote then for an amendment to take our troops out of Vietnam by August 31, 1972, where they are certainly at war and could be greatly endangered by a sudden evacuation. I have supported most of such proposals, with the exception of the Hatfield-McGovern amendments and then because of my opposition to a fixed date I have always believed that the flat and clear way is to adopt an amendment which says, "Take all our forces out. Stop the war and prohibit funds except for withdrawal." I have believed there would

be a greater possibility of getting prisoners of war back and of having a peaceful settlement. The situation since the massive attack by North Vietnam has changed and our remaining forces have been placed in danger. This is evidently recognized by the pending amendment. The same argument must be considered when the Mansfield amendment comes up.

Mr. DOMINICK. Mr. President, I thank the Senator from Kentucky for his support.

I think it is only proper to say that a number of difficulties are involved in the proposal as it was originally written in this bill, not the least of which, of course, is the question of jurisdiction, as to who is going to take care of the situation with regard to Laos and Vietnam. I appreciate the Senator's support.

I can understand the concern of a number of Senators as to whether or not we are getting involved. I think it is only fair to say, in support of the President, that he has been getting us disinvolved, as opposed to involved, compared to what was going on in previous years. His thesis is that if we are going to maintain the opportunity of freedom in these areas, the only way it can be done properly is by giving assistance, so that the governments which are trying to provide a method of dignity and decent livelihood for their people will have both the economic and the military strength to offset attacks from outside. This seems to me to be a far more fruitful way, so far as we are concerned, than sending our own troops in and trying to contain something in the event of an actual battle.

I thank the Senator from Kentucky. I just wanted to make those few remarks for the RECORD.

Mr. SYMINGTON. Mr. President, the Case amendment, as included in the committee bill, did not prohibit financing foreign troops in Laos, South Vietnam, or Thailand. All it did was to require prior congressional authorization.

I say in all sincerity, however, that it does not really make much difference what type and character of legislation we pass on this floor with respect to such a matter, because the record will show that regardless, the administration will do what it wants to do, in spite of any legislation, even though that legislation has been signed by the President.

This matter came up in last year's across-the-board reduction in supporting assistance which, of course, included Vietnam, and was enacted into law. It is interesting to note, what has happened in the course of the past year in connection with the assistance that has been given Vietnam.

Direct gross economic assistance now being asked for is the most ever, more than three quarters of a billion dollars.

In previous years, the United States has supported the economy of Vietnam in three principal ways—through the commercial import program, through Public Law 480, and through the purchase of piasters by the Department of Defense and American servicemen. The last of these sources, which in the past financed a large share of the deficit in the Government of Vietnam's balance of

trade—\$700 million in imports versus \$13 million in exports last year—no doubt will decline in 1972 because of the reduction of American Forces.

The decline in Vietnamese dollar earnings from the Department of Defense and U.S. troop spending had been expected to begin in 1971; but, as a result of congressional cuts decided upon reductions in the fiscal year 1972 aid program, several interesting steps were taken to maintain Vietnamese dollar earnings from these sources at high levels.

Defense Department procurement practices were changed to increase in-country contracting and purchases. The exchange rate for official purchases of piasters was kept at a level of 118 to the dollar rather than being increased as had been planned, thus in effect providing right there the Vietnamese Government with a substantial additional subsidy.

As a result of these policies, official U.S. Government dollar expenditures in 1971 amounted to a total of \$271 million. If the official exchange rate had been changed to the 275 rate used in other transactions, Defense Department expenditures could have been reduced to \$116 million. The expenditures in Vietnam would have been even lower if procurement policies had not been changed.

While the official exchange rate remained at 118 until April 1972, the exchange rate for personal purchase of piasters for dollars was increased to 275 in October 1970. This change brought about a great increase in personal exchange transactions in 1971 which provided \$132 million in dollar exchange for the use of the Vietnamese Government. These various moves, that is, \$132 million in personal dollar exchanges and the \$271 million in Department of Defense purchases involving Defense Department and personnel spending and Vietnamese exchange rates brought Vietnamese dollar earnings in 1971 to an all time high of \$403 million despite the congressional cut in aid funds.

In other words, I say again that it does not really make any difference what we do here on this floor. The matter will be handled by the administration the way they see fit regardless of any legislation. From the standpoint of the constitutional rights of the Senate, however that should give us cause for thought.

For example, last year this administration spent more than \$100 million in financing Thai troops in Laos. We had passed a law providing that that type and character of payment to mercenaries could not be made. The law says mercenaries cannot be financed by the United States to fight in Laos.

When we heard Thais were fighting in Laos, and paid by the United States, we sent out investigators. They went up to one Thai soldier and said, "Why are you here?" The soldier replied, "Because I was ordered to come here." The investigator said, "Well, is that the only reason you are here?" The soldier replied, "Why would I want to come if I was not ordered to do so?"

They asked another Thai soldier, supposed to be a volunteer—and that word "volunteer" is the word used to evade the law—"Why are you here?" The sol-

dier replied, "Because I could not find a job to support my family if I did not accept their request to come here."

So there you have the reason Thai soldiers are fighting in Laos.

This year, again, we are asking for about the same amount of heavy money to keep these mercenaries fighting in Laos.

Let me ask what the function of the Senate is, if we pass laws that stipulate one thing as to how the taxpayers money is used, but, regardless of the law, the administration does what it pleases.

In this case, it actually goes beyond that particular aspect. In order to avoid the reduction the Congress made in the AID program, the administration has manipulated the exchange rates to the point where the dollar earnings of the Vietnam Government were kept at an all time high, despite the congressional reduction.

Many people, when you ask them to name the country that has received the most aid, will say, "Yes." When you say "Which one?" they generally say "India." But that is not true. The country that has received by far the most economic and military aid from the United States, aside from the cost of the war, is South Vietnam.

That does not worry me so much as the fact that, after we pass a law and it is clear what the intent of that law is, our investigators find that law has been deliberately violated.

That is why I support the Case amendment. Mr. President, if the press is right, and the press has been right more times than anyone else, we have no more combat ground troops in Vietnam. So what we are supporting now is the great air and naval war, air conducted in the main out of Thailand; much bigger than before. The naval war conducted off the shores, in the Gulf of Tonkin, is much bigger than ever before. Now we are even asking for about the same money as last year to finance mercenaries in Laos, still against the law.

This unfortunate development is one which every Senator, regardless of party, should give serious consideration; that is the reason he is here in the Senate.

Mr. FULBRIGHT. Mr. President, I recognize the situation. I only wish to make the comment that I think the first effort in trying to restrict the use of American funds to pay for mercenaries fighting in Laos was an amendment which I offered. The intent of that amendment has been evaded by the Government, by semantic gymnastics, calling the mercenaries "local forces." We are all familiar with that, so I am under no illusions that what we put into the law will be carried out.

With respect to the provision sponsored by the Senator from New Jersey, which amendment I am in great sympathy with and approve of but, nevertheless, I recognize his reasons—everyone looks at this matter from his own point of view. I have no criticism of his being willing to accept the provisions of the amendment offered by the Senator from Colorado, but I personally oppose the amendment, because I think that this program of continuing to spend ever-increasing amounts of money to hire mercenaries to fight in a lost cause will only

serve to bankrupt the Nation and prolong the agony of the war in Vietnam and Indochina. I have very little hope that these troops will make a decisive difference. The reports from Laos support this view. In fact, I do not understand quite why the Government continues the war in Indochina. It is becoming more and more difficult for me to understand what purpose they have in mind by continuing the war and not bringing it to a close. But that is a broad question.

On the pending amendment, I oppose it, for whatever it is worth. I oppose it on the principle that I do not think our country should spend the kind of money it is spending to hire Thai soldiers to fight in a cause which we initiated in Laos. Nor do I approve of hiring Thais or Koreans to fight in Vietnam or in Cambodia.

We have debated this matter before. We put a prohibition in the law and the administration has found a way of evading it. I thought it was rather interesting that the Senator from Colorado himself referred to these troops as "foreign troops," whereas the administration, in its evasion of the original provision, has called them "local forces."

It is about the same sort of difference between a "bombing raid" and a "protective reaction strike." The terms are identical but they are used to hoodwink the public.

I do not know that there is anything further to say, except that I disapprove of the use of our money as now estimated to be over \$100 million in payment to Thai troops to fight in Laos. I thoroughly disapprove of it.

That is about all I care to say at this time.

Mr. SYMINGTON. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. The able Senator from Arkansas, a former chairman of the Senate Banking and Currency Committee, knows plenty about our financial situation. He knows also that the House has just passed a bill which we understand is favored by the administration, to give \$29 billion back to the States in the form of revenue sharing. He knows that, whereas 20 years ago we had \$25 billion in gold and owed but \$7 billion redeemable in gold, today we have \$10 billion in gold and owe—depending on how one figures it—from \$35 billion to \$60 billion. He knows, too, that the mayors of nearly all our large cities are frank in saying their cities are bankrupt. He knows that the States cannot spend more money, under their State constitutions, than they take in in taxes.

I would ask the able former chairman of the Senate Banking and Currency Committee, does he know where we are going to get the money to continue these gigantic expenditures in Cambodia, Thailand, Laos, and various other countries with whom we are not yet at war. As a matter of fact, we are not officially at war in Vietnam, either. In any case, does not the Senator agree that it is easier to get \$1 billion to put into this military effort in the Far East than to get, say, \$100,000 for schools and roads

in the Senator's State of Arkansas, or roads and schools for Missouri?

Mr. FULBRIGHT. The Senator from Missouri is absolutely right. Senators can get up on the floor of the Senate and propose an amendment increasing the amount for military programs without any hearings, without any evidence whatever, and get it adopted.

We cannot begin to get \$100,000 for the State of Missouri or for the State of Arkansas without long hearings, plus an authorization bill and an appropriation bill. There is quite an obsession in Congress with regard to anything of a foreign, military nature. Such a matter can be easily passed here. We have done it time and again.

I thought about this this morning on my way to work. I was caught in the traffic jam like nearly everyone else. We see examples where there is a rainstorm and everything is disrupted. With the great technological advances that the United States has made, we can get to the moon. However, we cannot make arrangements to get to our offices under adverse weather conditions. It normally takes me 10 minutes. However, this morning it took me over an hour because of the recent storm.

It is amazing when one considers how this Nation has wasted its resources all around the world. The pending amendment is an example of it. What good does it do to pay more money to hire people to fight a war which we want to end?

The taxpayers must bear the cost of all of this. And if the cost is not paid out of their taxes, some money is borrowed, and our children and grandchildren will pay for it.

I have no idea what good can come out of hiring Thais to fight in Laos.

Mr. SYMINGTON. Does not the former chairman of the Senate Committee on Banking and Currency believe that a viable economy, with a sound dollar, is as important to true national security of the United States as is defending the countries of Laos, Cambodia, Thailand, South Vietnam with billions upon billions of dollars, and little or no help from our allies? Even that help we pay for.

Mr. FULBRIGHT. Mr. President, indeed they are. On the other hand Laos has not the slightest relation to our own security, none whatever.

The soundness of our economy is the basis of our strength. The idea has somehow developed that national security is solely military in character, which is simply not true. The military itself is dependent on a strong economy to pay for their expenditures. We are sacrificing for the military by exaggerating the significance of this war.

Our nuclear weapons are a good example. We do not dare to use them. We could drop an atomic bomb on North Vietnam. We could incinerate it all at once. Instead, we are doing it piecemeal.

These countries are not significant to our security. I do not think that anyone can make a case that they are.

Laos does not make any difference at all to the security of our Nation. I do not believe it makes any difference to the

United States what happens to Laos. Does the Senator from Missouri think that it does?

Mr. SYMINGTON. It does not. The able Senator from Arkansas has expressed my position better than I have.

Does the Senator from Arkansas believe we will continue to spend our dollars at the rate of more than \$100 million a year to finance these troops in Laos after we possibly have reached some agreement with North Vietnam? What are the ideas of the able Senator with respect to our employing our own military forces and mercenaries in the Far East despite the increasing surge of various demands at home, even if we do reach an agreement to end this Vietnam tragedy?

Mr. FULBRIGHT. That depends on the election this fall. I have no control over that. If President Nixon wins reelection, we will continue to be there, I suppose. For what reason I do not understand.

Mr. SYMINGTON. Nor do I at this stage.

Mr. FULBRIGHT. If the country wishes to discontinue this kind of policy, it can express itself. We will have an opportunity to do so this fall.

We have tried to stop the war. The Senator from Missouri has been one of the leading figures in trying to bring this war to an end, and to show the disastrous effects of it. But we have been unable to do it. It is up to the American people in November to make their choice as to whether they want to continue the war and to continue our sacrifices, not being able to do what we want to do and not having decent roads and transportation systems here at home.

I heard on the radio this morning, having to listen to it in the car, that towns in Virginia and Pennsylvania are without water and without water systems. Their bridges are out.

All of this is obviously a sign that someone had not foreseen and prepared for an emergency of this kind. In the meantime, we are engaged in the war in Vietnam, and I guess the cost now would approach \$200 billion. We are pouring out money in the amount of hundreds of millions of dollars. The Senator from Missouri knows it better than anyone else. It is so incomprehensible and irrational that I do not know how to comment on it in a reasonable way. It is almost impossible to do so.

Mr. SYMINGTON. I remember, back in 1961 at the time General Taylor and Mr. Rostow made their famous trip to Saigon. I was there then also and a member of the AID program said, "Let me show you the way the taxpayers' money is being spent out here." We went out and saw a beautiful cloverleaf on one of the roads, the type you see where there is heavy traffic in this country. We took out our watches to observe the amount of traffic. With this beautiful addition to the roads and economy of Vietnam, to the profit of certain American contractors and others, exactly three cars utilized that cloverleaf in 15 minutes. That was in 1961, at the very beginning of what has been going on ever since.

Mr. FULBRIGHT. Mr. President, I can

agree with the Senator on the absurdity of such extravagance. However, I believe that is better than the cost of these 20 million craters that we have made in Vietnam. Those craters are 20 feet deep and 30 or 40 feet across. They are all across that country. I think that even the example of the cloverleaf, while it is an excellent example, is a little less extravagant than the craters we have formed in that country and the forests that we have destroyed and defoliated. I would rather have the cloverleaf than the other.

The whole thing is so irrational in my mind. People cannot believe it. It is so far out that most American people refuse to believe it. It revolts them so that they will not believe it. They think that it could not be true that their country would do a thing like that.

Mr. President, I would venture to say that if we could really look into the minds of the American people, the majority of them would say that this could not be true, that their country would not do such a thing.

Mr. SYMINGTON. Mr. President, I ask the Senator from Arkansas, the former chairman of the Senate Committee on Banking and Currency if he does not believe the time will soon come when the American people will be forced to believe it because our economy is suffering so heavily as a result of the tremendous export of jobs and dollars. This has been going on now to the tune of tens of billions of dollars a year for over a quarter of a century.

Mr. FULBRIGHT. The Senator from Missouri is correct. Because of our accumulated wealth 15 or 20 years ago, it is hard for the people to believe what has happened in the last decade.

We are going through a period of inflation and enormous budget deficits. We are adding daily to the national debt. The administration is now asking for another \$15 billion increase. They want an overall debt ceiling of \$465 billion.

The situation may not appear quite so bad because during an inflationary period, people think that they are getting richer. They look at the price of stocks and at the price of land. They think that they are better off. The collapse will come later.

As the Senator from Missouri knows, it has taken place time after time in other countries. At the moment, people think that we are fairly well off. We see the reports in the newspaper prophesizing better business conditions. It will be some time before we have to pay for the kind of extravagance we have been going through in the last 10 years. But the day of reckoning will come.

Mr. SYMINGTON. Is it not true that the interest on the debt today is the third largest component cost to the American taxpayer in the Federal budget?

Mr. FULBRIGHT. Yes; some \$20 billion. The Senator is correct. That is payment for past military expenditures. At present it is \$83 billion. Those figures do not include, for example, the care for veterans, which will go on for the next 50 years.

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

Mr. FULBRIGHT. I yield the floor, if the Senator wishes. Or does the Senator wish to ask a question?

Mr. CASE. I just want to say a few things. First, I appreciate very much the friendly reference to my participation in the particular amendment and the understanding of my position, which the Senator has expressed.

I understand fully his unwillingness to go along with it, especially because of his experience with the 1970 amendment of which he was the sponsor and by which Congress directed that money not be spent for mercenaries in Laos.

The Dominick amendment would limit the effectiveness of the particular section to Thailand. In the judgment of the Senator from New Jersey, and this is his only difference with his chairman, it is worth getting that restriction into law, and getting that restriction into law is better than getting nothing.

For that reason the Senator from New Jersey has agreed to this compromise.

Mr. FULBRIGHT. I want to make it clear that everyone tries to do what he can. I think the Senator's objective is the same as mine.

I have about given up hope of influencing the administration. We already have a prohibition in the law but by semantic gymnastics the administration has evaded it; they pay no attention to it. I do not know how we can do any more.

I go along with the Senator's original effort, and I do not question this modification in any way.

Ever since I was in grade school and read about the Hessians I have had a fixation about mercenaries. I think it unfair that we have other people to fight wars. If people believe in it they should fight the wars themselves.

Evidently, we do not believe in it; we hold back, but at the same time we pay these poor people in Thailand to go there and fight. They do not do a good job. Their hearts are not in it. They pick up a few hundred dollars. I am sure they are not going to prevail and win freedom for Laos any more than the Hessians did for England.

It is a futile operation to try to get this administration to abide by existing law, but we do the best we can.

Mr. DOMINICK. Mr. President, at the request of the distinguished Senator from Tennessee (Mr. BAKER), I ask unanimous consent that a statement by him in support of my amendment be printed in the RECORD.

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

STATEMENT BY SENATOR BAKER

I support the compromise amendment offered by the distinguished junior Senator from Colorado regarding Section 515 of the Foreign Assistance Bill. That section, which would require prior Congressional authorization for U.S. assistance to foreign troops operating in Laos, Thailand, and North Vietnam, comes at a very delicate time in the tragic history of U.S. involvement in that conflict for seldom, if ever, have conditions been as conducive to bringing a just and honorable end to the war as they are today. I realize, of course, that hopes have been falsely raised many times before and I am not contending that peace in Southeast Asia is

just around the corner, but I am saying that there is substantial reason for hope and that hope can only be enhanced by not limiting the power of the President which is what Section 515 would do. A brief examination of the record should help prove why recent developments make striking Section 515 of the bill a reasonable and responsible thing to do.

On the military front, after 71 long and courageous days of fighting, the siege at An Loc has been lifted. Kontum, which at one point appeared destined to fall, now seems to be in no immediate danger. The prized provincial capital of Hue which also appeared doomed for destruction now seems to have been converted from a defensive fortress into a staging ground for sporadic attacks by the South Vietnamese Army into enemy-held Quang Tri province—attacks which, though limited, have succeeded in keeping the North Vietnamese army off guard.

In addition, the massive bombing of enemy targets in the North and South combined with the comprehensive mining of North Vietnamese waters has served to significantly reduce the strength of the North Vietnamese invasion as well as cause some disagreement over current policy among Hanoi's top officials. It would be historically naive, perhaps, to believe that the increased bombing and mining had broken the will of the North Vietnamese, but it is safe to say that it has caused a careful re-examination of their policies, especially in light of other diplomatic activity.

The President's trip to Moscow apparently convinced the Soviet leadership that he was totally serious about ending the war and that seriousness was later conveyed to the Hanoi leadership when Soviet President Podgorny visited North Vietnam for several days of talks last week. Upon the conclusion of those talks, President Podgorny said that the Soviet Union "will do everything possible for a de-escalation of the Vietnam war." Such a desire on the part of the Soviets is entirely consistent with their increasing interest in reducing spending in Southeast Asia to meet more pressing needs in other parts of the world and at home.

Moreover, Dr. Henry Kissinger is currently in Peking conducting substantive discussions with the Chinese leadership in an effort to obtain a commitment to de-escalate, similar to that of the Soviet Union. Although it most likely will be very difficult to determine whether we actually received such a clear commitment, the Chinese also have domestic needs that require greater attention and there is certainly reason to believe that the Chinese will be interested in ending the Vietnam War.

All of these factors are reasons why the North Vietnamese might, in the near future, be willing to seriously discuss the President's latest peace proposals and if such willingness is forthcoming, we should be prepared. The President's latest offer would most likely leave the North Vietnamese in control of most or all of the territory they have gained or held since the offensive began and in an effort to minimize their gains, it is necessary to continue assistance to the Thai irregulars who are fighting with Lao and tribal forces to keep Laos from falling to the North Vietnamese. Their success as a fighting force has helped protect not only Thailand, but also South Vietnam as well.

Section 515 of the Foreign Assistance Bill would require Congressional authorization for these on-going, vital efforts and such a process could be extremely time-consuming and costly at this very delicate point in the war. I do not object specifically to the intention of Section 515 in involving the Congress in future such operations, but under the circumstances of this situation, I feel very strongly that an attempt to limit the President's power at this time would be the height of irresponsibility and it is for this reason

that I support the compromise offered by the Senator from Colorado.

Mr. DOMINICK. Mr. President, if there are no further comments I move that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment. (Putting the question.)

The noes appear to have it.

Mr. YOUNG. I ask for a division.

Mr. DOMINICK. I did not understand what the Chair said.

The PRESIDING OFFICER. The noes appear to have it.

Mr. YOUNG. I am on my feet asking for a division.

Mr. DOMINICK. Let us have a standing vote.

The PRESIDING OFFICER. All in favor of the amendment will stand and be counted.

Mr. YOUNG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is not a sufficient second.

Mr. YOUNG. Mr. President, I suggest the absence of a quorum.

Mr. DOMINICK. Standing vote, Mr. President.

The PRESIDING OFFICER. The absence of a quorum has been suggested. 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. CASE. Mr. President, I ask for a division on the vote.

The PRESIDING OFFICER. A division has been requested. All in favor of the amendment will please stand. Those opposed will please stand.

The amendment is agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order, 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.

Mr. ROBERT C. BYRD. Mr. President, under the order, the distinguished Senator from Texas (Mr. TOWER) was to be recognized at this time for the purpose of calling up his amendment.

The PRESIDING OFFICER. The Senator is correct. The Senator from Texas is not in the Chamber.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

Mr. ROBERT C. BYRD. Without prejudice to the Senator from Texas.

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.

Mr. ROBERT C. BYRD. Mr. President, I ask that the distinguished junior Senator from Texas (Mr. BENTSEN) may be recognized at this time for the purpose of calling up an amendment without prejudice to the distinguished senior Senator from Texas (Mr. TOWER) who, under the order, was to be recognized to call up two amendments in succession.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. I do not object.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 1237

Mr. BENTSEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the end of the bill add the following new section:

AMENDMENT CONCERNING CERTAIN TRAINING PROGRAMS FOR YOUTH

SEC. 26. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons who reside in public or private institutions shall be eligible for participation in programs under this part."

Mr. BENTSEN. Mr. President, at the outset I commend the distinguished Senator from Wisconsin (Mr. NELSON) for his work on the economic opportunity amendments.

The committee which he chairs has brought an urgently needed bill to the Senate for approval. It has been refined and perfected to meet the President's objections and it should receive overwhelming approval in this body. The programs contained in the 1972 economic opportunity amendments are vitally important to the poor in this Nation, and they must be continued.

Mr. President, my amendment is very brief and is directed at the section of the Economic Opportunity Act of 1964, which

concerns eligibility for the Neighborhood Youth Corps and other youth employment programs.

Essentially, the amendment would insure that low-income persons who reside in a public or private institution such as an orphanage or a penal or correctional institution would be eligible for participation in training and employment programs for youth.

I note with some satisfaction that the committee has increased the authorization for the Neighborhood Youth Corps by some \$500 million to create 100,000 work and training opportunities in this very vital program.

We know what the Neighborhood Youth Corps can do, and we know how much it has meant to low-income youth. We also know that unemployment among 16 to 19 year olds has risen steadily since 1966 and that present projections indicate that it will total over 1,800,000 in 1972, more than a 100-percent increase since 1966.

At the same time, Mr. President, I have been distressed by recent administrative decisions by the Department of Labor, and in particular the regional office in Dallas. These decisions have led me to offer my amendment.

On March 29, 1972, the Labor Department's Manpower Administration in Dallas issued a memorandum to sponsors of youth employment programs indicating that prospective enrollees in the Neighborhood Youth Corps who regularly live in institutions, such as orphanages or correctional institutions, would no longer be eligible for enrollment in the programs.

Mr. President, this seems to be a particularly insensitive action. It is very difficult for me to rationalize, and the rationale offered by the Labor Department is completely unconvincing. I received a letter from the Deputy Assistant Secretary for Manpower, who said that:

Residents of State or private child care and correctional institutions are not eligible to participate in the program since it is presumed that the supporting agency has allocated resources to maintain their residents while in high school or for the duration of their internment.

Mr. President, if I may say so, this is a rather shaky presumption. Letters I have received from orphanages in Texas indicate that the Labor Department's reading of the situation is inaccurate at best.

One letter from St. Margaret's Center for Children in El Paso indicates that six of the eight teenagers living there are in the custody of the El Paso Child Welfare Department and that the county pays approximately \$2 a day for their upkeep.

The orphanage, which has to serve as a substitute parent, must constantly be searching for other resources to meet the needs of the children in its care.

The truth is, Mr. President, that conditions in various public and private institutions vary, and there is no reason to assume that a child living in an orphanage, a correctional institution, or any other public or private institution is being given the kind of resources he needs to give him an even break in schooling. To exclude all of these chil-

dren from participation in the Neighborhood Youth Corps is both callous and unrealistic.

In fact, Mr. President, many of these institutions merely provide a roof over a young person's head and a few essentials. Because of their financial predicament, they can offer him with very little else. Any young man or woman who wants to budget his money, to build some self-reliance, to buy clothes and necessary school supplies, and even to begin saving for money to go to college should have at least the opportunity to do so, regardless of whether he resides in a public or private institution.

We have not been nearly so callous, Mr. President, in considering the needs of neglected and delinquent children under the Elementary and Secondary Education Act. In fact, they are made specifically eligible for participation in these programs by Federal law. The same policy should hold true for youth employment programs.

What does my amendment do? It merely says that low-income persons living in institutions shall be eligible to participate in these programs. It does not give them priority; it does not say that all of them must be accepted; it does say, however, that they shall be eligible regardless of whether they happen to reside in an institution.

I should add, Mr. President, that the language of my amendment will not be satisfied by the acceptance of a few token participants from institutions. The Director should insure that a reasonable number of these low-income youths can participate.

It seems to me, Mr. President, that during a time of skyrocketing unemployment among youth, we should not be in the business of ruling certain people out of Government employment programs. We should, rather, be concentrating our energies on bringing them in, on broadening these programs as much as possible.

I believe that this amendment restores an element of equity and fairness to these programs, and I urge its acceptance by the floor manager of the bill.

At this time, Mr. President, I ask unanimous consent to insert in the RECORD a copy of the Department of Labor memorandum of March 29 and a letter from Sister Marie Renee Ettling of the St. Margaret's Center for Children in El Paso.

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

U.S. DEPARTMENT OF LABOR,
MANPOWER ADMINISTRATION,
Dallas, Tex., March 29, 1972.

Re Neighborhood Youth Corps and Operation Mainstream Sponsor Issuance No. 17-72.
To: All NYC and Operation Mainstream Sponsors.
Purpose: To Clarify Policy Regarding Eligibility of Wards, of Private or Public Agencies.

We have been advised by our National Office that the following policy is to be followed by all sponsors.

"Wards of private or public agencies who do not regularly live in institutions and who meet the income criteria are eligible for enrollment. If the parental rights have been severed by the court, or if the income of the

natural parents cannot be determined because their whereabouts are not known, a ward is presumed to have met the income criteria for enrollment. The income of the family with whom the ward is placed, except in the case of blood relatives, shall not be a factor in determining the youth's eligibility. When a ward is placed with blood relatives, sponsors must use their discretion in determining the economic needs of the individual."

Prospective enrollees who regularly live in institutions are not eligible for enrollment. If you have enrollees in your project that regularly live in institutions, they are to be separated immediately.

It is assumed that any ward of the State is adequately cared for and is, therefore, not eligible. This would include penal or correctional institutions. The same would apply to orphanages or other institutions where room, board, medical and other needs are met.

TRACY C. MURRELL,
Acting Regional Manpower Administrator.

ST. MARGARET'S CENTER
FOR CHILDREN,
El Paso, Tex., April 24, 1972.

Sen. LLOYD M. BENTSEN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BENTSEN: Enclosed please find a copy of the directive we recently received from the U.S. Department of Labor concerning restrictions of the Neighborhood Youth Corps. We are impelled to state that we consider it discriminatory and believe that it should be brought to your attention.

Youngsters who live in institutions or in foster homes, for reasons beyond their control, have the same need for meaningful work experiences as part of their maturing as youngsters not living in such situations. Naturally, this is not the only reason we think it essential for teen-agers living apart from their families to have employment opportunities. Many of these children are wards of the State and are financially provided for by the barest minimum.

For instance, six of the eight teen-agers living here at St. Margaret's are in the custody of El Paso County Child Welfare and therefore the County pays approximately \$2.00 a day for each of the youngsters' care. This can certainly not be considered adequate care from a financial aspect. However, in order to provide these children with truly adequate care in every respect, we must constantly be searching for other resources to meet their needs.

Since most of these children will be independent and financially responsible for themselves when they leave the institution or the foster home, it is imperative that they have supervised work experience during their formative years. While acquiring knowledge of various occupations, these young people can also save for further educational or vocational plans and for a future outside their present environment.

Last summer six of our teen-agers held NYC jobs and benefited greatly from this. They learned to budget their money and were able to buy clothes and the necessary school supplies as well as begin small savings accounts. These youngsters showed reliable, interested attitudes in their employment and were looking forward to again participating in NYC.

In behalf of our own teen-agers and of all those affected by this ruling which appears to us to be unfair, we ask you to seriously consider our viewpoint. Whatever you can do, both in an individual capacity and in that of a government official, will be deeply appreciated by many youths and by those who are concerned about them.

Thank you, Senator Bentsen. We realize that you could not be aware of all the circumstances of this issue and are grateful

for the opportunity of sharing our views. We trust you will forward this letter to the Department in Washington responsible for this decision or inform us as to whom to contact.

Sincerely,
Sister MARIE RENEE ETTLING,
Administrator.

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

Mr. BENTSEN. I yield to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, I think this is a most appropriate amendment by the distinguished junior Senator from Texas. As a member of the committee since the Economic Opportunity Act was originally passed in 1964, I would have anticipated that, in fact, the group that the Senator from Texas is attempting to afford the opportunity for participation was intended to be included in the first place.

Do I understand that there was a specific instance in the Senator's constituency in which the Labor Department ruled that young people in institutions such as orphanages or training schools of some kind were not eligible? Is that the ruling they made?

Mr. BENTSEN. The Senator from Wisconsin is correct, and all my amendment does is to say that these low-income children living in institutions shall be eligible for these programs. It does not mandatorily include them, but it says they shall not be excluded because they are members of those institutions. We have a specific instance of that situation where Sister Marie Renee Ettling, of St. Margaret's Center for Children in El Paso, has cited just such an example.

Mr. NELSON. Well, I certainly agree with the Senator from Texas. Since this is an amendment on behalf of orphans and deprived children, and so forth, I wonder if the Senator does not think we ought to require Senators to stand up and be counted on an amendment like this and have a rollcall?

Mr. BENTSEN. I certainly agree with the Senator from Wisconsin and, Mr. President, I request the yeas and nays on this amendment.

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. BENTSEN. Mr. President, I withdraw my request for the yeas and nays.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I find myself in agreement with the manager of the bill and the chairman of the subcommittee. I am the ranking member on this side. I believe the amendment is desirable, and hope the Senate will adopt it.

Mr. BENTSEN. Mr. President, I thank the Senator.

Mr. ALLEN. Mr. President, I would like to ask one question of the distinguished Senator from Texas.

Mr. BENTSEN. I yield.

Mr. ALLEN. I notice the amendment reads:

The Director shall insure that low-income persons who reside in public or private institutions shall be eligible for participation in programs under this part.

I would assume that a "public institution" would cover such institutions as penitentiaries. Would the fact that that would make inmates of penitentiaries eligible for participation have the effect of commuting their sentence or relieving them? How else would they be eligible, unless they were outside, in order to participate in the program?

Mr. BENTSEN. This in no way is a mandatory requirement of their participation in this program. It just says the director cannot exclude persons who are in those institutions.

Mr. ALLEN. Would it not be better to say that, than to say they shall be eligible? Would it not be better to say that they shall not be excluded for that reason? Then there would be left the option of excluding them for another reason. The fact that they are inmates, under definite sentence, and are made eligible to participate in a program on the outside might result in relieve or commutation of the sentence.

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

Mr. ALLEN. I yield.

Mr. JAVITS. I think we have a right to construe the word "eligible" the same as we construe the word "authorized"; that is, that an eligible person is not necessarily vested with the right to get that for which he or she is eligible. In other words, he is eligible if he is able.

May I say to the Senator, because this is something I have dealt with as attorney general of my State, and because I have sponsored a bill to provide training opportunities in prisons for youth, I know that in some States they have a release system for some offenders; in some States they have a halfway house system; in some States they actually work in the prisons. Generally it is State work, but sometimes it may not be, by arrangement by private contractors.

So it seems to me, I respectfully submit to the Senator from Alabama, that if the legislative history makes it clear—and I am sure it is clear as a matter of law—that the word "eligible" means no more than the word "authorized," and that there is no purpose or design to imply—I do not see how it is implied—that this in any way deals with any other aspect of law—except that these young people who may be in an institutional setting would be available if otherwise available for this training—it should satisfy that point.

But I think the key point, I say to the Senator as a lawyer, is that the word "eligible" is equivalent, as I see it, and I think the cases bear that out, to the word "authorized," rather than any mandate that vests a right in the particular individual.

Mr. ALLEN. Should it not be made subject to the rules and regulations of the particular institution, though? The amendment as stated would substitute the judgment of the director for the judgment of those in charge of the institution. It might not suit those in charge of the institution to give access to the

program to certain of the inmates. Might there not be a clash, then, between the institution and the director of the program?

Mr. BENTSEN. Mr. President, to further develop the intent of the language and establish the record, the Senator from Texas, as author of the amendment, would say the eligibility has reference to the program of the administrator of OEO, that was the intent, and to insure that they not be precluded by a limitation in the program itself, and that this would in no way be construed as being in conflict with the regulations of the institution.

Mr. ALLEN. Would the Senator object to modifying his amendment to insert that, to say that it would be subject to the regulations of the institution involved?

Mr. JAVITS. Mr. President, that is a kind of blind alley; we would not know where that would lead us.

I think the Senator's fundamental purpose is not anything anyone is controverting.

Mr. ALLEN. I think that is true. The question is as to the meaning of the language.

Mr. JAVITS. May I make this suggestion. Perhaps this would do what the Senator wants.

Could we say, "The Director shall insure that low-income persons who are otherwise able to accept such participation, and who reside in public or private institutions, and so on, shall be eligible"? Or we could even use the word "may"; I do not think we even need the word "shall".

Mr. ALLEN. I think that would make it subject to the rules and regulations of the institution.

Mr. BENTSEN. I do, too.

Mr. ALLEN. Does that sound all right to the Senator? That would clear it up.

Mr. BENTSEN. I agree with that language, but I think we should let it remain "shall be eligible," subject to the limitation.

Mr. JAVITS. I would suggest such language.

Mr. ALLEN. Would the Senator mind stating, then, how the amendment would read?

Mr. JAVITS. "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part."

Mr. ALLEN. I think that would probably meet the objections I have raised. I have no other objection to the amendment.

Mr. BENTSEN. Mr. President, I would like to make a further technical correction in the amendment by striking the words "amendment concerning certain" on line 1.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BENTSEN's amendment (No. 1237), as modified, is as follows:

At the end of the bill add the following new section:

TRAINING PROGRAMS FOR YOUTH

Sec. 26. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sen-

tence: "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part."

Mr. NELSON. Mr. President, I am prepared to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1237) of the Senator from Texas, as modified.

The amendment was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I rise in support of section 222(a)(11) of the bill now before the Senate. This provision will inaugurate a badly needed effort to upgrade housing for the rural poor by utilizing the work and energies of the rural poor themselves, particularly the aging, who might otherwise be on welfare rolls.

Enactment of the proposal would be a significant supplement to the rural housing and other programs included in the Rural Development Act of 1972. The proposed new rural housing program would in no way overlap or conflict with the policies and programs included in the Rural Development Act.

In fact, the committee report before us states:

The Committee is particularly interested to see if the authority in the new rural housing program can be used to supplement existing housing programs in such a way that they will be more accessible to low-income persons in rural areas.

I commend the committee for its foresight and for its desire to develop a coordinated, hard-hitting, rural housing program for all economic groups in rural areas, including those who are less able financially to repair and improve the home they own and occupy.

It has been my observation that there is a great deal of existing substandard housing in rural areas that could be easily rehabilitated if a minimum of capital were available.

This is true because rural areas of America have experienced rapid outmigration in recent decades. Unfortunately, our housing programs have placed too little emphasis on rehabilitation of existing structures. Many of the rural poor cannot afford to build a new home, even with Government aid. However, they often own existing substandard homes that can be made adequate with the type of aid to be furnished under this section.

The activity proposed in section 222(a)(11) is not a major new operating program. Rather it is an experimental or pilot project program to see whether the work of mainstream participants can be utilized to repair and rehabilitate existing dilapidated owner-operated homes in rural areas and to build new homes that extremely low-income families can afford to rehabilitate or buy through the subsidized interest rate low and moderate income rural housing program of the Farmers Home Administration now car-

ried out under title V of the Housing Act of 1949, as amended. This proposed new program is confined to rural areas, which in the past have been relatively neglected by the Office of Economic Opportunity and the Department of Housing and Urban Development.

This provision authorizes an appropriation of \$10 million for fiscal year 1972 and \$15 million for fiscal year 1973. This money would be expended for purposes which include providing building materials and the wages of mainstream workers for use in connection with the rural housing programs of the Farmers Home Administration to reduce the cost of rehabilitation of existing homes or to build new homes to a point where the lowest income families in rural areas can carry out their obligation to repay the housing loan. These families have extremely low incomes, but they are proud and willing to work. I hope the new program will prove successful in helping them to improve their houses.

Mr. President, looking realistically at this problem of trying to assist all families in rural areas to acquire decent, adequate housing, we just simply acknowledge that we must find some way to provide adequate housing at lower costs.

The short, but successful, experience in the 1960's of the Farmers Home Administration in operating a similar program indicates both that better housing can be provided within the ability of low-income rural people to pay for it and that the energies of the unemployed and underemployed can be effectively utilized to reduce building costs.

Section 222(a) (11) will formalize this type of low cost repair and rehabilitation program, combine it with utilizing the energy of mainstream workers who might otherwise be on welfare rolls, and with existing rural housing programs to test whether such an approach might not be workable on a wider basis.

I wish to associate myself with the statement of the committee when it says:

The committee feels strongly that it must direct more attention to the solution of rural problems, for unsolved rural problems add immeasurably to the already intolerable problems faced by our cities.

This new rural housing provision will work with the programs provided by the Rural Development Act of 1972 to make a major and significant effort to improve urban conditions as well as rural.

ABUSES IN THE OEO LEGAL SERVICES PROGRAM

Mr. DOLE. Mr. President, I have noted the concern that has been expressed over the Office of Economic Opportunity legal services program. I certainly share the belief of many in our Nation that the legal system should be accessible and that there is a valuable role the Federal Government can play in providing that accessibility, but the Federal role should be clearly defined, responsibly executed and adequately supervised. Unfortunately, the experience with OEO legal services to date indicates that not only have these criteria not been met, but they have been repeatedly and flagrantly violated.

Several Senators have called attention to many of the problems involved in the legal services program. Many of the problems that have been discussed are those which can be anticipated if the program is transferred to and expanded within the framework of a new national legal services corporation as contained in S. 3010, as reported.

However, often these general analyses have not dealt in detail with specific problems disclosed in the actual record of legal services programs, activities, and employees. While many in this body have had particular problems in home States brought to their attention, the general tendency has been to discuss these as isolated incidents, perhaps even as unique ones. But, rather than being a matter of occasional difficulties and scattered problems, an overview of the legal services program discloses a broad and consistent pattern of alarming abuses which should be taken into account as we consider the future of this program.

Perhaps the most appropriate approach would be to cite a number of examples which in their geographical distribution and variety give an indication of the scope of these abuses.

SCOPE OF ABUSES

A legal services program in Illinois has just announced the funding of a new draft counseling service, to be located in Evanston, the location of Northwestern University and a suburb of Chicago. The "service"—which will include "advice," the following of "each man's case until it is ultimately resolved," and "draft education sessions"—would amount to providing Federal funds for a very questionable activity which, in my view, dilutes aid to the poor and appears to respond largely to the antiwar priorities of the legal services attorneys involved. The conduit for funds in this case is the Cook County Legal Assistance Foundation, a local legal services project.

In the April 14, 1972, Wyoming State Tribune it was reported that Philip White, Jr., a staff attorney for Legal Services of Laramie County, Inc., had threatened to bring suit against Laramie County School District No. 1 in the event that a local high school principal took action on his promise to suspend any student who refused to stand for the flag during school assemblies or other ceremonies.

Barbara Rhine of the Youth Law Center, San Francisco, Calif., an OEO backup legal center funded through the San Francisco Neighborhood Legal Assistance Foundation, has been frequently mentioned in connection with legal actions against "the pigs" and "the repressive structure." Two newspaper articles show clearly the nature of this young woman's involvement in disruptive radical activities in the San Francisco area.

Rhine, who is married to Robert Kass but uses her maiden name, has previously been arrested during a demonstration; she is a member of the National Lawyers Guild, regarded by many as a Communist Party front organization; she was a radical activist at Berkeley; and she was a leader of a women's march

in support of an incarcerated female Black Panther.

Stephen M. Bingham, an attorney, was a legal services fellow with the federally funded Berkeley Neighborhood Legal Services program. He was with the program from September 1969 to June 1971, but took a leave of absence beginning November 1, 1970, and never returned to work—although he remained on the payroll through the following June.

On August 21, 1971, a San Quentin inmate attempted to escape from that institution. He was awaiting trial, charged with killing a correctional officer at Soledad Prison. The attempted escape resulted in the death of three San Quentin correctional officers and two inmates in addition to Jackson himself. The last visitor to see Jackson prior to the escape attempt was Stephen Bingham, together with an unidentified woman not otherwise identified. Bingham disappeared immediately afterward and has not been located. He is a fugitive from justice.

James H. Rollins, a nationally known militant figure, who was elected to serve as cochairman with Dr. Benjamin Spock of the National Conference on New Politics, is now wanted on two counts of first-degree murder in California. He is also being sought by the FBI as a fugitive from justice.

Under the alias of Lee J. Evans, Rollins was hired by the Alameda County Legal Aid Society, California, as a project attorney, despite the fact that he was not a law school graduate or admitted to practice in any jurisdiction. He was able to work with the local project for 4 months under this false identity.

The Legal Aid Society of Alameda County, Calif., has not limited its questionable activities to the hiring of unqualified and falsely identified personnel. It has also engaged in substantial voter registration activity, including the maintenance of voter registration officials in its neighborhood office. This practice is a clear violation of the present statute which prohibits involvement in such political activities.

Kenneth Cloke was a legal services fellow with the Los Angeles Neighborhood Legal Services Society, Inc.—LANLSS—an OEO grantee organization. He was hired and retained on the staff of LANLSS despite the fact that he participated in planning the violent demonstrations at the 1968 national convention of the Democratic Party in Chicago; despite regular attendance at Communist Party U.S.A., recruiting meetings in Oakland and Berkeley; despite holding membership in and the presidency of Slate, a student organization that is reported to have played a dominant role in the campus rebellions at Berkeley; despite participation in the Communist-dominated Ninth World Youth Festival in Helsinki, Finland, and in the Komosol—Communist Youth Organization of the U.S.S.R.—sponsored trip to the Soviet Union and East Germany; and despite activity in Students for a Democratic Society.

Florida Rural Legal Services, Belle Glade, Fla., used Federal funds for publication of an underground newspaper,

became deeply involved in local student protests, and one of its project attorneys assaulted a nurse during a staged police brutality demonstration.

The Dallas, Tex., legal service project, represented the publisher of an underground newspaper who was ineligible for the receipt of such services, and it used program funds to transport protesters to Washington. Fortunately, the latter expenditure was disallowed.

Throughout the country, legal services attorneys have raised challenges to compulsory work requirements for the receipt of public assistance, have assisted in the formation of local chapters of the National Welfare Rights Organization, and have helped organize tenant unions.

The OEO Western Regional Legal Services director has been representing a Government employee in a suit against Action charging that the employee was discriminated against because of her Democratic Party activities. The point is that a Federal attorney, albeit on his own time, is representing another government employee in a suit against a Federal agency over matter arising from partisan political activities. This case is an example of the questionable outside practice of law undertaken by a large number of legal services attorneys.

Employees of the Northern Mississippi Rural Legal Services program have used program facilities to support candidates for public office and have represented ineligible clients of political matters.

Daniel Siegel, a former OEO legal services fellow, served during his fellowship as a campaign coordinator for the radical April Coalition in Berkeley. A self-described revolutionary, Siegel has been convicted for inciting to riot prior to receiving his fellowship. He is most recently reported to be working on a Maoist anti-military project in the Philippines.

Sheldon Otis, who served as an attorney for Angela Davis, has been charged with embezzling \$10,000 from a legal services program he was supervising in Redwood City, Calif.

Staff members of the New Orleans Legal Assistance Corp. were found to be improperly representing members of a Black Panthers Party Front Organization—the National Committee to Combat Fascism. This group has also received assistance from the OEO Juvenile Law Project in San Francisco.

David Kirkpatrick, an attorney with the California Rural Legal Services, has worked closely with peace and freedom party leader Fay Stender, who is also deeply involved in the National Lawyer's Guild's activities, to furnish prisoners with Communist and other revolutionary literature. This material is supplied by use of the mails, sending packages to inmates with covering notes stating that they contain legal materials needed by the prisoners to prepare their cases.

Attorneys with the Monterey, Calif., legal aid society handled at least 104 military-related cases, many resulting from association with the movement for a democratic military and the Pacific Counseling Service which provide assistance to conscientious objectors. At least one legal services fellow with the program was identified as an organizer of

local antiwar activities and rallies. Staff members have also worked closely with Unity Now. An underground newspaper which urges soldiers to create disturbances and foment resistance within the Army.

An attorney with Colorado Rural Legal Services admitted preparing articles for a local underground newspaper and soliciting, of CRLS stationery, a juvenile client to serve as a distributor for the newspaper. The paper advocated, among other things, draft evasion.

The Camden, N.Y., Regional Legal Service program has acknowledged representing financially disqualified clients on grounds that such individuals were unable to obtain private counsel because of their unpopularity or the unpopularity of their causes. The director of CRLS has stated his opinion that legal services should act as a sort of ombudsman to the poor as a class, to represent them with respect to political and economic repressions. CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

The director of a legal aid society in Illinois was a partisan candidate for State attorney of Marion County.

LIST HIGHLIGHTS PROBLEM AREAS

This list is not all inclusive. I only highlight some of the very serious problem areas associated with this program: violations of the program's statutory mandate, conflicts of interest, inciting litigation, fraud, involvement in disruptive and criminal activities, and contempt for the legal process and the standards of ethics and propriety which govern the practice of law.

These problems must be faced, and they must be resolved if a meaningful Federal role is to be played in providing a legal system that is accessible to all Americans. S. 3010, as reported, not only fails to deal with these problems while denying Congress and the executive any real authority to prevent even greater deterioration and distortion of the program.

I agree with the President, who said in his veto message of December 9, 1971, that—

It would be better to have no Legal Services Corporation than one so irresponsibly structured.

I endorse the President's suggestion that the Congress rewrite this bill to add strict safeguards against the kind of abuses certain to erode public support. Congress has so far failed to heed this suggestion, and the only responsible course is to wait until a sound and responsible program is formulated.

LEGISLATIVE PROGRAM

Mr. ALLOTT. Mr. President, if I may have the attention of the distinguished acting majority leader for a moment, I would like to make inquiry of him as to the program for the remainder of the day.

Mr. ROBERT C. BYRD. Mr. President, in response to the inquiry of the able and distinguished Senator from Colorado, may I say it is the hope of the

leadership on this side of the aisle that we can proceed for another couple of hours in an effort to make some substantial progress on the pending business.

Under the order that has already been entered, the distinguished Senator from Texas (Mr. TOWER) is to be recognized at this time for the purpose of calling up two amendments in succession, on each of which there is a time limitation of 1 hour.

If we get those two amendments up and dispose of them, I have a note in my pocket somewhere that my office received from the office of the Senator from Tennessee (Mr. BROCK) saying he would be here at 4:30 and would be prepared to call up his amendment. Whether or not we would be able to finish that amendment is something else, but at least it could be laid down today.

It is my hope, may I say in further response to the distinguished Senator from Colorado, that we can finish this bill on Monday of next week. We are confronted with this situation: We have 5 days next week in which to transact business. We have the unfinished business, the Foreign Assistance Act; we have this business, the Economic Opportunity Act, which is the so-called second-track item at this point; there are a few other bills backed up on the Calendar, most of which are very controversial, of course, and additional bills will be reported during the forthcoming week by committees.

We have the HEW appropriation bill, which, by agreement, will be called up next Tuesday. There is a time limitation on that bill. I assume that most of the day, or certainly a good part of the day next Tuesday would be used up in transacting business on that bill.

Then on Wednesday, we expect to call up the Interior appropriation bill at some point during the day. We do not expect a great deal of trouble on that bill, but it will take some time.

Then on Friday of next week, we have the public works appropriation bill, again not too much trouble, but some time will be required.

So, in summation, we have these things: The Foreign Assistance Act, which we ought to finish next week at some point; there are one or two amendments remaining, including one of the most controversial, the Mansfield amendment.

We have the OEO bill, now pending, and at least three appropriation bills next week, and behind them will come the minimum wage bill, the maritime bill, the no-fault insurance bill, and the debt limit.

So we have only 5 days, if we are to stick to the previous plan, and we are coming in early next week, at 9 o'clock every morning with the exception of Monday. Then the Senate will be out for 17 days, and when we return we will have the welfare bill, the supplemental appropriation bill, and the Defense appropriation bill, the Agriculture appropriation bill, and others. We will have, of course, no-fault insurance, if it goes over. We will have the maritime bill if it goes over.

So I have gone to some length to ex-

plain why the leadership on this side of the aisle feels it is imperative to try to make as much progress as possible this afternoon before going out until Monday. If we could arrange a unanimous-consent agreement on the OEO bill so that we could be assured of wrapping that up on Monday, I would see no necessity for staying in too much longer today. But thus far, I have been unable to work out any agreement.

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

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. Relative to my second amendment, I will not bring that up until the Brock amendment is disposed of. If the Brock amendment is adopted, I will not bring it up at all.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. ALLOTT. Did I understand the distinguished Senator to say that he does have a communication from Senator Brock that he will be here at 4:30 to take up his amendment?

The reason why I propounded this inquiry to the acting majority leader at this time was that, for some reason, while it was my understanding that there would be a session this afternoon, I notice that on both sides of the aisle a considerable number of people apparently have an opposite impression and apparently left town.

I am sure that the Senator does not want to have any important matters before the Senate without a really representative vote here, any more than I do. We find ourselves in this quandary, which I am sure is not of his making. But, somehow or other, some of the Senators interested, I suppose, thought we were not going to be in session.

May I propound another inquiry to the Senator at this time, for the guidance of those who are here?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLOTT. Is there any desire on his part, or any intention on his part, that we will be in session a week from Saturday?

Mr. ROBERT C. BYRD. No.

Mr. ALLOTT. Or that we will adhere to our announced schedule and adjourn Friday, sometime Friday?

Mr. ROBERT C. BYRD. Mr. President, there is no intention on our part—and I certainly feel that I speak for the distinguished majority leader in saying this—to have the Senate in session on Saturday, a week from tomorrow.

Mr. ALLOTT. I think that answers my inquiry.

I just want to remark that I am very happy to see that today we finally passed the authorization for the National Science Foundation, which I understand has been ready for some weeks, although it had not been reported to the calendar. We had a meeting of the HUD, space, and science conferees this week and had to recess the conference without doing anything because we still had no authorization. So I am happy to see that we have accomplished that today. Perhaps we can get one of these bills out of the way and to the President before we leave here on June 30.

Mr. ROBERT C. BYRD. Mr. President, in further response to the very able Senator from Colorado (Mr. ALLOTT), may I say that, to my knowledge, no Senator on this side of the aisle is under any illusions with respect to the program for today; and no word has been given out to Senators on this side of the aisle that we would not be in long today. Some of our Senators have left for the day but not for that reason. They had planned to go anyway.

As a matter of fact, my whip notice of Wednesday, June 21, very clearly stated the program for today. It stated that there would be a vote on the Treasury-Post Office appropriation bill the first thing today, followed by the amendment by Mr. SCOTT, on which there was a time limitation of 2 hours, followed by the Dominick amendment, on which there was no time limitation; that then the Senate would return to the consideration of the second-track item, the Economic Opportunity Act.

Yesterday, it was agreed that when the Senate returned to the consideration of the Economic Opportunity Act today, the distinguished senior Senator from Texas (Mr. TOWER) would be recognized for the purpose of calling up two amendments, on each of which there would be 1 hour.

So I think that all Senators were on notice—ample notice, very clear notice—that we were likely to be in for a reasonably long time today.

Moreover, I state the program every day, at the end of the day, and I would hope that all Senators and their staffs were aware of this, because it is not done without some degree of effort.

I go to considerable length in this respect. Of course, the leadership on the other side of the aisle is always here—or someone representing the leadership—to follow what is being said with respect to the program for the following day.

Yesterday, I said this, in part:

I would imagine that the Senator from Texas would want a rollcall vote on each of those amendments.

Referring to the two amendments which would be called up upon the Senate's returning to the pending business, the Economic Opportunity Act.

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.

So the Senate was on notice that we would have a reasonably long day today.

I do not know how the English language can be expressed any more clearly than I attempted to state it in the announced program. So there is no reason why Senators should have left early today. Certainly, on my side of the aisle—I cannot speak for the other side of the aisle—Senators have been given no indication whatsoever that we would adjourn early.

Mr. ALLOTT. Mr. President, I know that the Senator knows that I am not, inferentially or other, taking him to task.

Mr. ROBERT C. BYRD. Yes; I understand that.

Mr. ALLOTT. That is the last thing on my mind.

But we do, nevertheless, face a situation, and I do not know how it arose. I think it probably arose partially out of the Senator's statement of yesterday which he just read in the RECORD.

We have had three rollcall votes today, have we not? Senator SCOTT took much less time on his amendment and yielded back time. I believe Senator DOMINICK's amendment was accepted, which fore-shortened the time and probably fore-shortened the time Senators had planned to use. This is what I suspect.

What the Senator has said here with respect to the program is fortified by the notes on page D718 of the RECORD, in which reference is made to the bills that will be brought up and the OEO amendments—to consider two Tower amendments. As I understand, one is to be accepted and the other will not come up, depending upon the outcome of the Brock amendment.

As is the Senator, I am here. I have canceled all engagements in my State this month in order that I can be in attendance at the Senate. I am here today, I will be here tonight, I will be here tomorrow, and I will be here Sunday.

If we really are not going to get anything done, I suggest to the acting majority leader, if I may, that he might consider a long quorum call—although I understand that some Senators will not consent under any circumstances to a unanimous-consent request as to time. Is that the Senator's understanding?

Mr. ROBERT C. BYRD. As of this moment, we have reached no time agreement on this bill. I am not sure that there is a set-jawed position here on the part of any Senator that he will not agree to a time limitation on the bill. Certainly I know of no such opposition to a time agreement on the part of any Senator on this side of the aisle.

I am not ready to believe at this point, may I say to the Senator—if he will yield further—that no further progress can be had on this bill today. I would like to see.

As the Senator has indicated, the Senator from Texas will call up his amendment, and then perhaps another Senator would be ready to call up another amendment.

Mr. ALLOTT. Mr. President, pending anything else—of course, I have this as a matter of right, but I did not want to do it if the Senator did not want to—let us have a quorum call and find out where we are.

Mr. ROBERT C. BYRD. Well, Mr. President, I would hope that the Senator would not press that at this moment. Let us dispose first of the amendment of the distinguished Senator from Texas (Mr. TOWER).

Mr. ALLOTT. I had my back turned to him. I did not see him come into the Chamber. I will not suggest the absence of a quorum at this time.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair now recognizes the Senator from Texas (Mr. TOWER) to call up his amendment.

Mr. TOWER. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:
On page 119, line 19, before "The", insert "to the extent authorized by the Corporation".

On page 119, line 22, strike the period and add the following: "and may be available for inspection to the President of the United States and Members of the Congress".

On page 120, line 25, after "available", insert "for inspection".

On page 121, line 1, following the comma, add the following: "and, upon request, to the President of the United States and to Members of the Congress".

The PRESIDING OFFICER. Does the Senator from Texas desire that his amendments be considered en bloc?

Mr. TOWER. Mr. President, I ask unanimous consent that my amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. TOWER. Mr. President, while I consider this amendment basically of a clarifying nature, I think that it is essential to the implementation of a responsible legal services program. This is so because one of the themes that runs through the entirety of title IX is the lack of accountability which the Corporation and those who hold fiduciary duties would have to the public and to the elected representatives of the public in the Congress and the executive branch.

This amendment would amend section 908(b) of title IX relating to reports on evaluations, inspections, or monitoring grantees and contractees. In many instances these evaluations and inspections are in response to possible violations of the law. In the past, the General Counsel's staff of the Office of Economic Opportunity has undertaken such evaluations of grantees in response to alleged violations of the Hatch Act or criminal or negligent mismanagement of funds.

I feel very strongly that the Congress and the President should be made aware of these evaluations and inspections. We must remember that the proposed Legal Services Corporation is publicly funded and should therefore, remain accountable just as other agencies of Government remain accountable.

The amendment strikes from section 908(b) the provision in the bill that would allow the grantee or contractee to receive the substance of the reports on the evaluations or inspections.

I think that this language must be stricken from the bill if a responsible

program is to be implemented. It is not current OEO policy to allow these reports to be made available to the grantee being evaluated. If they should be made available, I fear a very real problem could exist. It is quite possible, for instance, that a Legal Services employee under investigation could disappear if he learned that the substance of the reports indicated the possibility of an indictment being lodged against him for embezzlement of funds. Additionally, I do not feel that it is in the best interest of the Legal Services program to have these reports circulated outside the confines of the Corporation administrators, the Congress, or the executive branch. Such publicity could precipitate the type of turmoil at the local level that is one of the main reasons that the current Legal Services setup has not been totally successful.

I would also amend section 910(a) of the bill so that upon request a full annual audit would be made available to the President or to a Member of Congress. This portion of the amendment is strictly of a clarifying nature. Section 910(b) (1) relates to the authority of the General Accounting Office to undertake such an audit on an annual basis. Therefore, my amendment to this section of the bill is intended to emphasize the Congress, genuine concern over the proposed Corporation's accountability. I think it is essential to the legislative history on this bill that these words be added.

Mr. President, this amendment is an attempt to make the Corporation more accountable to the public. The bill as reported by the committee suffers from this lack of accountability. As long as the Corporation is publicly funded, I strongly believe that we have a duty to make sure that some control is exercised over it.

I sympathize with the proponents of the legislation who want to make sure that the Corporation does not come under political influence. However, there is no way to eliminate all political influences from any program that is publicly funded. It is unrealistic to think otherwise. Without some measure of accountability, grantees under the Corporation will engage in political or quasi-political activities as they have in the past, and the Congress will be powerless to rectify the situation.

Mr. MONDALE. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. MONDALE. Speaking for the distinguished chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON), the floor manager of the bill, I am told that he has no objections to the Senator's amendment. He thinks it is a good amendment. Perhaps we could hear now from the ranking member on the Committee on Labor and Public Welfare, the Senator from New York (Mr. JAVITS), as to whether the minority leader has any objection to the amendment.

Mr. TOWER. I would be delighted to yield, on my time, to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I find the amendment acceptable. We have collaborated with the Senator from Texas in

drafting it. I wish to have his concurrence on one point. Where the words "for inspection" are used, on page 120, line 25, it is understood that the books, accounts, financial records, reports, files, and other papers, will be available for inspection at the offices of the corporation.

Now I know very well that if a Member wants some document or report, or the President wants something, he will get it, but we do not want anything vexatious to occur like saying, "Send over three truckloads of material to my office."

Mr. TOWER. I concur with the Senator from New York.

Mr. JAVITS. I thank the Senator very much. That is the only point I have.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendments en bloc have been yielded back.

The question is on agreeing to the amendments en bloc of the Senator from Texas (Mr. TOWER).

The amendments, en bloc, were agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, what does the order call for?

The PRESIDING OFFICER. It provides for the Senator from Texas to call up one of his amendments.

Mr. ROBERT C. BYRD. Mr. President, I understood a little earlier, in the remarks of the distinguished Senator from Texas (Mr. TOWER), that he would like to delay taking up his second amendment.

Mr. TOWER. Yes, that is correct. Mr. President, I ask unanimous consent that under the consent agreement relative to my second amendment that the time be vacated.

Mr. ROBERT C. BYRD. The Senator means with respect to the time it is to be called up?

Mr. TOWER. Correct.

Mr. ROBERT C. BYRD. But not with respect to limitation of time on the amendment.

Mr. TOWER. I may not bring it up at all. If I do, I am willing to agree to 30 minutes of time.

The PRESIDING OFFICER. Without objection, the second amendment of the Senator from Texas will not be taken up at this time.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 244 Leg.]

Allen	Byrd, Robert C.	Mondale
Allott	Cooper	Montoya
Bellmon	Cranston	Stevens
Bentsen	Ervin	Talmadge
Byrd	Fannin	
Harry F., Jr.	Javits	

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a delay the following Senators entered the Chamber and answered to their names:

Aiken	Fong	Pell
Anderson	Fulbright	Proxmire
Bayh	Gurney	Randolph
Beall	Harris	Roth
Bennett	Hart	Saxbe
Bible	Hartke	Schweiker
Boggs	Jackson	Smith
Buckley	Jordan, N.C.	Sparkman
Burdick	Jordan, Idaho	Spong
Cannon	Kennedy	Stafford
Case	Long	Stennis
Chiles	Magnuson	Stevenson
Church	Mathias	Symington
Cook	McGee	Thurmond
Curtis	Miller	Tower
Dole	Nelson	Tunney
Dominick	Packwood	Weicker
Eagleton	Pastore	Williams
Eastland	Pearson	Young

The PRESIDING OFFICER. A quorum is present.

THE PRESIDENT'S APPROVAL OF THE HIGHER EDUCATION BILL

Mr. PELL. Mr. President, President Nixon's signing of the higher education bill is a most memorable event in my life. One of my desires upon entering the Senate was to work on education, with the goal that postsecondary education would be available to all. The provisions contained in S. 659 go a long way to accomplishing this goal.

I have worked on this specific legislation for 3 years. To have it signed into law and know that in the future higher education will be available to so many more people is a most gratifying event.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, was read twice by its title and referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senate will shortly adjourn under

the order. It is my understanding that the river is expected to crest a little later this afternoon, or somewhat later—I am not sure just when—and that there might be some difficulty later in getting across some of the bridges. Consequently, it will be the intention of the leadership to move to adjourn shortly after the program has been stated.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the order, there will 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 routine morning business, the Chair will lay before the Senate the unfinished business, S. 3390, and immediately the Chair will then lay that bill aside temporarily, and the Senate will proceed to the consideration of the so-called Economic Opportunity Act, S. 3010.

The Foreign Assistance Act, S. 3390, remains the main track item before the Senate, it being the unfinished business; but under the order, the Senate will consider on Monday, throughout the day, the Economic Opportunity Act, S. 3010.

At the close of business on Monday, the Senate will return to the consideration of the unfinished business, S. 3390, or upon the disposition of S. 3010, the Economic Opportunity Act, whichever is the earlier.

Several amendments are ready to be called up by various Senators on Monday, some of which undoubtedly will be accepted by the manager of the bill, the Senator from Wisconsin (Mr. NELSON), others of which will require a rollcall vote. There is no time agreement on the bill as of now. There is no time agreement on any amendment thereto, with the exception of one amendment by Mr. Tower, on which there is a 1-hour limitation.

Rollcall votes, then, can be expected on Monday. I would assume that there would likely be several rollcall votes. The Senate will be prepared to stay in reasonably late on Monday.

The Senate will meet at 9 a.m. daily on Tuesday, Wednesday, Thursday, and Friday of next week, and the Senate can be expected to stay in until a reasonably late hour daily.

Mr. President, a little earlier, in response to the distinguished Senator from Colorado (Mr. ALLOTT), the acting minority leader, I stated that it was the intention of the distinguished majority leader, so far as I knew, without consulting with him, and it also was my feeling, that the Senate would not be in session on next Saturday. However, upon reflection, I think I ought to state, and again without having consulted with the distinguished majority leader, that Senators should be prepared to come in next Saturday, if necessary.

I do not know what will happen with respect to the debt limitation bill. This is a very important piece of legislation.

I do not think that the Senate or the House would want to adjourn until July 17 without a debt limitation bill having been enacted and placed on the President's desk, because the Government could not continue to pay its bills without some action being taken by midnight June 30 or soon thereafter.

Consequently, it might be necessary for the Senate to come in next Saturday. It might even be necessary for the Senate to return to session on the 5th, 6th, and 7th of July. But that remains to be seen.

I do want Senators to be alerted, however, to the fact that we cannot at all be sure that the Senate will not be in session next Saturday.

Mr. AIKEN. Mr. President, I appreciate the fact that the acting majority leader is not calling for any action on this bill tonight or asking for any limitation of time on any amendment which may be proposed next week.

I am afraid that most Members of this body do not realize that this bill, to a large extent, would destroy and nullify the provisions of the Rural Development Act, which has passed both the House and the Senate. I believe it was passed by the Senate by unanimous vote, or almost unanimous. It has been in conference between the two Houses, and the conference report is now awaiting approval by the House, which has to act first. As I understand it, there has been objection to the House taking up this conference report so far, and apparently some of the Members are waiting to get this bill through first.

This bill, in effect, would preempt a great deal of the services which have been performed by very successful branches of the Department of Agriculture.

So I felt that we should not take up this matter this afternoon until the members of the Committee on Agriculture and Forestry and others have had a chance to study it and to see what would really happen to that department should this bill pass as is. There may be many desirable features in this bill, but certainly there are some that are extremely undesirable ones which take away, in a large degree, the power of the lending agencies for cooperatives and other programs of the Department of Agriculture and virtually put control of a good share of our agriculture enterprise under the OEO.

While the operators of OEO may be qualified to operate Headstart—and I think they have done a good job there and in some other parts of their work—I do not think they are yet as well qualified to run the Department of Agriculture as are the people who have been running it successfully over the many years.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Vermont.

Mr. President, let me say this, further, with respect to the program, because I do not want to keep Senators here long, and I do not want to keep our pages and Senators' staffs around waiting on a whip notice, in the event Senators want to let their staffs go home earlier than usual.

Next week, the HEW appropriation bill will be brought up on Tuesday. There is a time limitation on that bill.

Several votes can be expected on that bill.

The Interior appropriation bill will be brought up on Wednesday of next week. Usually Senators can expect at least one rollcall vote on final passage and possibly votes on amendments thereto.

On Friday of next week, the public works appropriation bill will be called up.

In addition to these bills, all of which will require yea-and-nay votes, undoubtedly, there remain measures such as the following, on which the leadership would hope for final action next week or before adjournment for the Democratic Convention:

S. 2871, dealing with marine mammals.

H.R. 13324, the authorization for certain maritime programs.

S. 5, to promote the public welfare.

S. 632, on water resources.

Senate Resolution 232, on rural electrification.

S. 945, on no-fault insurance.

I have already mentioned the debt-limit legislation. I might also mention legislation to amend the Fair Labor Standards Act of 1938 in connection with which there is a Senate bill on the calendar, S. 1861, and House bill H.R. 7130.

Obviously, it will not be possible to complete action on all these measures before the Senate adjourns prior to the Democratic Convention, but the leadership would like to notify all Senators that the leadership would expect, and will be prepared, to call up any one of these measures, at least whenever it is possible and necessary to do so and, hopefully, to make progress thereon and to see final enactment thereof.

Conference reports may, of course, be called up at any time, and rollcall votes may occur thereon.

Mr. President, in closing, I want to express the hope—and I know that the distinguished majority leader would share this hope with me—that, when the Senate convenes on Monday next, we can move forward on the Economic Opportunity Act; and that during the early part of next week it might also be possible to reach agreement on the remaining amendments to the Foreign Assistance Act, and that that bill can be disposed of next week.

We would hope to have the utmost cooperation on both sides of the aisle and from all Senators in the effort to reach time agreements and enact as much of the remaining "must" legislation as possible before the Senate adjourns for the Democratic Convention, so that when the Senate returns, thereafter, and following the Republican Convention, at least we might not have to stay around too long before the Senate could adjourn sine die.

Mr. ALLOTT. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLOTT. Let me underscore what the Senator is saying, because it is a correction of the colloquy the Senator and I had earlier, in which the Senator stated that it was hoped to adjourn the Senate a week from today. It will be necessary

and everyone should be on notice, then, that unless we have taken care of the debt ceiling matter, the Senate will continue in session until that matter is taken care of.

Mr. ROBERT C. BYRD. I cannot say. All I can say is that I want—

Mr. ALLOTT. Or they should be put on notice that there is a strong probability—

Mr. ROBERT C. BYRD. Yes.

Mr. ALLOTT (continuing). That it will.

Mr. ROBERT C. BYRD. I want to remove anything from the RECORD which may be interpreted as indicating that the Senate definitely will not be in session next Saturday and will adjourn from the close of business next Friday, June 30, until the 17th of July, 1972. There is no such assurance, especially at this time.

Mr. ALLOTT. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the distinguished acting Republican leader, the distinguished Senator from Colorado (Mr. ALLOTT).

ADJOURNMENT TO 10 A.M. ON MONDAY

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 adjournment until 10 a.m. on Monday next.

The motion was agreed to; and at 4:03 p.m., the Senate adjourned until Monday, June 26, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23 (legislative day of June 19), 1972:

ACTION

Donald Kready Hess, of Maryland, to be an Associate Director of Action, vice Kevin O'Donnell, resigned.

U.S. DISTRICT COURT

Eldon B. Mahon, of Texas, to be a U.S. district judge for the Northern District of Texas, vice Joe Ewing Estes, retiring.

IN THE NAVY

Rear Adm. William T. Rapp, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

Capt. Jack T. Kline, U.S. Marine Corps, for appointment to the grade of major.

IN THE MARINE CORPS

The following-named officer of the Marine Corps for temporary appointment to the grade of first lieutenant:

John C. Langenus.

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Donald L. Abblitt

Richard P. Adams

Anthony C. Akstin

Walter D. Albritton

Richard L. Alderson

Allen F. Alexander

Charles B. Alexander

III

Edwin A. Allan

Bonnie L. Allen

John E. Allen

Thomas E. Allen

Scott D. Anderson

William V. Arbacas,

Jr.

Anthony P. Armbrister

Timothy M. Atkinson

Michael V. Avery

Billy T. Babin

Howard R. Bacharach

John M. Baldwin

Edward J. Ball III

Jeri D. Balsly

Alan N. Bandoli

Gary W. Barnes

Terry L. Barnes

Thomas L. Barrows

Stanley N. Barton

Cameron G. Beals

Paul A. Beames

Stephen A. Beaulieu

III

Bruce H. Beckett

Joseph F. Bellegarde,

Jr.

Michael V. Bergamini

John W. Bergman

Martin R. Berndt

William D. Berry

James P. Bessey

Albert H. Bickmore

Margaret E. Bird

Harold C. Boehm, Jr.

William J. Boese

John R. Bollman

Steven A. Bosshard

David F. Boulden

Rodney L. Bowers

Thomas G. Bowman

Gene R. Boyce

Robert J. Boyd, Jr.

Michael F. Boyer

William W. Boykin

Richard W. Bridy

Richard H. Briggs

Ira E. Brighton

Stephen A. Brixey

Donald G. Brophy

George B. Brown III

Richard F. Brown

George E. Brudzinski

David G. Buell

Duncan H. Burgess

Robert R. Burke

James J. Burns

Jerry L. Burton

Richard P. Bush

Robert C. Butler

William S. Buttrill

Don E. Caldwell

Richard W. Campbell

Stanley E. Carlin

Victor E. Carlin

Emerson F. Carr

Jack L. Carter, Jr.

Lusty L. Cebula

Thomas R. Childers,

Jr.

William R. Christoph

Warren J. Cicerella

Charles B. Clark, Jr.

Robert D. Clarke

Kenton P. Cleary, Jr.

Johnny D. Cockle

Larry D. Cohen

Dan M. Colglazier

Gary W. Collenborne

Clarence M. Collins III

James A. Collins

Stephen W. Comiskey

Michael D. Conrad

Joel L. Cooley

Robert M. Corrigan

Martin J. Costello

John D. Counselman,

Jr.

John K. Covey

Robert W. Cowin

Jerry L. Creed

Bruce A. Cripe

Michael J. Cross

Ronald J. Cruz

Michael T. Curtis

Daniel R. Dame

King F. Davis, Jr.

William J. Davis

Orland O. Debrates,

Jr.

John R. Defreytas

Donald V. Demikis

Barry L. Denes

Richard E. Deneut,

Jr.

Terrence M. Denight

William F. Deubler

Howard Devore, Jr.

Benjamin F. Dilling-

ham

William O. Doig, Jr.

John P. Doolittle

Robert M. Dowd

John E. Drury

Francis H. Dubay,

Jr.

Cyril P. Durbrachek

George R. Dunham

Clifford D. Dunn, Jr.

Perry R. Dunn

Matthew W. Durney

Richard G. Duval

Robert W. Dyar, Jr.

Stephen A. Edwards

Robert C. Elkenberry

Charles C. Emmons

John D. Engstrom

Steven C. Erickson

Linda A. Essex

Kenneth W. Estes

Donald H. Estey, Jr.

Harold W. Evans, III

Stephen P. Eyman

Kenneth R. Falasco

Jerry M. Farrow

Thomas R. Fasulo

Robert J. Fawcett

John C. Feeney

William V. Fello

Robert G. Fender

Arnold Fields

Paul R. Fields

Charles S. Fisher

Lloyd D. Fitzpatrick

Thomas A. Flaherty

Peter J. Flatley

Peter Florea

Allen L. Force

Leonard S. Foster

Edward R. Friedrich

John A. Furman

Gary G. Gage

Gary L. Galiger

David M. Gally

Joseph C. Garbrous

William D. Gardner

Robert B. Garey

William R. Garland

Robert D. Garner

James E. Gass, Jr.

Robert W. Geary

Thomas M. Georgi

James H. Gesner

Ronald M. Gilbert

Cheryl S. Gillespie

Bruce A. Gombar

Ronald Gonzalez

Charles L. Gravett III

John H. Gray

Michael R. Greene

Arthur J. Grimley

Ronald J. Gross

Robert L. Gruber

Richard C. Guess, Jr.

Dennis V. Hacker

Lawrence B. Hagel

John M. Hamilton

Charles T. Hammond,

Jr.

James D. Hammond

Thomas E. Hampton

James R. Hannemann

Bruce R. Harder

Edward L. Hardister

John P. Harrington

Michael B. Harrison

Thomas C. Hayden III

Edward G. Hayen II

Askold T. Haywas

Allen T. Head, Jr.

John W. Heath

Roger D. Herring

Theodore G. Hess

Christopher R. Hickey

Ross J. Hieb

Andrew C. Higgins
 Stephen M. Hill
 Kennon D. Hines, Jr.
 James K. Hinnant
 Richard C. Hoeschele
 George W. Holbert
 James L. Holcombe II
 Ronald C. Hood III
 David S. Horton
 Michael A. Hough
 Dan P. Houston
 Richard A. Houston, Jr.
 John E. Howard
 Kenneth M. Howard
 Richard O. Howard
 Thomas P. Hudson, Jr.
 Jan C. Huly
 Jerry D. Humble
 Robin S. Jackson
 Jose L. Jimenez
 Erick T. Johanson
 Floyd T. Johnson
 Zachery T. Johnson
 Alan M. Jones
 Perc L. Jones
 Sherman C. Jones III
 Thomas S. Jones
 William K. Jones, Jr.
 William R. Jones
 Kevin P. Judkins
 Martin O. Juve
 Carl L. Kah, Jr.
 John F. Keenan
 Terrell T. Kelley
 Karen I. Kelly
 James V. Kelly
 Kevin M. Kennedy
 Dennis W. Kerrigan
 Scott D. Ketchie
 George S. Keys
 Wayne E. Kiger
 Charles R. Kimak
 Merle C. King
 Robert C. King
 Merritt B. Kleber
 Christopher M. Klein
 Diane E. Kline

John P. Kline, Jr.
 Samuel H. Kline III
 Mac D. Kolar
 Phillip J. Kolczynski
 Daniel P. Kolay
 William J. Kopp
 Rudolph J. Kosits
 George V. Kuck, Jr.
 Duane E. Kyler
 Terry D. Labar
 Rea D. Laiblin
 Thomas E. Lakin
 James P. Lamphron
 Edward R. Langston, Jr.
 Jack D. Larson
 John R. Lasher, Jr.
 Donald J. Lavoy
 Arthur W. Leak
 Robert B. Lees
 Linda J. Lenhart
 Edward M. Leonard
 John E. Leonard
 Robert I. Leonard
 William H. Leppig
 Kenneth B. Levan
 Timothy B. Levan
 Nancy J. Lewis
 Richard B. Lieb
 Dennis C. Lindeman
 Douglas E. Lindeman
 Stephen T. Linder
 Daniel J. Long
 Henry C. Lorange
 Richard C. Lottle
 Curtis L. Lowe
 James L. Lowery, Jr.
 John M. Lowry
 Robert Magnus
 Ronald J. Makovitch
 Michael V. Maloney
 Herbert H. Markle
 Frank J. Martello, Jr.
 Steven E. Martin
 Keith L. Maxfield
 Timothy A. McBrier
 Stephen M. McCartney
 John I. McClurkin III

Dennis A. McConaghy
 Frederick McConnell II
 Peter R. McDonald
 Robert C. McDonough Jr.
 Roger C. McElraft
 Michael P. McGee
 Dwight R. McGinnis, Jr.
 John H. McLees, Jr.
 James A. Messerschmidt
 Lonnie L. Messick
 Peter T. Metzger
 Douglas L. Miller
 Paul W. Miller
 Ludwig B. Miosi
 David M. Mize
 Roger C. Moll
 James E. Moorehead
 James P. Morgan
 William Morgan, Jr.
 Robert V. Morris
 Stanley J. Mosiej
 David A. Mrachek
 Robert Mudrak
 William T. Mundt
 Ronald V. Murray
 Richard Myers III
 Richard H. Myers
 Rollin G. Napier
 Richard E. Nelson
 Michael A. Newlin
 Paul S. Nickolaus
 Miken J. Nielsen
 Juan C. Nogueira
 Andrew L. Normand, Jr.
 Nicholas O. Norris
 William E. O'Connor
 Palma M. O'Donnell
 Michael J. O'Hara
 Dennis O. Olson
 Martin E. O'Malley
 Hugh J. O'Neill
 Calvin K. Oram
 Thomas F. O'Reilly

Thomas A. O'Rourke
 Henry P. Osman
 Nat M. Pace, Jr.
 Michael G. Pallo
 Donald W. Pardue
 Frederick D. Parker
 Garry L. Parks
 Thomas D. Pasquale
 Christopher R. Pastel
 James H. Patterson
 Ralph E. Percy II
 Robert L. Pegan
 Gregory C. Peterson
 Stephen E. Pettit
 William T. Pettit
 Jackson C. Pharris II
 Terry R. Phelps
 William M. Phillips, Jr.
 Paul M. Philpott
 Thomas J. Pitman
 John W. Pitz
 Arthur M. Plummer
 Allan J. Polachowski
 Geoffrey W. Pomroy
 Karen S. Pond
 Charles R. Porter
 John H. Post III
 Stephen E. Potter
 Larry F. Potts
 Richard H. Priest
 Kenneth L. Priestly
 Ronald H. Pritz
 Charles R. Proveni
 Robert W. Prycejones
 Garrett V. Randel, Jr.
 Kerry O. Randel
 Robert W. Rathbun
 Michael A. Ray
 Ross Rayburn
 Richard P. Red
 John F. Reiner III
 Dwight B. Reynolds
 Charles Ribalta
 Jeffrey L. Riggs
 Robert W. Rivers
 John M. Roake
 James S. Robbins

Billy J. Roberts
 Steven G. Rogers
 William C. Rogers
 Michael P. Rose
 Timothy C. Rosenhan
 Robert M. Rudolf
 David P. Russell III
 James R. Sandberg
 David A. Sannes
 William P. Schmeisser
 Robert C. Schneidler
 Walter P. Schortmann
 Robert E. Schwab
 Richard R. Schwabe
 William L. Sciba, Jr.
 Michael D. Selzer
 Walter W. Sevon, Jr.
 Michael J. Shaw
 James D. Shimp
 Roy M. Shoemaker
 Harold C. Short
 David S. Simon
 Victor A. Simpson
 John D. Slattum
 Clyde H. Slick
 William S. Sloan
 Edward D. Smith, Jr.
 Terry A. Smith
 John D. Snakenberg
 Charles W. Spencer
 Daniel F. Spond
 Clark G. Spurlock
 Douglas R. Stanley
 David V. Stocks
 William G. Strohlein
 Russel M. Stromberg
 Alan E. Strong
 Thomas L. Stuckey, Jr.
 Kenneth M. Sullivan
 James P. Sureau
 Timothy D. Sutton
 Sandra R. Swango
 Robert B. Swortwood
 Donald H. Tanaka
 Jimmy D. Tappan
 Philip L. Tedder
 Michael J. Teller
 John L. Thompson

Edward T. Timperlake
 James L. Todd
 John S. Tolmie Jr.
 Thomas G. Tomkowiak
 Charles B. Troutman
 Robert D. Tuke
 Kenneth M. Ture
 James T. Turner Jr.
 Thomas W. Tyler
 Arthur F. Uhlemeyer
 Neal W. Vanhouten, Jr.
 John A. Vansteenbergh
 Joseph R. Waldron
 Ronald E. Walker
 John E. Walsh
 James J. Ward
 Stephen A. Ward III
 William C. Ward
 Walter H. Warme, Jr.
 Merrill C. Waters
 James C. Weaver Jr.
 Joseph A. Wellington
 David A. Wellman
 Charles N. Wells
 David M. Wells
 William J. Wesley
 John N. Whipple
 Paul A. Whitham
 Robert H. Whitlock
 Edward B. Wild
 John M. Wilkinson
 Rufus T. Williams, Jr.
 Clarence E. Willie, Sr.
 James F. Wilson
 Phillip H. Wilson
 Robert C. Wooten
 Doald W. Workman
 Charles W. Wright
 Nolan W. Wright, Jr.
 John W. Yarrison
 Kenneth H. Yazel
 Charles F. Young
 Brian M. Youngs
 Paul A. Ziegler
 James C. Zimmerman

EXTENSIONS OF REMARKS

PEARL S. BUCK, ILLUSTRIOUS NATIVE WEST VIRGINIA WOMAN, 80TH BIRTHDAY ANNIVERSARY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES
 Friday, June 23, 1972

Mr. RANDOLPH. Mr. President, on June 20, West Virginians celebrated the State's 109th anniversary. On Monday, June 26, our citizens and others throughout the world will join in celebrating the 80th birthday of Pearl S. Buck, one of the most famous daughters of West Virginia.

A native of Hillsboro, Pocahontas County, Miss Buck has become a legend in her own lifetime. Her mother, the daughter of Southern Presbyterian missionaries, accompanied her husband to China shortly after marriage in 1880 to serve as missionaries. After 12 years in the interior of China, a period of extreme privation during which all of their children died of tropical diseases, the couple returned to America. Their sole surviving child, Pearl Comfort Sydenstricker, was born on June 26, 1892, in the old family mansion at Hillsboro.

Five months later, the parents returned to China, taking the baby girl with them. Her childhood was spent in the

historic city of Chinkiang, where the grand canal crosses the great Yangtze River. She learned to speak Chinese before English. During long periods when the father visited the interior, little Pearl listened to her mother's description of her own childhood in West Virginia.

Pearl Buck has vivid memories of the Boxer Rebellion, after which she was brought to the United States at the age of 9.

She returned to China at the age of 15 to attend boarding school in Shanghai, and 2 years later came back to enroll at Randolph-Macon College. After graduation in 1914 she taught briefly at the college, then returned to China to nurse her mother through an illness. She then married John Lossing Buck, an agriculture teacher, and they went off to live in a town in North China.

Her experiences during the 5 years there formed the basis for her best-known novel, "The Good Earth."

Miss Buck's scholarly study of the language and history of China provided her with a deep understanding of, and appreciation for, Chinese culture and philosophy. This unique background, combined with a superb writing talent, enable Pearl Buck to re-create for the Western World the essence of the East.

Her first published novel, "East Wind, West Wind," was followed by "The Good

Earth," which brought her worldwide recognition as a writer. As the modern world's most translated author, she has been described by the National Book Committee, in 1972, as "America's first literary ambassador."

Miss Buck is the only American woman to have received the Nobel Prize for Literature. She also has won the Pulitzer Prize, the William Dean Howells Medal, and hundreds of other distinguished awards for literature and her humanistic accomplishments.

It is the latter work which has brought new fame and approbation to Miss Buck in recent years. Her writings served as a bridge of understanding between nations; her selfless service to humanity was served to bridge the understanding between people.

During World War II, she took a deep interest in the struggles of the Chinese people. And looking even beyond China, she founded in 1941 the East and West Association, devoted to mutual understanding between peoples.

After the war, her interest in Asia continued to be reflected in her many novels and other literary works. In 1950 she published a small book entitled "The Child Who Never Grew," which was the story of her own experience with her oldest daughter, whose mental growth was retarded. The book, based on an ar-