undergraduate subjects, a graduate degree program, and statewide educational television.

One of the most important facts about Jackson in the area of education though, is the average Jacksonian's general educational level. Based on the U.S. Census report of 1960 (these figures will be even higher when the 1970 Census figures are available), the average Jacksonian has completed 12.1 years of school. In cities of comparable population—100,000 to 250,000—this is the HIGHEST general educational level in the South, and 10th highest in the entire United States. In the important area of college education, 13.4 percent of all adults are college graduates, making Jackson 2nd HIGHEST in the South and 8th HIGHEST in the nation. These remarkable figures speak for themselves regarding the quality of education the average Jacksonian has received.

SENATE—*Wednesday, September 6, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Dear Lord and Father of mankind, as we pause this day in Thy presence and share in the grief of all peoples before the horror of shattered young life which so sears the conscience of all men, teach us once more the hard lesson that hate begets hate, evil nourishes evil, and violence reproduces violence. Teach us the higher truth of the oneness of the race, that every man's suffering and sin is our suffering and sin, for we are all involved in humanity.

By some miracle of divine grace, may the innocent suffering of today atone for the sins of yesterday and bring cleansing and forgiveness to our broken world. May the shock of events drive a war-weary world to the ways of peace and concord. May there come over the world a renewal of the ideals of good sportsmanship and a resurrection of that spirit of universal good will and fraternity which endures all pain and abides all time.

Help us here to labor ceaselessly for that kingdom whose builder and maker is God. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 5, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader and myself, may I say it would be our hope that the policy will continue which was inaugurated before adjournment for the Republican National Convention, that committees would hold only necessary meetings, and that they will clear with us, if they would—and I use these words in their best sense—any meetings which they may be contemplating.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum briefly.

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE TRAGEDY AT MUNICH—SENATE RESOLUTION 358, EXPRESSING THE SENSE OF THE SENATE ON THE TRAGIC KILLINGS OF ISRAELI OLYMPIC TEAM MEMBERS OF THE 20TH OLYMPIAD AT MUNICH

Mr. MANSFIELD. Mr. President, a resolution can express our sympathy to the families of the victims and to their homeland, but it can in no way diminish the tragedy of Munich. That tragedy points up the fact that the Olympic games have become a forum not for sports, primarily, but in specific instances, a means for political, ideological, social, and racial expressions of the most violent kind.

It seems to me that too much emphasis has been placed on gold, silver, and bronze medals, on commercialism, on nationalism. In these games, we tend to place stress above all else, on the superiority of nations.

What of equality among nations? What does superiority prove?

What has the tragedy at Munich accomplished, except to disturb the shaky and dangerous balance in the Middle East and to emphasize that violence in the end defeats its own ends?

In lending itself to displays of violence, of defections, of anarchy, of dispute and dissension, and even of madness, the arena of the Olympics has strayed far from its original concept of peace and unity among all men. There are individual triumphs and there are national triumphs; there are gold, silver, and bronze medals. But none of these can have any meaning when they are accompanied by what we have witnessed in Munich.

The tragedy of Munich should make us review our concept of these games and even ponder their ultimate worth. The nations of the world should address themselves to this grave question at once.

A fitting memorial for the dead demands no less.

Mr. President, for myself and on behalf of the distinguished Republican leader (Mr. SCOTT), Senator JAVITS, Senator RIBICOFF, Senator ALLEN, Senator ROBERT C. BYRD, Senator COOPER, Senator GAMBRELL, Senator BAKER, Senator SAXBE, Senator GRIFFIN, Senator EASTLAND, Senator MCGOVERN, Senator SPONG, Senator METCALF, Senator BROOKE, and Senator PERCY, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GAMBRELL). The resolution, with its preamble, will be stated.

The assistant legislative clerk read as follows:

Whereas, with profound sorrow and deep alarm the Senate is informed of the events surrounding the killing of eleven members of the Israeli Olympic team participating in the Twentieth Olympiad at Munich, and

Whereas, such actions are to be condemned as inimical to the interests and aspirations of the civilized world, be it hereby

Resolved, That the United States joins with the world in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost and be it further

Resolved, That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Secretary of the Senate be directed to communicate these sentiments and expressions to the Secretary of State for appropriate transmittal.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT. Mr. President, there is a depth of irony in this tragedy, rarely reached, beyond the scope of the writer's pen. The reason for holding the games at Munich, 36 years after the bitter episode of the 1936 Olympic games where man's inhumanity to man was exemplified by the greatest beast in human form in this century and his behavior toward some of our athletes; it was the hope of the resurgent nation of West Germany that the memory of that inhumanity might be erased by the manner, the spirit, and the universality with which the games would be observed.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

So here is the tragedy of what the Government of West Germany hoped to achieve and what happened in the outcome. Here is the tragedy involving the loss of life of youth caused by the madness of men blinded to all considerations save their misguided political impulses toward the vilest form of crime. These men ought to have no sanction anywhere in all the world. There should be no cave in which they can hide. And in all the reaches of our earth there ought to be no refuge for the mad murderer who kills for political purpose to evade the consequences of his crime.

I think of what Shakespeare wrote:

> How sour sweet music is,
> When time is broken and no proportion kept.
> So is it in the music of mankind.

Here is has been broken by the harsh discord and by the cacophony of these brutal murders.

I join in sadness with the distinguished majority leader in this resolution and in the hope that there will be found nowhere in the world a sanctuary for men of evil intent, of vile and murderous consummation, the totally unworthy perpetrators of contemptible misdeeds.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays to be taken at the end of the morning business.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I think the gratitude of every Member of the Senate must go to the majority and minority leaders for the initiative they have taken at such a tragic hour. There was greater loss of life at the Lod Airport outside of Tel Aviv, also committed by terrorists. However, in that case it was committed by Japanese. However, this is not a quantum of loss of life. It is a symbol and it involves the feelings of outrage of all mankind when mankind is desecrated and when the lives of youthful athletes are snuffed out with such dreadful barbarism as demonstrated in this instance.

I think I know as much about the Israelis as many here. They are brave men. They have faced grave perils in order to make a state. And they have successfully made one, a state which our President has affirmed his commitment to help survive.

These young men will not be intimidated. They expect to abide for a purpose and to be honored in a morality and expect to continue doing as they tried to do in Germany. Their sacrifice and their deaths are meaningful.

The majority and minority leaders have put their fingers on the real issues here. What appalls the world is that any nation can give sanctuary to these terrorists, that they can issue press statements, and maintain sources of raising revenue and have the approval even of prime ministers for their acts of barbarism which should cut them off from any civilized contact with all nations of the world.

We are the leader of the free world. The Soviet Union is the leader of the Communist world. There must be no clearer duty for us than to lead with all our strength, all our influence, and all of our prestige if we are to preserve mankind and cut off from the rest of mankind any nation which, as the resolution so eloquently states, "gives sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich." This refers to acts of any kind or character committed by an enemy of all mankind, not just the Arabs.

This is the most complete act of anarchy we have witnessed in our history. We simply have to address it. We have the means. They cannot survive if they have no place to go. But they do have places to go to receive sympathy, aid, equipment, and training. Our assembled view that we desire to stop such acts in the future by our power and strength in the world, if implemented, will go a long way toward stopping them. This is a matter of morality. And I hope that this is the purpose which we will serve.

Mr. RIBICOFF. Mr. President, I commend our majority and minority leaders for introducing this resolution displaying their understanding of the sentiments of the U.S. Senate and all the people of this country.

Mr. President, it is not enough to merely express sorrow and deplore the tragedy in Munich. The shocking crimes perpetrated at the Olympics yesterday will be repeated elsewhere unless our Government takes resolute action—in concert with other nations—or unilaterally—against those Arab nations which still harbor and encourage these cold-blooded assassins. Permit me to be specific in this regard. The "Black September" terrorist gang that organized this carnage and acknowledges responsibility issued its official statements from Cairo. And it was Egypt that refused to agree to return the Israeli hostages if they were flown there.

Syrian and Iraqi newspapers are already glorifying the Munich assassins as martyrs and are endorsing their bloody work.

These Arab terrorists operate openly in Beirut and have bases elsewhere in southern Lebanon.

Libya and Algeria offer lavish financial aid and training to these criminals.

It is time our own country began to call a spade a spade and imposed sanctions against these countries. Either they stop aiding and abetting the wanton murder of innocent civilians or the United States should cut all ties—diplomatic, commercial and transportation with them—as this resolution offered today strongly recommends.

How ironic it was to read the newspaper yesterday and find that the efforts of the United States to protect commercial aviation by appropriate action against skyjackers and assassins were being torpedoed by protests from the Soviet Union, England, and France. The Soviet Union, England, France, and all civilized nations should join with the United States in imposing strict sanctions against those nations which harbor terrorists when they take over aircraft or seize hostages and spirit them to foreign countries.

The time has certainly come for realistic action and for all nations to join with the United States to make sure that we do away with the madness that is abroad in the world today.

Mr. ALLEN. Mr. President, the submission of the resolution which is to be voted on at the end of morning business is most appropriate. I am glad that there will be a yea-and-nay vote on the resolution to emphasize this matter and to show the unanimity that exists in the U.S. Senate with regard to this matter throughout the entire country in the condemnation of this dastartedly mass murder.

I appreciate very much the majority leader and the Republican leader allowing me to be one of the cosponsors of the resolution.

Mr. President, I rise to express the sense of shock and outrage of the people of Alabama over the insane attack yesterday upon the Israel Olympic team by Palestinian guerrillas.

Alabamians share with all other Americans the sickening feeling of revulsion that criminal minds have perpetrated the murders of these fine young men who were taking part in an international athletic event which is based on peaceful competition, not on politics and militant aggression and indiscriminate destruction.

The perpetrators of these mass murders must be punished and steps must be taken by the world community to assure that politics by assassination will not be tolerated. The people of Alabama grieve with the families of the victims and with the people of Israel who are struggling bravely for their existence as a nation and as a free people.

Mr. President, I yield the floor.

Mr. SPONG. Mr. President, I thank the majority leader and the minority leader for their submission of this resolution this morning. I am privileged to act as a cosponsor of the resolution.

I speak this morning as a former sports writer. I mourn for the dead; I mourn for the spirit of the Olympic games, which has been so desecrated; I mourn for the irony of a situation in which these savage crimes were committed in Munich, near Dachau, the scene of so much earlier horror.

We must condemn those who perpetrated these acts. The civilized world must act to condemn those who participated and those organizations that fostered and encouraged these acts. The United States must lead the way in this condemnation.

Again, I thank the majority leader and the Republican leader for the introduction of the resolution.

Mr. BAKER. Mr. President, I express my gratitude to the distinguished majority leader and the distinguished Republican leader for taking the initiative in offering this resolution this morning. I express my appreciation to my colleagues in the Senate who cosponsor this resolution with the distinguished leadership.

It seems to me that at this point it might be appropriate to realize what we cannot do, and to underscore what we can do, for although we cannot expect to change the hearts of men or the motives of terrorists bent on violence and destruction on future occasions, we can create an atmosphere in the public arena—not in the sports arena but in the international public arena—that serves notice that such barbaric conduct will not

be tolerated by the world community, and that is what we are about today in this resolution offered by the leadership of the Senate. We are serving notice to those so inclined that barbaric, inhumane conduct of the type experienced in Munich will not be accepted by the world community. We are serving notice that the United States is a moral nation, we are strong, and we are outraged. We are serving notice we will not condone activity of this sort in the future.

Nothing can restore life to the Israeli participants in the Olympic games but we are going to do whatever may be within our power and grasp to prevent other athletes, other victims, and other people in other circumstances from suffering the same fate.

Mr. President, I enthusiastically support this urgent resolution.

Mr. COOPER. Mr. President, I join other Senators in expressing my shock and sadness over the events that have occurred in Munich. It is a tragedy that indicates a growing crisis in the history of mankind. It is sad to think that after all the years that have elapsed since the classic Greek civilization, since these Olympic games were founded, that we still have in the world the mentality which could devise and perpetrate the crimes we have witnessed.

It brings into question also the law of nations, the law and values of the civilized world, and whether nations, and ours among them, will be able to join together to find means to prevent as best we can these awful acts against human beings and against law itself.

I sympathize with the families whose children have been lost and I think also of the deterioration of civilization itself.

Mr. GAMBRELL. Mr. President, I was deeply shocked to learn of the senseless violence and the tragic murders initiated in Munich yesterday by Arab terrorists. The brutal attack up the Olympic village, where the long sought goal of international peace and brotherhood was being furthered, is an outrage to be deplored by the entire world community. I have asked that my name be added to the Mansfield-Scott resolution condemning these attacks.

This terrorism will not serve to add any credence to the claims and demands of these terrorist groups. As evidenced by the international representation at the Olympic stadium this morning at the memorial services for the dead, the world's sympathies are extended to the countrymen and the families of the dead. I, too, would extend my sympathies to the families and friends of these brave athletes who were only trying to represent their nation in a nonpolitical celebration of world cooperation.

The perverse political goals which spawned this senseless attack have been repudiated by myself and others on many occasions. I am sure that other Senators and people throughout the world share my own firm convictions that the Israeli position in the Middle East must be securely maintained and that the outrageous events in Munich will in no way alter those convictions.

Mr. SAXBE. Mr. President, the senior Senator from Oregon (Mr. HATFIELD) is in Oregon today. Late last night, he released his reaction to the killing of the Israeli athletes in Munich.

I ask unanimous consent that his comments appear at this point in the RECORD.

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

HATFIELD REACTION TO MUNICH KILLINGS

Senator MARK HATFIELD called the killings in Munich a "reprehensible and outrageous act by demented men."

"Such senseless violence affects us all for it betrays the ideals of human dignity upon which our civilization is based."

Mr. ROTH. Mr. President, I am pleased to join with other Senators voting for this resolution. Frankly, I do not believe that words can adequately describe the shock and outrage which I personally feel as a result of this terrible incident. But perhaps this resolution, while it cannot help those who have already died, will make it clear to other would-be terrorists—wherever they may be and whoever they may be—that terrorism and senseless killing can never further a cause, however noble. Whatever the motivation, such senseless attacks as yesterday's can only cost the lives of the innocent and unprotected.

I wish there were something I could say or do to undo the events of the last 36 hours, but there is not. As I indicated yesterday, the acts of the guerrillas amount to senseless, brutal, and wanton murder. There is no question that the surviving Arabs should be tried and brought to the bar of justice to pay for their crimes. That will do little to console a grieved world, but perhaps it will deter others who might wish to attract support for a cause in this insane manner.

It should be emphasized, however, that the primary responsibility for curbing the reprehensible activities of these terrorists falls upon the Arab nations themselves, and particularly upon Lebanon and Syria who have failed to suppress the terrorist groups on their territories. The time is long past due when the leaders of these countries must take that act of political courage which King Hussein took when he jeopardized his throne to suppress the Arab terrorists in Jordan and again yesterday when he condemned the activities of the terrorists in Munich as an affront to the "Arabic name, image, moral heritage, and cause."

Mr. HUMPHREY. Mr. President, I know I speak the sense of the Senate when I express dismay and deep indignation at yesterday's tragic development at the Olympic games. The tragedy is not Israel's alone; it is the world's.

I support the resolution before this body. It is essential that our Government take the lead in urging the United Nations and, through it, the international family of nations to recognize that the demands of civilization require all nations to renounce the senselessness and horror of guerrilla terrorism so that those misled and deranged pariahs of mankind come to know that they stand denounced by all nations and groups of all religious and political persuasion.

There can be no asylum any place in the world for those who would engage in these brutal acts of inhumanity. Only with this uniform expression of outrage and commitment can we hope to end these acts of terror which shame us all.

I know that I speak for all Americans when I express my condolences to the Government and the people of Israel and most particularly to the families of those who were struck down yesterday.

Mr. BAYH. Mr. President, words are inadequate to express the outrage and horror which one feels regarding the tragedy in Munich. The attack by the Arab terrorists certainly has marred the Olympics.

But its real damage goes much further. It is a direct challenge by violent fanatics on civilized society. It reminds all the world of the constant danger which confronts Israel and its citizens, even as Israel seeks to live in peace with its neighbors. The murder of the Israeli athletes and their coaches is, quite simply, an unspeakable act representing the lowest possible form of human behavior.

There are several points that must be noted in this tragic incident.

Terrorism by certain Arab groups has been going on unremittingly since the 1967 war. Too often the world community has been blasé about the death and mayhem spread by these terrorists. This time the horror was enacted before the world community, on global television, and there must not be any minimizing of the dastardly attack on the Israelis.

Moreover, there must be a worldwide awareness that several Arab nations provide continuing refuge for such terrorists. The countries which provide a haven for persons unwelcome elsewhere cannot escape their share of guilt for this and other acts by the guerrillas who find sanctuary within their borders. The full weight of the world community must be brought to bear on those nations lest inaction be somehow interpreted as condoning the protection afforded the guerrillas.

This body and this country should join as forcefully as possible with the rest of the world community in condemning without qualification the murder of the Israelis and other repugnant acts by Arab terrorists. We must add to that a stern admonition to the nations where terrorists receive financial and moral support to stop sheltering such international outlaws.

Our sympathy goes out to the families of the victims of this tragedy and to all of Israel, for truly this is an assault on an entire nation of freedom-loving people who ask for only one thing—to live in peace—a peace has been denied to them for the quarter century of their nation's existence.

Mr. President, I join with Senators in the strongest possible expression of condemnation for an act which has cast a dark cloud across our entire globe.

Mr. MONDALE. Mr. President, in sorrow and anger I ask this body to approve Senate Joint Resolution 358, condemning the outrage in Munich and extending the sympathy of the U.S. Senate to the victims' families, to the surviving mem-

bers of the Israeli Olympic team, and to the people and Government of Israel.

Yesterday's atrocity in Munich was the consumate expression of terrorist savagery, brutality, and cynicism. For the sake of principle, politics was dragged into the sports arena, and there it was transformed into cold-blooded murder. In the name of principle, the most basic principles—of international law, national sovereignty, and, above all, human decency—were violated with deliberate and unprecedented barbarism.

There are many familiar words to describe the Munich tragedy, and they come quickly to our lips. Yet even as we speak them—even as we call the massacre senseless and savage and appalling—we know they do not fully express the emotions that Members of this body and American citizens everywhere feel today.

I urge, therefore, the unanimous approval of this resolution.

Mr. BEALL. Mr. President, the tragic end to the terrorist raid at the Israeli compound in Olympic village brings great sorrow into the hearts of people the world over. I join with citizens everywhere in extending sympathy to the families and countrymen of the Israeli Olympians who lost their lives in this barbaric act.

This tragic event should serve as a grim reminder that terrorism is in no way an answer for a people's problems and cannot be condoned in any society.

The continuation of the Olympics will hopefully demonstrate that decent people will not be intimidated by violence and that the spirit of brotherly love and good will must prevail among the peoples of the world.

Mr. COOK. Mr. President, the senseless tragedy at Munich has dealt a crippling blow to the spirit of world harmony which the Olympic games had so ably promoted. The savage and barbaric slaughter which a small group of deranged men have perpetrated in Germany must sicken everyone who values human life.

The peoples of the world have almost unanimously condemned the wanton and ruthless murders committed by the Palestinian terrorists. This, I believe, is a display of the honest desires of all nations for a world of peace and brotherhood. But expressions of outrage do nothing to stop these aberrations on mankind.

The nations upon which terrorists rely for support and sanctuary must show their contempt for such acts by turning their backs on these violent creatures. Those nations must cooperate with the rest of the world in flushing out cancerous elements, and bringing them to justice before the peoples of the world.

I hope that our strong urge to strike out in retribution does not obscure our continuing efforts to bring worldwide peace, and to rid the world of the hatred which led to yesterday's tragic events. We mourn for those who have died so pointlessly; we mourn also that such abhorrent crimes still blight our civilization.

Mr. CASE. Mr. President, I am deeply grieved by the tragic loss of life in Munich. My condolences go out to the families of those who died and to the whole State of Israel at this awful moment.

The heinous conduct of the Palestinian terrorists must be universally condemned. Their mindless violence ranks with history's most despicable acts.

Mr. KENNEDY. Mr. President, all Americans and people throughout the world share sorrow and pain over the tragic loss of life in Munich. The senseless deaths of Israel's athletes is a crime against humanity and the reconciliation and brotherhood of the Olympic spirit.

We must deplore this depravity. But we must also be reminded that the world is wracked with the pain of senseless acts—which grossly violate common decency and human dignity, and paralyze constructive efforts to ameliorate tensions and solve problems and meet the aspirations of all people for peace and a better life.

We have been witnessing an extraordinary degree of political violence in recent times—in all parts of the world by individuals and governments alike. This condition cries out for more concern and action by responsible governments and the United Nations. Let us hope that constructive efforts for a better world can work their will in the months ahead.

Mr. BUCKLEY. Mr. President, the terrorist murders of Israeli athletes at the Olympic games site in Munich is a uniquely reprehensible act. It not only violates every norms of civilized behavior but does so in a place dedicated, ironically enough, to the noble concepts of peace and brotherhood. The whole world stands in pity and sorrow and anger before this monstrous act.

Our grief and our stunned acknowledgement of the enormity of this deed should serve as reminders that whenever terrorism is allowed to flourish, the whole fabric of civilization is endangered. The bloody logic of a particular kind of fanaticism and terrorism reached its ultimate conclusion in Munich. It achieved its end—violence and murder—partially because the inflamed rhetoric of some leaders had assured the terrorists that any crime they might commit would be absolved by history because of its being committed in the name of an allegedly higher cause. In the Olympic site we have seen the logical consequence of the condoning of terror. Yet all over the world, at this moment, apologists for terrorists with different causes, but the same methods, weave insidious arguments to justify their deeds.

In retrospect, the young Israelis are the victims of careless words as well as unspeakable deeds. For too many years, too many intelligent, articulate men and women have given to terrorism the intellectual and moral facade it needs to survive.

There will be those, inevitably, who will state that these and other murders are somehow or other justified because committed in pursuit of some holy cause. We have heard such sophistical arguments before and we will hear them again. But out of our sorrow at the wanton killings in Munich, out of our pity we must draw the strength to do what we can to insure that terrorism, wherever it appears, by whomever it is committed, and in whatever cause, will be condemned for what it is: a cowardly and monstrous act deserving nothing but the contempt of civilized men and women all over the world.

Let us resolve that whenever and wherever we can in our country and abroad we will challenge the rhetoric of violence and the sophistry of ideological arguments seeking to give to terrorism a cloak of respectability. No historical imperative, no noble cause, no greater end is served by the deliberate premeditated and cold-blooded terrorist murder of innocent human beings. During their lives the Israeli victims were living symbols of what man can accomplish when he turns his energy and his discipline and his desire for excellence to constructive ends. In their deaths they have become symbols of all of the innocent men, women, and children who have become victims of terrorists' fanaticism all over the world.

Mr. SCHWEIKER. Mr. President, I rise in support of Senate Resolution 358, a resolution expressing the sense of the Senate condemning the terrorist killings yesterday at the 20th Olympiad in Munich, Germany. I am joining as a cosponsor of this extremely timely resolution.

Mr. President, the tragedy at Munich yesterday has stunned the entire world, and has inflicted a heavy loss upon the entire world as well.

Today we mourn for those who were slain in the aftermath of this senseless, destructive terrorist raid on the Israeli athletes' dormitory.

We mourn with the people of Israel, united in tragedy as one family, as it grieves for its fallen athletes.

We mourn with the people of Germany, for whom this will always stand as a sad event in their history.

We mourn for the spirit of the Olympic games, stained by this brutal deed that made senseless conflict take the center stage away from the classic Olympic theme, cooperation among nations.

And we mourn for the loss of sanity in our world today, as terrorists can roam the world and commit such desperate, brutal acts against innocent victims.

Each time there is an airplane hijacking, or a bomb planted in a public place, or a massacre such as the recent one at Lod Airport in Israel, the authorities responsible for law and order face a difficult choice.

More stringent security measures can always be imposed. The right to travel itself can be more restricted. But a determined and clever terrorist can find ways to circumvent the tightest of security. And each time there are more restrictions imposed, the public pays a price for this added security in terms of individual liberty.

There are no easy answers, Mr. President, but when an incident like this occurs, in our own country or abroad, we have a responsibility to ponder the problem and consider what steps might be taken to help prevent such tragedies in the future. We must at the same time make it clear that terrorists who attempt such foul deeds in the future against

perfectly innocent victims will have the full condemnation of the people of the United States and their Government.

Mr. JACKSON. Mr. President, the unspeakable act which we have just witnessed at Munich is the latest in an incredible series of atrocities committed by Arab terrorist groups and their recruits against innocent people at the indulgence of the international community. Unless we put an end to this indulgence for the terrorists and the nations which aid and abet them, it will not be the last.

I hesitate to call it the most awful yet, because it is impossible to make such an evaluation when the history of horrors perpetrated by these terrorists in recent years includes—and the list is by no means exhaustive—attacks on El Al planes in the airports of Athens, Zurich, and Munich; explosions in crowded Jerusalem marketplaces and in the Tel Aviv central bus terminal; the bombing of an El Al office in Athens; the bombing of a Jewish-owned department store in London; the assault on an Israeli school bus; the destruction in flight of a Swissair plane; the rocketing of an Israeli home for the aged; the recent massacre at Lod Airport; and all the hijackings and attempted hijackings. The death toll from this squalid war against civilians inside and outside Israel is staggering.

Mr. President, no Israeli, no friend of Israel, no one anywhere in the world who has any contact or connection with Israel will be safe from these terrorists until the international community makes it clear that it will not submit to their murderous blackmail. The only way to stop the terrorists is to hold responsible the nations which serve as their training and fueling grounds and which welcome them back after their exploits. Sovereign nations must no longer be permitted to avoid blame for the terrorist outrages made possible by their support. The international community, once and for all, must take steps to isolate the countries which protect those who commit crimes against humanity.

I believe that we should seriously explore avenues of restricting the participation of such states in normal international commerce and communications until such time as they bring under control the terrorists operating within their territory. I strongly support today's Senate resolution and I hope that it will encourage our Government to initiate appropriate proposals along these lines.

Mr. EAGLETON. Mr. President, yesterday at the 20th Olympiad in Munich, the nations of the world watched in horror as mindless terrorism took 16 lives. The victims of this outrage were not just the Israeli athletes, but all of us.

The achievement of political objectives by violent means can never be tolerated. Those who have perpetrated this crime have only contributed to the ultimate defeat of their movement. The resolve of those who are committed to a free and secure Israel will only be strengthened.

The Jewish people reached their promised land only after centuries of adversity and persecution. It was only seven Olympics ago that the nation of Israel was born. When the members of the Israeli Olympic team came to Munich, they felt great pride for their nation. But, when they died, they were not only citizens of Israel, they were Olympians—they belonged to the brotherhood of nations.

This weekend, Jews around the world will observe their High Holy Days. It is a time for reflection and a time for renewal. It will be diffcult this year, but despite the tragedy experienced in Munich, let us all seek renewal.

It is said that Jews seek God earnestly, not only to find Him, but to discover themselves. Perhaps as we share the grief of the Jewish people, we, too, can find the thread of faith in our fellow man—so difficult to see in the twilight of Munich—that will help us to rediscover ourselves.

MAYHEM AT MUNICH

Mr. MATHIAS. Mr. President, self-centered and irresponsible political forces have shattered the dream of the Olympics and have dealt a vicious blow to the hopefulness and enthusiasm of thousands of young men and women who came to Munich seeking no greater reward than the right to compete in peaceful athletic rivalry with their peers from all over the world.

It is important that the whole world condemn this resort to violence at a moment when mankind is expressing its aspirations for peace through participation in the Olympics. It is especially important, particularly within the Arab world, that there be no condonation, no sympathy, and above all no sanctuary for those who have perpetrated this crime.

I, of course, extend every possible condolence to the families of those who have died and to those who are suffering at this time, but I think the lesson for the world to learn is that there can be no compromise with violence and disorder of the kind that we have seen in Munich.

The Senate has properly condemned the Munich mayhem by unanimous resolution and I consider it a solemn responsibility to be a cosponsor of that measure.

TERRORISM AT THE OLYMPICS

Mr. GURNEY. Mr. President, for the past week, many of us have been following the progress of the summer Olympics in Munich with great interest and enthusiasm—interest in seeing who would win, enthusiasm in watching athletes of all nations compete in a spirit of goodwill among nations.

Coming on the heels of a relaxation of world tensions, the games were adding fuel to the hope that friendly competition within a framework of international peace and cooperation could finally become a reality. Perhaps nothing underscored this hope more than the fact that an Israeli team was competing a scant 30 miles from the site of an infamous concentration camp that, less than 30 years ago, was dedicated to the extermination of countless numbers of innocent people of the Jewish faith.

The tragic events of yesterday indicate that these fond hopes were premature. By wantonly killing 11 members of the Israeli Olympic team, eight Arab lunatics have shown themselves to be no less barbaric and no more considerate than those who gave the orders at places like Dachau.

The enormity of the crime becomes all the more unbelievable when one considers the consequences. The perpetrators of this atrocity could not have believed that their cause, or the cause of world peace, would be helped by such a futile display of blackmail and cold-blooded murder. If they wished to draw attention to their cause, they succeeded, but it will be the type of attention that one gives brigands of the very worst kind.

Peace between Arabs and Israelis can only come when such tactics are discarded and both parties sit down and negotiate face to face in the same spirit of cooperation envisioned by the Olympics.

This type of guerrilla action is totally repugnant to the spirit of the Olympics and to the conscience of the world. It defies words to condemn it; yet it must be condemned in the strongest possible terms. I am sure people around the world are as appalled as I am by this slaughter of part of the Israeli Olympic team. We can only hope that there is no repeat of this senseless bloodshed and that other would-be terrorists realize that there can be no profit from it. In my view, the best way to repudiate the terrorists and to honor the memories of those Israeli Olympic participants who have been killed, is to finish the games for which they trained so hard. That would be a fitting memorial to their dedication and to the ideal upon which the Olympics were founded.

Finally, I think I speak for all Americans in expressing the most profound sympathy to the families of those killed in this tragedy. In this time of sorrow, let us hope that the Olympic ideal, an ideal for which their loved ones died, is not allowed to be buried with them.

OLYMPIC SPIRIT BETRAYED

Mr. HARTKE. Mr. President, the cruel and wanton terrorist activity in Munich transgresses all humane instincts.

The spirit of the Olympic games, long a symbol of peace and brotherhood, has been irrevocably violated. This act of terrorism not only impugns the spirit of the Olympics but undermines the quest for peace among all people.

This senseless slaughter has made us painfully aware that violence and bloodshed pervades even the most peaceful international exchanges.

This killing reinforces our need to rededicate our lives and activity to securing world peace so that in the future young men and women cannot only go to the Olympics without fear of injury but so that all men and women can live without fear for their personal safety.

It is even more tragic that this incident occurs so close to the commemoration of the Jewish New Year, which is a time of deep thought and introspection. It is a time when part of the observance means that each man asks himself, "What did I do wrong by my fellow men and by my fellow man?"

It is time for the United States—and for the world—to reevaluate the depth

of our actions to achieve peace. We must ask ourselves have we done all we can to secure peace for our fellowmen. We can never relent from our quest for world peace.

That all men shall live in peace and in a just and free world is not wishful thinking but must be an ongoing goal, renewed each day and reemphasized by positive action toward that goal.

MUNICH'S TERRIBLE TRAGEDY

Mr. CHURCH. Mr. President, the terrible tragedy that has occurred at the Olympic games in Munich horrifies the world. Yesterday's reign of terror perpetrated by Arab guerrillas will live in infamy. My sympathy goes out to the families of the victims and to Israel, the ultimate object of this awful act.

In the very midst of the international arena of peaceful, competitive sport, these Arab assassins did their bloody work; their obscenity can only tighten tensions in an already volatile Middle East, where pressures will now build for reprisal and revenge.

Before this black September recedes into history, an outraged world must insist upon the rooting out and suppression of the guerrilla organization responsible for the Munich murders. The Arab governments must come to grips with the escalating crimes being committed by Arab fanatics against the people of Israel. As the New York Times editorialized today:

A central question behind yesterday's outrage is who backs the small handful of Arab fanatics immediately involved. Who encourages and finances them? Who offers them safe havens for plotting their murderous deeds and their escape? The answers are not far to seek. These criminals have much sympathy in Arab nations. Often in the past, responsible Arab officials in different countries have had only praise for particular acts of terrorism. It surprised no one that a communique of the Munich terrorists was clandestinely distributed in Cairo yesterday, for Egyptian officials have applauded similar outrages before, notably the massacre at Lod Airport a few weeks ago. The primary responsibility for ending these crimes is that of the Arab states. Never has that responsibility been more clear-cut . . . The fundamental issue is whether there can be effective common action against fanatics and criminals who recognize no boundaries or limits to their depredations. Any nation willing to tolerate or condone such outrages by word or deed deserves outlawry by the civilized world.

I ask unanimous consent that editorials from today's Washington Post and New York Times, plus articles on Arab-Palestinian guerrilla terrorists, 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, Sept. 6, 1972]

AN OLYMPIC TRAGEDY

The moral depravity of the Palestinian terrorists at Munich is of a piece with their tactical and political clumsiness. Plainly, by invading the Israeli Olympic compound they thought to dazzle the world and secure the release of other Arab terrorists imprisoned in Israel. Instead, they brought near universal abloquy upon themselves and their methods and their motives, and failed to gain release of their comrades. But in this unspeakable tragedy, the Israeli hostages were apparently killed.

The Palestinians planned their operation better for publicity than success. They failed to consider that, on principle, Israel does not submit to terrorists' blackmail; for this reason alone, the operation could not have succeeded. Earlier, they further erred by killing two Israelis—who, characteristically, resisted—and thereby devalued their own hand: a dead hostage is worthless. The Palestinians further failed to consider how they would pass the files of marksmen which the Germans were sure to put in place. They did not understand that the special German purpose in hosting the 1972 Olympics—to atone for the 1936 "Nazi Olympics" in which Germans humiliated, among others, Jews—made it virtually certain that Chancellor Brandt would not countenance any faintly similar stain.

It was fitting that the Olympics were suspended while the tragedy unfolded. With gratifying courage, the head of the Egyptian Olympic team denounced the murder of the Israeli wrestling coach. The State Department, in an unusually unequivocal comment, went beyond simply deploring the violence to declare that all countries with "a stake in the international system" must deny such criminals the means—presumably meaning the sanctuary—which alone makes their acts possible.

Fortunately for the host of non-violent Palestinians, their welfare and political future do not depend on the deeds of the few psycopaths among them. In the last year or two, progress in Israeli-Palestinian peaceful coexistence has been widely remarked: the routine two-way commerce across the Jordan River and the summer visits of some 150,000 Palestinians to Israeli-occupied territories are conspicuous parts of it. Israelis' guilt for their own past mistreatment of Palestinians is another potent and positive factor: the current storm, over the Meir government's refusal to honor past pledges and let Arabs return to their old homes in the border villages of Berem and Ikrit, is a case in point.

It is terrible that bloodshed interrupted the Olympics in Munich, but less and less can such episodes clog the incipient flow of Jewish-Palestinian accommodation in the Mideast.

[From the New York Times, Sept. 6, 1972]

MURDER IN MUNICH

That Arab fanatics could engage in indiscriminate murder, kidnapping and aerial hijacking was proved long ago. But yesterday's murderous assault in Munich plumbed new depths of criminality. By choosing the Olympic Games as the occasion for their bloody foray, the Arab terrorists made it plain that their real target was civilized conduct among nations, not merely Israel or the Israeli athletes captured and killed yesterday. If the Olympic Games could provide a setting for release of their homicidal hatreds, then the same threat would hang over every United Nations meeting and all other international gatherings called to promote peace and friendship among nations.

The action of the West German authorities in refusing to let the terrorists fly out with their hostages became a tragic necessity after Egypt had rejected an appeal from Chancellor Brandt for guarantees that captive athletes would be returned. The cost in casualties was horrendous, but the desperate gamble to free the Israelis and to make unthinkable any repetition of such outrages was undertaken only after the Germans offered ransom and substitute hostages to save the lives of the hapless captives.

The sympathy of the civilized world goes out to the families of the victims as well as to the nation that was the immediate object of this heinous plot. It was particularly ironic that this bizarre event in which Jewish lives were again sacrificed took place in West Germany, host to the first Olympic Games on German soil since Hitler presided over the 1936 competition in Berlin. In the wake of yesterday's mass tragedy, it would be a desecration of everything for which the games supposedly stand to continue the 1972 contests. The most fitting expression of global revulsion at the monstrous crime of the Arab terrorists would be cancellation of the rest of the schedule.

A central question behind yesterday's outrage is who backs the small handful of Arab fanatics immediately involved. Who encourages and finances them? Who offers them safe havens for plotting their murderous deeds and their escape? The answers are not far to seek. These criminals have much sympathy in Arab nations. Often in the past, responsible Arab officials in different countries have had only praise for particular acts of terrorism. It surprised no one that a communique of the Munich terrorists was clandestinely distributed in Cairo yesterday, for Egyptian officials have applauded similar outrages before, notably the massacre at Lod Airport a few weeks ago. The primary responsibility for ending these crimes is that of the Arab states. Never has that responsibility been more clear-cut.

In the Middle East itself, the dreadful attack on the Israelis at the Olympics must represent a further setback to the search for a negotiated settlement and a lasting peace, and certainly does irreparable harm to the cause of the Palestinians in whose name such atrocities are perpetrated.

The primary challenge of the Munich crimes is to the international community. The fundamental issue is whether there can be effective common action against fanatics and criminals who recognize no boundaries or limits to their depredations. Any nation willing to tolerate or condone such outrages by word or deed deserves outlawry by the civilized world.

FEDAYEEN FULFILL 1971 VOW BY MAJOR RAIDS ABROAD

(By Eric Pace)

"We shall continue the struggle," a member of the Arab commando Central Committee declared a year ago in Amman, Jordan, and since then the commandos have staged a succession of major attacks outside Jordanian soil.

In their statements, the various guerrilla spokesmen have long been saying that they were using violence to dramatize their grievances and to harry Israel and her supporters.

The guerrillas' ultimate aim is to bring about the dismantling of Israel somehow. They argue that it was unjustly established on land that rightly belonged to the Palestinian Arabs.

Before the 1967 Arab-Israeli war, the fledgling Palestinian guerrilla movement went about its business largely behind Israeli lines. But since then, and since the Jordanian Army offensives against the commandos in 1970 and 1971, the guerrillas or fedayeen, have often found it more expeditious to mount their raids abroad.

It was the 1970 crackdown that gave rise to the name of the shadowy Black September organization. In a statement issued in Cairo yesterday, the group claimed responsibility for the attacks on the Israeli Olympic team in Munich.

In November, 1971, four Palestinians assassinated the Jordanian Premier, Wasfi Tal, at Cairo's most luxurious hotel, the Sheraton, and when they were arrested they said they were members of the Black September group. Last February, an Egyptian state security force freed them on bail of $2,300 each.

"SCORCHED EARTH"

At the time of the assassination, Arab informants in Beirut, Lebanon, reported that the organization had come into existence in July, 1971 and had issued a statement at the

time saying it would mount a "scorched-earth" policy against the Jordanian regime of King Hussein.

But soon afterward, a Jordanian Government spokesman charged that Black September was really only "a mask used by Fatah to hide its treacherous schemes." Al Fatah is the main guerrilla organization.

But no Arab commando group claimed responsibility for the next major guerrilla incident, the hijacking of a Lufthansa jumbo jet to Aden, the desolate capital of Southern Yemen, last February.

The West German Government was reported to have paid a $5-million ransom to the Arab gunmen who took over the plane, which had carried more than 100 passengers including a son of the late Senator Robert F. Kennedy.

GUERRILLAS, IN CAIRO, TAKE RESPONSIBILITY FOR ATTACK

CAIRO, Sept. 5.—An Arab guerrilla organization called Black September claimed responsibility today for the attack on Israeli athletes' quarters at the Olympic Village in Munich.

The group, in a statement handed to foreign journalists, demanded the release of Arab guerrillas held by Israel and threatened to "liquidate" the Israelis held hostage in Munich if West Germans tried to storm their position in the Olympic quarters.

The organization's statement, on four mimeographed pages headed "Communique of the Operation in Munich," was distributed to news agency offices.

The statement said that "our revolutionary forces" were "taking over, right now, the Israeli house at the Olympic Village in Munich." It said, "All members of the Israeli delegation in the house are under armed arrest."

LIST OF DEMANDS

About six words were cut out of the paper at the beginning of the next sentence, which read, "We demand of the Israeli military authorities in occupied Palestine to comply strictly with the following."

A list of demands was then given, calling for the release of Arab guerrillas held in Israel.

The statement also warned against what it called "tricky maneuvers or delaying tactics of any sort." If the Israeli authorities used any, they "will pay then for their arrogance and their disregard for human rights and lives, as well," the statement added.

The second part of the statement termed Israel "an American client state" and said she posed a permanent threat to the people of the Middle East.

METHOD OF RELEASE SPECIFIED

CAIRO, Sept. 5.—The document said to have been distributed by the Black September guerrilla organization said that the released prisoners were to board any non-Israeli plane and fly to any Arab capital other than Amman, Jordan, or Beirut, Lebanon.

After their safe arrival, it said, negotiations could begin with West German authorities for the release of the Israeli hostages and the departure of the Arab guerrillas. Black September will tolerate no compromise, it said.

NO SURPRISE IN BEIRUT

BEIRUT, LEBANON, Sept. 5.—The Black September guerrilla organization's claim of responsibility for the attack on Israeli athletes in Munich came as no surprise here.

Arabs have been expecting the radical group to retaliate for Israelis' storming of a hijacked Belgian Sabena jetliner to the Tel Aviv airport last May.

Black September guerrillas had hijacked the plane with 100 persons aboard to Tel Aviv and demanded the release of guerrillas held in Israeli prisons. Israeli soldiers disguised as airline servicemen attacked the plane, killed two male hijackers and captured the two Arab women helping them. Black September vowed vengeance.

Late in May, three Japanese terrorists acting on behalf of the Popular Front for the Liberation of Palestine, a Marxist group, attacked the Tel Aviv airport with machine guns, killing 28 persons and wounding 72.

The Black September organization is made up of about 200 young guerrillas who were members of Al Fatah, the main guerrilla organization. Some observers believe Black September is a secret Fatah arm, operated by Fatah's intelligence unit.

Black September was so named to symbolize the plight of the Palestinian guerrillas, suppressed by King Hussein of Jordan in September, 1970. The group first appeared last November when four of its men assassinated the Jordanian Premier, Wasfi Tal, in Cairo.

The group also claimed responsibility for an attempt on the life of a former Jordanian Ambassador in London, the sabotaging earlier this year of a factory in West Germany that manufactured electric generators for the Israeli Air Force, and the blowing up of the oil complex at Trieste, Italy, in August.

Black September's activities have evoked mixed Arab reactions—disapproval from most governments and support from some Palestinians and other Arabs.

Arabs appeared today to be stunned by the action in Munich. Their immediate reaction was dismay.

Lebanon indicated disapproval when the Government radio made no mention of the developments in Munich. Other Arab radios reported the attack without comment.

Lebanese wondered whether Israelis would find an excuse for an attack in Lebanon. They noted that the guerrillas here had kept their promise made in June to freeze all operations against Israel from Lebanon.

The Lebanon-Israeli border has been quiet since then. This followed Israeli land and air attacks on guerrilla bases and villages in southern Lebanon.

GUERRILLA DENIAL REPORTED

BEIRUT, Sept. 5.—A Lebanese Government spokesman said tonight that the Palestine Liberation Organization, the over-all guerrilla group, had denied any connection with the guerrilla attack in Munich.

The spokesman said the Palestinian officials here had reported that the organization had nothing to do with Black September.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with the statements made therein limited to 3 minutes each.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, may I be recognized for 3 minutes?

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator will state it.

Mr. JAVITS. Mr. President, the Chair is about to lay before the Senate for a second reading a measure from the House, popularly known as the antibusing bill. My parliamentary inquiry is this: Is there any way under the rules by which at this time by motion or otherwise that bill can be referred to a committee?

The PRESIDING OFFICER. Under the practices and precedents of the Senate there is no way in which that can be done at this time.

Mr. JAVITS. I thank the Chair.

Mr. ALLEN. Mr. President, will the Senator yield for a moment?

Mr. JAVITS. I yield.

Mr. ALLEN. As a matter of fact, has not the Senator himself used this very same method in the past to get bills on the calendar without going to committee?

Mr. JAVITS. The Senator said that yesterday.

Mr. ALLEN. Yes. The Senator is not taken by surprise because he used this very same strategy 15 years ago, I believe.

Mr. JAVITS. There is no claim as to surprise, as the majority leader said yesterday, about the past; it is only as to the future.

Mr. ALLEN. I assure the distinguished Senator from New York there will be no element of surprise in the efforts of the Senator from Alabama to see that the Senate has an opportunity to vote on this most important issue, and he hopes most sincerely that the joint leadership will arrange to schedule this bill for early consideration by the Senate; and I believe that the leadership is going to do that. The Senator from Alabama is going to urge and plead, if necessary, with the joint leadership to set this matter down for consideration by the Senate. Only on failure to prevail on the leadership to bring the matter up will the Senator from Alabama resort to other methods to get a vote.

Mr. JAVITS. I know of few issues before us in which the views of the Senator from Alabama and the Senator from New York are as clear.

Mr. ALLEN. I thank the Senator.

The PRESIDING OFFICER. The Chair now lays before the Senate H.R. 13915 for second reading. Under rule XIV each bill must be read three times on different days. This bill was received from the House on August 18 and was read the first time, at which time objection was heard to its second reading. It will now be read the second time.

The assistant legislative clerk read the bill by title, as follows:

An act (H.R. 13915) to further the achievement of equal educational opportunity.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I object to further proceedings at this time on the bill.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar under rule XIV.

Is there further morning business?

DR. GUILLERMO SEVILLA-SACASA

Mr. COOPER. Mr. President, 29 years ago, on July 30, 1943, Dr. Guillermo Sevilla-Sacasa, a great diplomat, jurist, politician, and parliamentarian, presented his Letters of Credence as Ambassador of Nicaragua to President Franklin Delano Roosevelt.

Since then, Ambassador Sevilla-Sacasa has represented eight Nicaraguan rulers before six Presidents of the United States of America, Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon; and before nine Secretaries of State: Hull, Stettinius, Byrnes, Marshall, Acheson, Dulles, Herter, Rusk, and Rogers. He has dealt with 10 Chiefs of Protocol, Summerling: Woodward, Simmons, Buchanan, Duke, Hand, Abell, Symington, Mosbacher, and Smoak. It may be the only case in the history of universal diplomacy and particularly in representation in our country.

Ambassador Sevilla-Sacasa, a man of extraordinary talent and ability, has given honor to Nicaragua and its administrations along the years of his meritorious career. He was a judge at 21, member of the Chamber of Representatives at 25, speaker of the house at 27 and, in later years, he was also a Senator. It is a remarkable history in the life of a man and proves him to be one of the most valuable statesmen of his country and one of the true values of this continent.

As Delegate of Nicaragua, he signed the Charter of the United Nations at the San Francisco Conference in 1945 as well as the Charter of the Organization of American States in 1948. He has represented his country Nicaragua in more than a hundred international conferences, among them, in 1944, the historic Conference of Bretton Woods, from which have emerged the International Monetary Fund and the International Bank for Reconstruction and Development. At the present time he is Governor for Nicaragua of the Bank.

In 1946 he presided over the Council of the Organization of American States. In 1968, as Vice President, he headed several sessions of the General Assembly of the United Nations. On July of 1970 and on October of 1971, he also headed the Security Council. He has presided at international meetings, among them, the Inter-American Conference on Copyright, the 10th meeting of Consultation of Ministers of Foreign Affairs, the Inter-American Commission on Nuclear Energy, the Commission of the 21, peace commissions, fact-finding missions, and lately the special mission that the Security Council of the United Nations sent to Senegal to investigate serious charges by the Government of Senegal against Portugal and the authorities of Guinea—Bissau. His report, as is widely known, contained important conclusions and recommendations and was approved by the Security Council with its special commendation. The other members of the mission were the Ambassadors of Belgium, Burundi, Japan, Poland, and Syria.

It was my honor and pleasure to serve with Ambassador Sevilla-Sacasa in the General Assembly of the United Nations in Paris in 1951. I was a member of the delegation of the United States, and Ambassador Sevilla-Sacasa participated as chief of the Nicaraguan delegation. His interventions in the debates were always timely; he reasoned with wise judgment and magnificent eloquence.

In this Chamber we have also applauded him when, during many years, on the occasions of the joint sessions of Congress, when he has come to the House of Representatives, meeting with our House and Senate as dean heading the diplomatic corps. His personality, gentility and dignity have been greatly appreciated by all of us.

He is a family man. He and his distinguished wife, Mrs. Lillian Somoza de Sevilla-Sacasa, have had nine children, all of them born in this Capital, where they have studied and are still studying at the present time.

Of his career as Ambassador to our Government we have heard only praise. He is respected and esteemed as a capable statesman, diplomat, and friend.

I wish that my words be registered in the RECORD as a tribute to a man of worth at the initiation of his 30th year of effective diplomatic service. He has understood and been a friend of the United States, but he has always represented faithfully his country, Nicaragua; and these characteristics mark his excellence as the Ambassador of Nicaragua.

Mr. SAXBE. Mr. President, I join the Senator from Kentucky (Mr. COOPER) in recognizing the services to his country of Dr. Guillermo Sevilla-Sacasa. This gentleman has served his country extremely well, and the relationship between the United States and Nicaragua has profited thereby.

I had occasion to visit Nicaragua and to feel the warmth of their regard for the United States, and a great deal of that I attribute to the representation of his country here by Dr. Sacasa.

The 29 years that he has served as Ambassador to this country have been years in which the two countries have drawn closer together, and have not been thrust apart. The economic relationships between the United States and Nicaragua have been friendly and profitable to both countries, and I hope the feelings that exist will continue, and I know they will as long as Dr. Sacasa or men like him represent his government in the United States.

Mr. JAVITS. Mr. President, I wish to acknowledge the extraordinary and outstanding service of His Excellency Dr. Guillermo Sevilla-Sacasa, the Nicaraguan Ambassador to the United States for the past 29 years. Since July 1943, Ambassador Sevilla-Sacasa has proved himself outstanding in his role as dean of the Diplomatic Corps in the United States as Ambassador and as the Nicaraguan Representative to the United Nations and to the Council of the Organization of American States. Serving as the Dean of the Diplomatic Corps since January 1958, under four American Presidents, he is an exemplary elder statesman whose advice and leadership has been of inestimable benefit to the international organizations and offices where he has served and especially to his country.

Ambassador Sevilla-Sacasa is the recipient of over 30 honorary degrees from American and European nations, and he has served as the President of the Chamber of Deputies of Nicaragua. It is an honor to call to the attention of the Senate the fine service of this experienced statesman and to wish him a happy birthday, his 64th, this Friday, September 8.

Mr. CHURCH. Mr. President, I join my Senate colleagues today in saluting my friend, the doyen of the diplomatic corps, His Excellency Dr. Guillermo Sevilla-Sacasa, who recently began his 30th year of service in Washington, D.C.

Ambassador Sevilla-Sacasa has daily displayed his friendship and good will toward the American people. In the course of his professional work, he has been helpful to the U.S. Government time after time, arranging, mediating, and participating in critical diplomatic negotiatons. I, for one, hope that the Ambassador has kept a diary of his service in Washington, and will one day write his memoirs of what he saw and what he did.

During his long and distinguished tenure, the former parliamentarian and judge has represented his Government during years presided over by Presidents: Franklin Delano Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon . . . an extraordinary record.

Besides his numerous diplomatic duties in Washington, Ambassador Sevilla-Sacasa serves as Nicaragua's Representative at the United Nations General Assembly in New York City. He was an original signer of the U.N. Charter.

Mr. MANSFIELD. Mr. President, Ambassador Guillermo Sevilla-Sacasa completed, on July 30, his 29th year as Ambassador of Nicaragua to the United States. Before his service as Ambassador, he had served his country as a judge, a member of the chamber of representatives, and a senator.

During his tenure as Ambassador, he has served as his country's representative to the United Nations on numerous occasions, and I had the honor of serving with him in the General Assembly in Paris in 1950.

Ambassador Sevilla-Sacasa was a signer of the Charter of the United Nations, and has served as his country's representative in the Organization of American States.

He is now the dean of the diplomatic corps in Washington, and we have noted his dignity and courtesy to the diplomatic corps and to Members of Congress.

He is a devoted family man.

I join in congratulating Ambassador Sevilla-Sacasa and Mrs. Sevilla-Sacasa on his service to his country.

Mr. PASTORE. Mr. President, whenever this Senate of the United States meets in joint session with the House, it is an event of historical importance.

It is a time of pageantry, too, as the diplomatic corps representing the nations of the world parades to its place of honor.

The burst of applause is first of all for the head of that parade, the dean of the diplomatic corps. He is my good friend as he is the friend of all of us and friend of our country, the Ambassador of his own Nicaragua, the Honorable Guillermo Sevilla-Sacasa.

Ambassador Sacasa was already long established when I came to the Senate 22 years ago and it is to mark his 30th year in Washington that I speak today.

The gracious personality that I have enjoyed on numberless occasions was developed in an earlier Nicaraguan career that earned Dr. Sacasa laurels as a jurist, parliamentarian, and statesman.

As a youth of 21 years, he was already a judge. Four years later he was a member of the Nicaraguan House of Representatives and within 2 years its speaker—and then senator in his Government and now at Washington he can count eight Nicaraguan rulers he has represented here.

Six Presidents of the United States have received him since that July 30, 1943, when he was presented to Franklin Delano Roosevelt at the White House.

To cover the same span of years his friendship has included nine Secretaries of State, nine Chiefs of Protocol, and four Supreme Court Justices.

International affairs have commanded his talents—United Nations, the Organization of American States, the American Commission on Nuclear Energy, among them.

The rollcall of his responsibilities is most prestigious, but most of us count personally the years of our friendship with his genial personality, the delight of every gathering, a warm-hearted family man shared with his distinguished wife, Mrs. Lillian Somoza de Sevilla-Sacasa, the love of nine children, all born within the circle of this city of Washington.

So this is a tribute to personal and international friendship, hands and hearts across the American continent, and a grateful accolade to a great citizen of the world, Ambassador Guillermo Sevilla-Sacasa.

Mr. SPARKMAN. Mr. President, today I want to join some of my colleagues in congratulating Ambassador Sevilla-Sacasa of Nicaragua on the occasion of his completing 29 years as Ambassador to the United States. As everyone knows, he has for many years been the dean of the Ambassadors in Washington.

I had the privilege in 1950 of serving as a delegate in the General Assembly of the United Nations. He was there at that time. I enjoyed my association and my service with him. He has represented his country in the United Nations many times and is the member of the Organization of American States representing Nicaragua.

During his career, he has received many honorary degrees. He and his wife are the parents of nine children.

He has been a great representative of his country and a most popular Ambassador in Washington. He and his country have been our great friends. I congratulate his fine country for having had for these many years such an able and outstanding representative in the ambassadorial corps in Washington.

THE ANTIBUSING BILL

Mr. BAKER. Mr. President, I wonder if I might have the attention of the distinguished majority leader for a moment.

Mr. MANSFIELD. Yes.

Mr. BAKER. On yesterday I inquired of the distinguished majority leader what plans, if any, might be contemplated by the joint leadership on how soon we could expect action on the so-called antibusing bill. Today we have the bill going to the calendar on objection to its further consideration at this time. Since it is on the calendar, I wonder if the leadership today can give us any more information than we were able to get yesterday on when this bill might be placed before the Senate for consideration.

Mr. MANSFIELD. Mr. President, unfortunately, I am unable to reply affirmatively because, following my usual custom, it is my intention to discuss this matter with the distinguished Republican leader, and after that has been done, then the joint leadership may be in a better position to answer the question raised by the distinguished Senator from Tennessee.

Mr. BAKER. I thank the distinguished majority leader. I would simply say the Senator from Tennessee is most anxious for the Senate to proceed to the earliest possible consideration of this most important bill. I would strongly urge the joint leadership to give consideration to its earliest possible action. The schools of my State, and other States as well, having just opened, it is a matter of paramount importance, and I think it is important that the Senate consider it as early as possible.

Mr. MANSFIELD. I understand. The Senator's suggestion will be kept in mind.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF THE ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Deputy Assistant Secretary of the Army (R. & D.), transmitting, pursuant to law, a report on Department of the Army Research and Development Contracts, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

PERMANENT RESIDENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to permanent residence for certain aliens (with accompanying papers); to the Committee on the Judiciary.

FINANCIAL AUDIT OF THE MILITARY ORDER OF THE PURPLE HEART OF THE U.S.A., INC

A letter from the Adjutant General, Military Order of the Purple Heart, transmitting, pursuant to law, a financial audit of that order, for fiscal year 1972 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Maryland; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 102

"House Joint Resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women

"Whereas, The 92nd Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"Whereas, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the states; and

"Whereas, The State of Maryland wishes to ratify this proposed amendment to the Constitution of the United States which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the Constitution of the United States, viz:

" 'ARTICLE

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

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

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

"Resolved by the General Assembly of Maryland, That the foregoing proposed amendment to the Constitution of the United States is ratified by the State of Maryland to all intents and purposes as a part of the Constitution of the United States; and be it further

"Resolved, That the Governor of the State of Maryland is requested to forward authenic copies of this Resolution, under the Great Seal of the State of Maryland, to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Administrator of General Services of the United States."

The petition of Matilda B. Snowberger, of Williamsburg, Pennsylvania, expressing opposition to the Genocide Treaty; to the Committee on Foreign Relations.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore on today, September 6, 1972, signed the enrolled bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2818. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug diethylstilbestrol (DES) to any animal intended to use as food, and for other purposes (Rept. No. 92-1088).

By Mr. BENTSEN, from the Committee on Armed Services, with an amendment:

S. 3905. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes (Rept. No. 92–1089).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 909. A bill for the relief of John C. Rogers (Rept. No. 92–1092);

S. 2714. A bill for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps (retired) (Rept. No. 92–1093);

H.R. 1860. An act for the relief of David Capps (Rept. No. 92–1094);

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell (retired) (Rept. No. 92–1095);

H.R. 5315. An act for the relief of Gary R. Uttech (Rept. No. 92–1096); and

H.R. 10635. An act for the relief of William E. Baker (Rept. No. 92–1097).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 995. A bill for the relief of Ronald K. Downie (Rept. No. 92–1090); and

S. 3257. A bill for the relief of Gary Wentworth, of Staples, Minn. (Rept. No. 92–1091).

COMMUNICABLE DISEASE CONTROL AMENDMENTS ACT OF 1972—REPORT OF A COMMITTEE (S. REPT. NO. 92–1087)

Mr. KENNEDY, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Wesley G. Campbell, of California; T. Marshall Hahn, Jr., of Virginia; Anna J. Harrison, of Massachusetts; Hubert Heffner, of California; William H. Meckling of New York; William A. Nierenberg, of California; Russell D. O'Neal, of Michigan; and Joseph M. Reynolds, of Louisiana, to be members of the National Science Board, National Science Foundation.

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. McINTYRE:

S. 3955. A bill to amend the Economic Stabilization Act of 1970 to provide for the pass through of extra costs reasonably attributable to an increase in the minimum wage. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 3956. A bill for the relief of Kamal Antoine Chalaby. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3957. A bill for the relief of Mr. Cacarias Gonzales Tagamolila. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. ALLOTT (by request):

S. 3958. A bill to amend the Wild and Scenic Rivers Act; and

S. 3959. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 3960. A bill for the relief of Mr. and Mrs. Karl Emil Christiansen. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McINTYRE:

S. 3955. A bill to amend the Economic Stabilization Act of 1970 to provide for the pass through of extra costs reasonably attributable to an increase in the minimum wage. Referred to the Committee on Banking, Housing and Urban Affairs.

FAIRNESS AMENDMENT TO THE ECONOMIC STABILIZATION ACT

Mr. McINTYRE. Mr. President, the Senate and the House of Representatives have both recently passed legislation providing for increased minimum wages.

It is anticipated that in the near future the Senate and House conferees will submit to Congress a conference report reconciling the differences in the bills passed by both Houses. In view of the fact that our economy is presently under wage and price controls, serious questions arise as to the effect and manner in which minimum wage increases will be implemented.

The Congress will create economic turmoil if it increases the minimum wage without appropriately amending the Economic Stabilization Act of 1970. The effects of a minimum wage increase on both employees and employers should be fully considered by the Congress simultaneously with a minimum wage increase.

Under Price Commission regulations, manufacturers are allowed to increase prices on their products to the extent that such price increases are necessitated by increased production costs. Included among the permissible allowed price increase elements are increased wages paid to employees. This, however, is not the case with retailers and wholesalers. While the Price Commission has exempted from price control small business firms with 60 or fewer employees, those retailers and wholesalers employing more than 60 persons are still allowed only those price increases directly attributable to increased cost of the products they sell.

When the new minimum wage legislation is passed, we will have a situation where manufacturers will be allowed to increase the cose of their products as related to increased wages but wholesalers and retailers will not.

On the employees side, the question of equity also arises in that employees at or near the minimum wage will be allowed up to a possible 25-percent increase in salary while workers earning somewhat more than minimum wage would be held to 5.5 percent guidelines established by the Pay Board.

Mr. President, fairness and good sense dictate that it should be made explicitly clear that the Pay Board is empowered to allow employers to raise beyond the 5.5-percent guidelines, wages of workers whose wages would normally be increased to reflect the customary differential existing among wage earners. The so-called economic phenomena identified as the "ripple effect" is no more than an affirmation of the fact that wages are relative. The current across-the-board 5.5-percent guidelines of the Pay Board would not permit, however, the operation of the "ripple effect" for wage earners above $2.75 an hour whose wages have customarily been related to wage earners directly affected by minimum wage levels under the Fair Labor Standards Act. This amendment will correct this inequity for employees.

On the employer's side, it is axiomatic that wage increases of up to 25-percent and increased wage-related fringe benefit costs will create greatly increased pay roll costs. Here again, fairness and good sense dictate legislation that would direct the Price Commission to permit those increased costs to be offset through higher prices as is presently permitted for manufacturers. If Government legislation requires increased costs, it should certainly allow those costs to be recouped in the only manner feasible, through increased prices. This is presently denied to wholesalers, retailers, and related commercial enterprises. This amendment will correct this inequity for these employers.

This amendment would permit all workers to seek and employers to pay increased wages to those employees whose wages bear a customary relationship to workers earning at or near minimum wage levels. Furthermore, this amendment would instruct the Price Commission to allow retailers and wholesaler employers to offset their increased costs occasioned by the increases in the minimum wage and wage-related fringe benefit costs—social security, unemployment compensation insurance, et cetera—by increasing prices accordingly.

I would like to make it clear, however, that this amendment precludes the employer from realizing increased profits as a result of increases in productivity gained through wage increases. The amendment clearly states that—

To the extent that productivity gains would result in increased profits, such price increases shall be diminished proportionately.

The bill is simply designed to allow employees to receive increases in their wages and to maintain the same balance between wages and prices as was present before the passage of wage increases under the Fair Labor Standards Act.

Mr. President, I ask unanimous consent that 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. 3955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(f)(1) of the Economic Stabilization Act of 1970 is amended by inserting immediately

after "under such Act" the following: "nor to preclude or limit the payment of any increase in wages to employees whose wages have customarily been related to wages of employees directly affected by an increase in wages pursuant to the Fair Labor Standards Act of 1938 in an amount reasonably necessitated to maintain such customary relationship; and in the event of any increase in wages pursuant to the Fair Labor Standards Act of 1938 to employees directly affected by an increase in such wages as well as to employees whose wages have customarily been related to those of the directly affected employees, the employer paying such increases shall be permitted to increase his prices to the extent reasonably necessitated by such increase in wages and wage related fringe benefits payable to him. To the extent that productivity gains would result in increased profits, such price increases shall be diminished proportionately."

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3958. A bill to amend the Wild and Scenic Rivers Act. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself, and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT), I introduce by request a bill to amend the Wild and Scenic Rivers Act of 1968—Public Law 90–542.

Section 7b of the act prohibits the Federal Power Commission from licensing any project on or directly affecting any of the 27 rivers listed for study as potential additions to the system. The prohibition is for a 5-year period following enactment of the act—until October 2, 1973—and for an additional period under certain circumstances.

The bill which I introduce today would extend the 5-year moratorium for an additional 5-year period from which time it is expected that studies would be completed on all of the 27 areas.

The bill would also amend section 16 of the act and increase the authorization for the acquisition of lands and interests in land for eight river areas in the initial system from $17 million to $36 million. It is estimated that an additional $19 million is needed to complete acquisitions at the river areas as follows:

Rio Grande River, New Mexico	$100,000
St. Croix River, Minnesota and Wisconsin	1,000,000
Rogue River, Oregon	8,800,000
Middle Fork Clearwater River, Idaho	2,100,000
Feather River, California	3,500,000
Middle Fork Salmon River, Idaho	1,000,000
Eleven Point River, Missouri	2,500,000
	19,000,000

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3959. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I send to the desk for appropriate reference a bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments.

Mr. President, this measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the draft proposal be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August, 10, 1972.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments."

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

The bill would authorize the Secretary of the Interior to engage in feasibility studies of six potential Reclamation projects. Reconnaissance studies (or comparable information) indicate preliminarily that the projects are economically desirable, financially justified, and enjoy good local support. Feasibility studies are warranted. Authorization of feasibility studies as proposed by this bill is required by section 8 of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 217; 16 U.S.C. 4601–19).

Supplementary statements containing information on the six potential projects and justification for seeking feasibility study authority are enclosed.

The effects of the potential projects on water quality, recreation, fish and wildlife, historic, scenic, archeologic, aesthetic and other environmental values will be considered fully in the proposed feasibility studies.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

JAMES R. SMITH,
Assistant Secretary of the Interior.

S. 3959

A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resource developments—

(1) Cache Creek Project in Comanche, Cotton, Tillman, Jackson, and Kiowa Counties in southwestern Oklahoma.

(2) Garrison Diversion Unit, M&I Water Facilities, Pick-Sloan Missouri Basin Program, in central North Dakota.

(3) Oahe Unit, M&I Water Facilities, Pick-Sloan Missouri Basin Program in east-central South Dakota.

(4) Three Forks Division, Pick-Sloan Missouri Basin Program, in Gallatin and Madison Counties, northwest Montana.

(5) Tucumcari Project in San Miguel County in east-central New Mexico.

(6) Uncompahgre Project Improvement and Extension in Montrose and Delta Counties in the vicinity of Montrose and Delta, Colorado.

CACHE CREEK PROJECT, OKLAHOMA

Location: The drainage basin of Cache Creek and its tributaries lying primarily in Comanche, Cotton, Tillman, Jackson, and Kiowa Counties in southwestern Oklahoma.

Project Data: Reconnaissance Report, April 1971, based on April 1970 prices and an interest rate of 5⅛ percent.

Total construction cost [1]	$42,504,000
Adjustments	
Total allocation	42,504,000
Program goals	
M&I water (A.F./yr.)	27,000
Cost allocation	
M&I water (A.F./yr.)	39,820,000
Fish and wildlife	197,000
Recreation	2,487,000
Total	42,504,000
Benefit-cost ratio	1.25 to 1.00

[1] Based on one of several alternatives studied.

Description: The investigation will provide a feasibility appraisal of the water resources of the area and of potentialities for their development for municipal and industrial water supplies, pollution abatement, recreation, fish and wildlife, and flood control purposes.

The project as presented in the reconnaissance study would consist of the potential Cookietown dam and reservoir, which would regulate the flows of Deep Red Creek in southwestern Oklahoma, and an aqueduct system about 23 miles in length to deliver water supplies to Lawton, Oklahoma, including Fort Sill. It would also provide flood control, fish and wildlife, and recreational benefits. Water quality control releases would be made to Cache Creek below Lawton. The feasibility of providing municipal water to Altus, Oklahoma, would also be studied.

Status: A reconnaissance report was completed in April 1971.

Justification: A separate investigation now underway to develop an Oklahoma State Water Plan is scheduled for completion in fiscal year 1974. An interim appraisal was completed in fiscal year 1967. This appraisal included a tentative statewide physical plan which featured opportunities for the transfer of water from water surplus areas to meet the needs of water deficient areas in Oklahoma. The interim appraisal included consideration of a dam and reservoir site at the Cookietown site on Cache Creek.

Phenomenal population growth—92.5 percent from 1940 to 1950 and 77.5 percent from 1950 to 1960—taxed many of the necessary utilities and services of the Lawton area, especially municipal and industrial water supplies. This growth, together with the paucity of water supply sources in the area, caused local officials to become concerned with locating and developing additional water supplies. While it was recognized that the ability of the Cache Creek Basin to supply local needs would be a part of the Oklahoma State Water Plan, the progression of the State plan to individual project studies will likely require a period of several years. Because of this situation, an independent reconnaissance study of the Cache Creek potential was carried out by the Bureau.

The reconnaissance report completed in April 1971 on the "Cache Creek Project, Oklahoma" established that when needed, streamflows in the Cache Creek Basin constitute the most favorable surface water resource of significant volume and suitable quality available to Lawton, but that such supplies are not needed to meet Lawton's needs in the near future. However, other severe water shortages in southwestern Oklahoma appear to justify more immediate study and development of the water re-

sources of the Cache Creek Basin. Southwestern Oklahoma is the most critical area in the State from the standpoint of the development of adequate quantities of suitable quality water to meet requirements. At the present time, there are two weather modification contracts in operation. The Cache Creek Basin is located in this area and is one of the few remaining water sources.

In recognition of the critical situation, the Oklahoma Water Resources Board has requested that investigations for the Oklahoma State Water Plan be confined to the southwestern part of Oklahoma and that a feasibility report be prepared that would evaluate the potentialities of making water deliveries to points of need outside the Cache Creek Basin, including the city of Altus, as well as meeting in-basin needs when they occur.

Local interest: The Oklahoma Water Resources Board is extremely interested in the completion of a feasibility report as this potential project appears to provide for local needs within the Cache Creek Basin as well as the most logical means of alleviating water shortages in the southwestern part of the State.

Feasibility investigation costs: $275,000, 3–4 year study.

GARRISON DIVERSION UNIT M. & I. WATER FACILITIES PICK-SLOAN MISSOURI BASIN PROGRAM, NORTH DAKOTA

Location: Central North Dakota in Bottineau, Eddy, La Moure, McHenry, McLean, Nelson, Renville, Sargent, Sheridan, and Wells Counties.

Project data: Reconnaissance studies of January 1972 (draft of reconnaissance report).

First Phase (cities of Lansford, Harvey, and Fessenden)

Total construction cost	$2,700,000
Adjustments (assignment from Garrison Diversion Unit)	1,370,000
Total to be allocated	4,070,000
Allocations:	
Municipal and industrial water (750 acre-feet per year)	1,270,000
Recreation, fish and wildlife	2,800,000
Total	4,070,000

Benefit-cost ratio at 5⅜ percent 1.2:1.0

Second Phase (11 or more cities and four industrial areas)

Total estimated investigation costs and construction costs to be determined prior to initiation of each investigation.

Description: The purpose of this investigation is to develop detailed plans for delivery of municipal and industrial water from Garrison Diversion Unit (under construction) to several municipalities and industrial areas that may need water from the Unit. Of the municipalities proposed for water service from the authorized initial stage of Garrison Diversion Unit, feasibility investigations have been completed only for the city of Minot. The initial stage of the Minot extension proposed as a result of that investigation has been authorized and is now under construction.

The *First Phase* of the study is concerned with three municipalities in the project service area: Lansford (population 296), Harvey (population 2,361), and Fessenden (population 815).

Under plans formulated during reconnaissance studies, water would be conveyed from canals of the Garrison Diversion Unit to multipurpose or single-purpose storage reservoirs to supply municipalities during peak water demand periods and during the winter when canals would not be operated. The multipurpose reservoirs would be developed for recreation and fishing uses if feasible.

Feasibility investigations will consider alternative plans for water service in more detail and evaluate the future demands for the communities as well as costs and benefits of the proposals.

The *Second Phase* of the study is concerned with other communities and possible industrial areas. In preliminary studies, the municipalities of Glenburn (population 381), Granville (population 282), and New Rockford (population 1,969) were identified as communities with a potential need for water in the near future. Eight additional communities (combined population 2,966) were identified as possibly needing water, but further studies would be required. Total water requirements for the communities in the Second Phase and possible industrial areas would total over 16,000 acre-feet.

Status: Reconnaissance studies were conducted during 1970–71 to reevaluate the need for municipal and industrial water deliveries from the authorized Garrison Diversion Unit. The three communities of Lansford, Harvey, and Fessenden were selected for initial feasibility investigations.

Justification: Lansford, Harvey, and Fessenden now obtain water from wells, which do not provide water of sufficient quantity or of desirable quality (present supply 1,000 to 2,600 p.p.m. TDS). A supply of better quality water is needed to meet demands of the present level of population and for future growth. Fessenden and Harvey are located in the central section of Garrison Diversion Unit near some of the principal supply features. The towns are not within the irrigation service areas of the initial stage of the Unit but are within a service area of about 60,000 acres proposed for future irrigation. The town of Lansford is near the 104,000-acre service area of the Souris section of the initial stage. Typical of many small agricultural towns, Lansford and Fessenden experienced population losses of about 15 percent during the last decade while Harvey showed no growth. Irrigation is expected to have an impact on all of these communities and, with a good water supply, total population is expected to increase from 3,472 in 1970 to 5,100 by year 2020. Multipurpose aspects of the water service plans could provide, with development of needed facilities, recreation and fishing use estimated at 180,000 days annually.

Similar needs for additional water of better quality exist at other communities, which would be studied in the Second Phase of the investigation.

Interest: The Garrison Diversion Conservancy District has urged, since initiation of construction of the Unit, that plans for providing water service to municipalities be completed in advance of availability of water from the Unit, now forecast for the late 1970's. This interest was reaffirmed by resolution dated October 1971. Lansford has expressed interest in studies of plans for water service by resolution dated December 1971. Fessenden has indicated by resolution an interest in obtaining water at a point closer to the town as well as an increased supply. Harvey has advised by letter its concern about future water supplies and its interest in study of plans to supply water from Garrison Diversion Unit.

As construction of Garrison Diversion Unit progresses, the communities in the Second Phase of the investigation are expected to evidence further interest in studies of methods of obtaining water from the Unit.

Feasibility investigation costs:

First Phase: $220,000, 2–3 year study.

Second Phase: Investigation costs will be determined prior to initiation of the studies.

OAHE UNIT M. & I. WATER FACILITIES, JAMES DIVISION PICK-SLOAN MISSOURI BASIN PROGRAM, SOUTH DAKOTA

Location: East-central South Dakota in Bon Homme, Brown, Davison, Faulk, Hand, Hanson, Hughes, Hutchinson and Spink Counties.

Project Data: A reconnaissance study dated January 1972 was prepared for service to the city of Redfield. This service would be considered to be the first phase of the project.

First phase (city of Redfield)

Total construction costs for service to Redfield	$930,000
Adjustments (assignment from Oahe Unit)	845,000
Total to be allocated	1,775,000
Allocations:	
Municipal and industrial water (2,580 acre-feet annually)	1,395,000
Recreation, fish and wildlife	380,000
	1,775,000

Benefit-Cost Ratio at 5⅜ percent 2.8:1.0

Second phase (sixteen or more cities)

Total estimated investigation costs and construction costs are to be determined prior to initiation of investigation.

Description: The purpose of this investigation is to study the feasibility of furnishing a municipal and industrial water supply of adequate quality and quantity to meet the current and future water needs of several municipalities that may need water from the Oaha Unit.

The First Phase of the investigation is concerned with furnishing municipal water to the city of Redfield, South Dakota (2,943 population in 1970 water service area), and provide an assured supply for a projected population of 11,500.

Under the plan being considered, a water supply would be obtained from the Redfield Canal, a proposed supply feature included in the initial stage of development of the Oahe Unit. The proposed M&I facilities would store and deliver the raw water to the city's existing facilities for treatment and distribution. The proposed features would include a canal turnout delivery structure, a terminal storage reservoir with 1,260 acre-feet capacity, a pumping plant, and a 2-mile transmission pipeline. The storage reservoir located northwest of Redfield, would store water for peak summer demands and for winter months when Redfield Canal would be inoperative.

Alternate plans of development, such as utilizing the flows in the James River, would also be studied.

The *Second Phase* of the study is concerned with other communities. In previous studies of Oahe Unit, 16 communities (combined population of 47,336) were identified as needing municipal water upon development of the Unit. The total water requirements would be over 20,000 acre-feet.

Status: A brief reconnaissance evaluation of the plan for the city of Redfield was completed in January 1972. Reconnaissance studies of other communities were made in the early 1960's as part of project-wide investigations for the Oahe Unit.

Justificaton and needs: Redfield's 1970 population of 2,943 is presently supplied with water obtained from two wells, exceeding 1,000 feet in depth. A quality comparison of the existing well-water supply with that which could be obtained from the proposed Redfield Canal of the Oahe Unit (supplying Missouri River water) is as follows:

SOURCE AND TOTAL DISSOLVED SOLIDS
Existing wells, 2,180 p.p.m.[1]
Missouri River water, 550 p.p.m.[2]

The existing ground-water source is also very high in sodium, sulphates, and chlorides and contains iron. This poor quality approaches and sometimes exceeds limits of recommended Public Health Service drinking water standards. The proposed Missouri River supply source would be greatly superior in quality to that of the existing wells.

Redfield is located immediately adjacent to the proposed Oahe Unit lands in the West

[1] Average TDS of both wells—South Dakota Public Water Supply Data—1971.

[2] Projected quality with full upstream development of Missouri River.

Lake Plain Area. It is anticipated that this municipality will grow as a result of the economic and social impacts it will experience from over 50,000 acres of nearby irrigation development under the Oahe Unit. There is also a need for increased water recreation near the city, which could be met by a storage reservoir.

The benefits of an improved water supply quality will enhance living standards and conditions in the community to provide a better standard of living. The increased water supply will enable Redfield to prepare itself for the expanded community development which is anticipated to occur from irrigation development to adjacent rural areas.

Water is anticipated to be available from works of the Oahe Unit in the late 1970's, and early completion of feasibility investigations of the M&I water supply for Redfield would permit construction to be completed by that time.

Similar needs for additional water of better quality exist at other communities, which would be studied in the Second Phase of the investigation.

Interest: The Oahe Conservancy Sub-District has urged that feasibility investigations be initiated for municipalities which may receive water from the Unit early enough that plans can be completed in advance of availability of water. In the authorized plan for the Oahe Unit, canal-side water service was anticipated for 17 communities. Need developed since the earlier studies for water service to an additional community, the city of Redfield, which would be one of the first areas to receive water from the Unit. Therefore, the conservancy sub-district has urged that a feasibility investigation be made for a water supply for the city of Redfield, with studies of other communities to follow as the need is demonstrated by continuing studies of the Oahe Unit. The conservancy sub-district is also interested in the possibilities of including sufficient water in planned systems to serve nearby small towns and the rural communities.

The city of Redfield formally advised the Bureau of interest in feasibility studies of its water needs in January 1972 and is interested in Federal construction of the conveyance and storage system because of long-term financing needs and possibilities of including needed recreation and fish and wildlife in a multipurpose plan.

The city of Miller, which would be in the Second Phase of the investigation, advised of its need for water in March 1972 and requested that the Bureau of Reclamation make a feasibility investigation.

Feasibility investigation costs:

First Phase: $100,000, 2–3 year study.

Second Phase: Investigation costs will be determined prior to initiation of the studies.

THREE FORKS DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, MONTANA-WYOMING

Location: In drainage basin of Madison River in Madison and Gallatin Counties, southwestern Montana, and in Yellowstone Park, northwestern Wyoming.

Project data: Reconnaissance study of November 1971.[1]

Total construction cost	$1,128,000
Adjustments	
Total to be allocated	1,128,000
Allocations:	
Recreation and sport fishing	910,000
Flood control (not evaluated)	
Externalities	218,000
Total	1,128,000
Benefit-cost Ration (7% discount rate)	3 to 1

[1] Based on National Economic Development alternative. Allocations exclude $34,000 reimbursable interest during construction.

Description: The purpose of this investigation is to evaluate in more detail alternative plans for management and development of the Madison River Basin. Madison River rises in Yellowstone Park and flows in a northerly direction through Gallatin and Madison Counties to join with the Gallatin and Jefferson Rivers at Three Forks, Montana, forming the Missouri River. The basin has a drainage area of 2,240 square miles.

The detailed studies will involve multiobjective planning of Federal and State agencies; local planning groups and individuals; and private recreation and other companies concerned with future development of the Madison River Basin.

Alternative resource management and/or development plans will be formulated to maximize or emphasize the national economic development, regional development, and environmental quality objectives. A selected plan may evolve from these alternatives or a compromise alternative plan may be formulated and recommended.

Status: An advance multiobjective planning study was made in November 1971 under the Western United States Water Plan to test new planning guidelines for evaluating water and land resource projects, at that time being proposed by the Water Resources Council. Existing information was used for the study, as supplemented by a brief investigation by participating agencies.

Justification: Agriculture is probably the most important enterprise in the basin. The agricultural economy of the basin ranges from an integrated livestock-cash crop type of agriculture in the lower basin to extensive livestock ranching in the upper basin. Because of low annual rainfall, irrigation is required for stabilized crop production and has been practiced in part of the area for over 80 years.

Next in importance are recreation and sport fishing, which provide a large portion of the economic activity in summer months. The Madison River is widely known as a "blue ribbon" trout stream, and enjoys a favorable position in respect to western travel routes to nearby Yellowstone Park.

The area is one of declining population (Madison County population, 5,014) with low per capita income levels and general underemployment.

The development of more irrigation would require additional diversions of water from Madison River, which without additional regulation might adversely affect the fishery. Additional regulation could enhance the fishery. The Madison River from Hebgen Lake to Ennis Lake is being considered as an addition to the Wild and Scenic Rivers System, requiring special consideration for any type of development. Emphasis of the recreational aspects of the basin may preclude private uses of the lands, adversely affecting the present agriculturally-oriented economy. Additional river management may be the best solution to these problems. Solution of such problems requires a detailed feasibility study.

Interest: Federal, State, and local planning agencies are interested in a complete evaluation of the Madison River Basin, not only from development possibilities but from a management standpoint. As more and more lands are devoted to private uses, the possibilities for exchange of public lands for lands along the river becomes more difficult. Inclusion of the river as a possible recreational river under the Wild and Scenic Rivers Act also becomes more difficult.

Feasibility investigation costs: $100,000, 2–3 year study.

TUCUCMARI PROJECT, NEW MEXICO

Location: In San Miguel County in east-central New Mexico.

Project data: Reconnaissance Report, October 1971 based on April 1971 price levels and an interest rate of 5⅜ percent.

Total construction cost	$1,329,000
Adjustments	72,000
Total allocation	1,411,000
Allocations:	
Irrigation [1]	705,500
Fish and wildlife [2]	646,300
Recreation [2]	59,200
Total	1,411,000
Benefit-Cost Ratio	2.4:1.0

[1] Fully reimbursable

[2] Nonreimbursable

Description: The investigations are directed to means for improving the water supply for the Tucumcari Project. The project, operated by the Arch Hurley Conservancy District, has experienced increased irrigation water shortages because of sediment encroachment in Conchas Reservoir and long extended drought conditions. One method of increasing the water supply would be by installing crest gates on Conchas Dam to improve the quantity of water supply and extend the life of the project by providing additional storage capacity to offset sediment accumulations. When Conchas Dam was constructed, provisions were made for the future installation of drum gates. The five drum gates would be 9 feet high and 60 feet long and would operate automatically to control the reservoir level to a maximum elevation of 4210 above sea level.

Status: A reconnaissance report was completed in October 1971.

Justification: Drought conditions in New Mexico during recent years prompted officials of the Arch Hurley Conservancy District through their Congressional representative to request studies of water development possibilities to improve the long range water situation of the District. In addition, sediment enroachment in Conchas Reservoir is gradually depleting irrigation storage capacity. At times, the district has found it necessary to deliver water to the irrigation canals when the reservoir level dropped below the level of gravity flow.

Local interest: Interest has been evidenced by the requests for the study of means for possible improvement in the water supply situation from Arch Hurley Conservancy officials who represent the irrigators of the District. State water officials are anxious to utilize all possible water supplies of the area and are giving full support to the investigations. City of Tucumcari officials are also supporting the water conservation studies and the improvement program.

Remarks: Rehabilitation and betterment programs have been successful in conserving water for the Tucumcari Project but extreme shortages have still resulted during recent dry years because of insufficient regulation of the surface runoff.

Feasibility investigation costs: $50,000, 1–2 year study.

APRIL 1972.

UNCOMPAHGRE PROJECT IMPROVEMENT AND EXTENSION, COLORADO

Location: Gunnison River Basin in Montrose and Delta Counties in west-central Colorado in the vicinity of the towns of Montrose and Delta.

Project data: Special Report on the Need for Improvement and Extension, Uncompahgre Project, January 1972.

The following three plans were evaluated at an interest rate of 5⅜ percent.

[In dollars]

	Improvement plan	Extension plan	Improvement and extension plan
Total construction cost	43,000,000	45,200,000	88,200,000
Adjustments	500,000	3,900,000	4,400,000
Total allocation	43,500,000	49,100,000	92,600,000
B/C ratios	1.2:1	1.9:1	1.6:1

IMPROVEMENT AND EXTENSION PLAN

Program Goals	Allocation
Irrigation (ac) Supplementary 83,800	$17,110,000
M&I Water (af/yr) 20,000	26,940,000
Salinity Control	9,580,000
Flood Control	200,000
Recreation	34,790,000
Fish and Wildlife	1,780,000
Residential Improvement	2,200,000
Total	92,600,000

Description: The Uncompahgre Project is one of the oldest Federal Reclamation projects, having been one of the first five projects authorized for construction following passage of the Reclamation Act of 1902.

The project presently provides approximately 356,000 acre-feet of water annually from the Gunnison and Uncompahgre Rivers for irrigation of about 83,800 acres of land along both sides of the Uncompahgre River. The original project facilities included the Gunnison Tunnel, diversion structures, and conveyance and distribution systems which were started in 1904 and substantialy completed in 1922. The Taylor Park Reservoir, with a capacity of 106,200 acre-feet, was completed in 1937.

Early construction by the Bureau utilized the available natural resources of earth and timber. Canal and lateral sections were unlined and diversion works, drops, chutes, bridges, etc., were nearly all of timber construction. Over the years the Uncompahgre Valley Water Users Association has had to replace or line many of the original structures because of high leakage, rotten timber, or flood waters. The replacement of these structures has added to the operation, maintenance, and replacement costs of the project. Current payments under contract will reach $120,000 annually by 1978 and operation, maintenance, and replacement costs in 1968 totaled about $405,000. As operation, maintenance, and replacement and construction costs continue to increase, the irrigator's financial burden will also increase. Corrective action is needed to reduce OM&R costs.

Feasibility investigations are needed to find solutions to these problems through improving project facilities; reducing the high operation, maintenance, and replacement costs; improving service to the area; and by enhancing the multiple-use of project facilities by including recreation, fish and wildlife, stream regulation, water quality improvement, flood control, power generation, and municipal and industrial water uses.

The improvement plan would include modifications and additions to the existing project facilities and operational procedures to increase the project water supply, reduce project operation and maintenance costs, provide flood protection, improve the general appearance of the area, and reduce salinity contributions from the area. New facilities would include a 10,000 acre-foot Coal Creek Reservoir for regulation of irrigation supplies and a flood protection channel. The plan would provide for lining of canals and laterals of replacement with pipe, improving land drains, and replacing various diversion dams, canal and lateral structures.

The extension plan of the Uncompahgre Project would involve construction of the Dominguez Dam which would form an essentially nonfluctuating lake in the Gunnison River with a capacity of 298,000 acre-feet, and associated facilities for recreational development. The recreational facilities which are in great demand would be provided at the lake formed by Dominguez Dam.

The extension plan would also provide municipal and industrial water, lake fishery and waterfowl habitat, and control for water quality and sediment. The plan would be adaptable to power at the dam and to stage development of pump storage hydroelectric power facilities as the need for such facilities is demonstrated.

Status: Reconnaissance investigations were initiated in FY 1971 and a "Special Report on Need for Improvement and Extension, Uncompahgre Project." has been prepared.

Justification: The Uncompahgre and Lower Gunnison areas contribute a substantial quantity of salts to the Colorado River system. Improvements in irrigation systems and in efficiency of use of water on farms will aid in reducing salinity, which will be a major purpose of this investigation.

Officials of the Uncompahgre Valley Water Users Association are concerned with the need for replacing antiquated structures, lining canals, and improving the distribution system. The project provides the major source of income for this area and loss of the supply of water by failure of conveyance systems or features could have serious adverse effects upon the economy of the area. Many of the farmers need more reliable water sources to improve their economic status.

Local needs and interest: Replacement of deteriorated structures and placement of lining in canals, laterals, and drains would result in water savings, improve the general appearance and safety, reduce O&M costs, reduce seepage losses and the resultant salinity contribution to the river system, and increase the utility of various areas—particularly those being converted to residential use.

The Uncompahgre Valley Water Users Association has urged the Bureau of Reclamation to make a complete study of the project at the earliest opportunity to find a means of stabilizing the economic condition of the area. The following organizations have passed resolutions supporting the investigations: Colorado Water Conservation Board, Colorado River Water Conservation District, City of Grand Junction, and the Grand Junction Chamber of Commerce.

Feasibility investigation costs: $800,000; 4–5 year study.

Mr. ALLOTT. Mr. President, the bill sent to the desk for appropriate reference authorizes six feasibility studies. One of the feasibility studies is in connection with improvements and extension of the Uncompahgre project in Montrose and Delta Counties, Colo.

The Uncompahgre project is one of the oldest Federal reclamation projects in the Nation, having been authorized in 1903. As the reconnaissance report shows, many of the features of the project are in dire need of modernization. The Uncompahgre Water Users Association, the operating entity, has done a commendable job of maintaining and modernizing major features. But, within its limited resources, the full modernization of the entire system would extend over a period of several decades. If the feasibility study shows the project to be feasible, Federal assistance in this project could compress that modernization to a fraction of the time necessary otherwise, thereby allowing the greater efficiencies and the conservation of precious water supplies to be realized at a much earlier date.

There is another factor involved which adds to the urgency of the completion of the proposed feasibility study, and that is a question of salinity in the Colorado River. Only a very small part of the 565 miles of canals and laterals are concrete lined, and losses amount to nearly a third of the water. Those transmission losses percolate through the underlying saline Mancos shale and thereby substantially add to the salt load of the Gunnison River, a tributary of the Colorado River. It is estimated that an average of about 393,000 tons of soluble salts are derived annually from the project area.

As Senators know, the salinity question of the Colorado River has become a thorny problem, both nationally and internationally. All those interested are anxious to see that the salt content of the Colorado be stabilized and ultimately reduced, and the lining of the canals in the Uncompahgre Valley can make a significant contribution to the solution of that problem. Canal lining, and piping through urban areas is contemplated by the reconnaissance report.

In the project area the agricultural crops produced are approximately 10 percent of fruit production, 10 percent of dairying, and the remaining 80 percent of a combination cash crop—such as malting barley, sugar beets, and onions—and livestock production. There are also contemplated benefits for municipal and industrial water and substantial recreation and fish and wildlife benefits.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2818

At the request of Mr. PROXMIRE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2818, a bill to ban the use of diethylstilbestrol (DES) in fattening livestock.

S. 3614

At the request of Mr. WILLIAMS, the Senator from Texas (Mr. BENTSEN) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 3614, the Education for All Handicapped Children Act.

S. 3634

At the request of Mr. MONDALE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 3634, a bill to provide continued rail transportation in rural America.

S. 3758

At the request of Mr. NELSON, the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Kansas (Mr. PEARSON) were added as cosponsors of S. 3758, a bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

S. 3792

At the request of Mr. JACKSON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3792, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes.

S. 3846

Mr. TOWER. Mr. President, I am pleased today to cosponsor S. 3846, the Narcotic Addict Treatment Act of 1972, which would establish necessary registration and security requirements for physicians and hospitals which use narcotic drugs, such as methadone, in drug abuse treatment and detoxification programs.

During the past 2 years, we have been waging an ever-escalating battle to con-

trol the spread of drug abuse. The administration is to be commended on its international initiatives to curtail the flow of heroin into this country and in its domestic law enforcement efforts, such as the drug abuse law enforcement program, which is designed to get the drug pusher off the streets and out of our communities.

We have also begun to wage another battle—the battle of treating and rehabilitating an estimated 500,000 heroin addicts so that they can rejoin society and lead normal, useful, and productive lives.

Unfortunately, we know very little about treating drug abuse. Basically, there are two approaches—one is methadone and the other is the therapeutic community. Hopefully, in the near future, we will be able to develop more effective and successful methods. In the meantime, we need appropriate legislation to ensure that methadone does not become a drug abuse problem in its own right.

Methadone is a synthetic drug invented by the Germans in World War II as a painkiller. Today, it is used by many drug treatment programs because it relieves the addict's craving for heroin without giving the addict a sense of euphoria. Although methadone is as addictive as heroin, a person on methadone maintenance can continue to function in a normal manner. However, it is highly dangerous. A normal adult dosage is almost certainly fatal to a child or to any person who does not use heroin or methadone.

In 1968, there were fewer than 400 patients enrolled in methadone treatment programs in the entire Nation. Today, various estimates place the number of persons in methadone programs as high as 60,000. In 1964, the Bureau of Narcotics and Dangerous Drugs established a production quota of methadone for medical purposes at 900 pounds. The production quota for 1972 is slightly over 5,700 pounds. Because of methadone's rapid rise as an acceptable mode of treatment, and consequently, its rapidly increasing use, the opportunity for diversion for illicit purposes has increased.

In the first 9 months of last year, the Bureau of Narcotics and Dangerous Drugs, through undercover agents, purchased or seized 138,181 dosages of methadone from various illicit sources. To cite one example, methadone overdoses resulting from the illicit diversion of the drug were responsible for 14 percent of the narcotic-related deaths in Washington, D.C., in 1971. Such overdoses have been responsible for nearly 40 percent of the recorded deaths this year. The Narcotic Addict Treatment Act of 1972 is essential if we are going to prevent this potentially useful drug, an ally in the fight against drug abuse, from becoming another drug enemy.

S. 3846 provides that all practitioners who utilize narcotic drugs in the treatment of narcotic addiction must register separately with the Attorney General. In order for the registration to be approved, an applicant must show that he is qualified to engage in the type of addict treatment for which registration is sought in accordance with the medical standards determined by the Secretary of Health, Education, and Welfare. Second, this act establishes standards regarding the security of the narcotic drug stock and requires the compilation of records which indicate the full chain of receipt and distribution of these narcotic drugs. In view of the desire to make meaningful medical treatment available to as many narcotic addicts as possible, it is necessary to establish these realistic controls as soon as possible.

I would like to note that hearings have been tentatively scheduled. I am hopeful that Congress will act quickly on this measure before methadone's potential for treatment is undermined by its potential for abuse.

S. 3881

At the request of Mr. CHILES, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 3881, a bill to provide that meetings of Government agencies and of congressional committees shall be open to the public.

S. 3905

At the request of Mr. BENTSEN, the Senator from Mississippi (Mr. STENNIS), the Senator from Virginia (Mr. SPONG), the Senator from Georgia (Mr. TALMADGE), the Senator from Texas (Mr. TOWER), the Senator from Louisiana (Mr. LONG), the Senator from Alabama (Mr. SPARKMAN), the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. MCCLELALN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maine (Mrs. SMITH), the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. FANNIN), the Senator from South Carolina (Mr. THURMOND), the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Michigan (Mr. HART), the Senator from Missouri (Mr. SYMINGTON), the Senator from Wisconsin (Mr. NELSON), the Senator from Colorado (Mr. DOMINICK), the Senator from Ohio (Mr. SAXBE), the Senator from Nevada (Mr. CANNON), the Senator from South Carolina (Mr. ERVIN), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 3905, a bill to establish a survivor benefit plan for members of the Armed Forces in retirement, and for other purposes.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. THURMOND, the Senator from Nevada (Mr. CANNON), the Senator from Colorado (Mr. ALLOTT), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Nevada (Mr. BIBLE), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from North Dakota (Mr. BURDICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from New York (Mr. BUCKLEY) were added as cosponsors of Senate Concurrent Resolution 89, on behalf of the prisoners of war and missing in action.

SENATE RESOLUTION 359—SUBMISSION OF A RESOLUTION CONCERNING THE PRINTING OF CERTAIN LEGISLATIVE PROCEEDINGS RELATING TO THE DEATH OF FORMER SENATOR HICKENLOOPER

(Referred to the Committee on Rules and Administration.)

Mr. MILLER submitted the following resolution:

S. RES. 359

Resolved, That the legislative proceedings of the Congress relating to the death of the former Senator from Iowa, Mr. Hickenlooper, be printed as a Senate document. That document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

FEDERAL REVENUE-SHARING ACT—AMENDMENTS

AMENDMENTS NOS. 1473, 1474, AND 1475

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

Mr. HUMPHREY (for himself and Mr. HARRIS) submitted three amendments intended to be proposed by them jointly to 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.

AMENDMENTS NOS. 1476 AND 1477

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

Mr. HUMPHREY (for himself, Mr. STEVENSON, and Mr. HARRIS) submitted two amendments intended to be proposed by them jointly to the bill (H.R. 14370), supra.

AMENDMENT NO. 1478

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

Mr. ROTH submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1479

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

TAX REFORM

Mr. KENNEDY. Mr. President, on behalf of myself and Senators HART, PROXMIRE, and RIBICOFF, I send to the desk an amendment to H.R. 14370, the revenue-sharing legislation, and I ask that it may lie on the table and be printed.

The purpose of the amendment is to require the administration to submit a comprehensive program of tax reform for consideration by Congress at the earliest possible opportunity. The amendment contains two simple provisions. The first

would require the President to submit a preliminary tax reform plan to Congress no later than October 31, 1972. The second would require the President to submit a final plan by March 31, 1973.

Above and beyond the purpose of the amendment, however, is the overriding goal that the American people should be informed before election day of where the administration stands on the critical issue of tax reform. For months, a tide has been rising across the country for such reform. Millions of ordinary men and women want reform, and it is long past time that they knew where their leaders stand.

We know where GEORGE MCGOVERN stands. In a major address last week in New York City, he discussed in detail his plans for comprehensive tax reform, and laid the groundwork for a thoughtful and constructive debate in the weeks ahead.

But we do not know where President Nixon stands. Indeed, if he stands where we think he stands, he is for no reform at all, but simply a perpetuation of the existing tax system—a system that flouts the basic principle of our progressive income tax and turns it instead into a Swiss cheese of loopholes, incentives, shelters, and safe harbors for the special interests and the few who have the wealth and expertise to profit from such provisions.

The amendment we are offering is an entirely appropriate addition to the pending revenue sharing legislation. At a time when the Federal Government is about to embark on a major, long-awaited, bipartisan program of distributing large amounts of Federal income tax revenues for use by State and local governments, it is especially important that those tax revenues be collected fairly from all the people. With this legislation, new demands of the order of tens of billions of dollars are being imposed on the Federal Treasury. To me, there could be no more outrageous or unfair distortion of the principle of revenue sharing than to maintain the many flagrant inequities that now exist in the way our tax laws operate.

Often before, as in the surtax debates of 1968 and 1969, the goal of tax reform has been effectively coupled to major Federal revenue legislation. We can do no less today, at a time when the need for reform is now more urgent than ever before.

In a sense, the amendment we propose is a token of good faith. Let the debate on tax reform go on, but let it go on in an informed and evenhanded way, so that when the 93d Congress convenes in January 1973, we can begin to write tax laws that fairly reflect a mandate of our citizens. Only then will we have a revenue code that represents the real interests of all the people.

Mr. President, I ask unanimous consent that the amendment may be printed in the RECORD.

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

On page 73, after line 3, insert the following new section:

"SEC. 144. SUBMISSION OF PROPOSALS FOR TAX REFORM.

"(a) Not later than October 31, 1972, the President shall submit to the Congress preliminary proposals for a comprehensive reform of the Internal Revenue Code of 1954.

"(b) Not later than March 31, 1973, the President shall submit to the Congress final proposals for a comprehensive reform of the Internal Revenue Code of 1954."

AMENDMENT NO. 1480

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

VOTER REGISTRATION

Mr. KENNEDY. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS) and myself, I send to the desk an amendment to H.R. 14370, the pending revenue sharing legislation, and I ask that it may lie on the table and be printed. The purpose of the amendment is to provide a voluntary program of Federal financial assistance to State and local governments to carry out programs of voter registration.

The issues surrounding this proposal are well known to every Member of the Senate. Of all the democratic nations of the Western World, the United States ranks among the lowest in voter turnout. In large part, the problem is caused by our antiquated system of voter registration, which makes the path to the polls an obstacle course for the voter instead of the easy process it ought to be.

We know that many States and many local governments are anxious to improve their voter registration procedures, but simply do not have the funds to do so. The amendment we are proposing is an appropriate answer to the problem, and its principal provisions have already received extensive consideration by the Senate earlier in this Congress. The amendment is an entirely fitting addition to the revenue sharing bill, since it is designed to help State and local governments pay for the cost of expanding the most basic right in our democratic society, the right to vote. If we are to act in time to provide any assistance at all this year, then we must act now.

Mr. President, I hope that the amendment will be accepted by the Senate, and I ask unanimous consent that it may be printed in the RECORD, together with a brief summary of its provisions.

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

AMENDMENT NO. 1480

At the end of the bill, insert the following new title:

TITLE IV—VOTER REGISTRATION

SEC. 401. This title may be cited as the "Voter Registration Act of 1972."

SEC. 402. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER II—VOTER REGISTRATION

"Sec.

"401. Definitions
"402. Establishment of Voter Registration Administration
"403. Functions of the Administration
"404. Grants to defray costs of voter registration
"405. Grants to increase voter registration activities
"406. Grants to modernize voter registration
"407. Grants for voter registration by mail
"408. Technical assistance and fraud prevention
"409. Applications for grants
"410. Regulations
"411. Authorization of Appropriations

"§ 401. DEFINITIONS.

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Administration;

"(2) 'State' means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(3) 'grant' means grant, contract, or other appropriate financial arrangement.

"§ 402. ESTABLISHMENT OF VOTER REGISTRATION ADMINISTRATION.

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Administration, hereafter referred to in this chapter as 'Administration.'

"(b) The Administration shall consist of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator and Associate Administrators shall serve for terms of four years each, and may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party.

"(c) Except as otherwise provided, the Director of the Bureau of the Census, until such time as the members of the Administration are appointed, is authorized to exercise the duties and powers of the Administration created and established by this chapter.

"§ 403. FUNCTIONS OF THE ADMINISTRATION.

"(a) The Administration shall—

"(1) make grants, in accord with the provisions of this chapter, upon the request of State and local officials, to States and political subdivisions thereof to carry out programs of voter registration;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) obtain such facilities and supplies, and appoint and fix the pay of such officers and employees, as may be necessary to carry out the purpose of this chapter;

"(4) prepare and submit to the President and the Congress on March 31 following each biennial general Federal election a report on the activities of the Administration and on voter registration procedures in the States and political subdivisions thereof, including recommendations for such additional legislation as may be appropriate; and

"(5) take such other actions as it deems necessary and proper to carry out its functions under this chapter.

"(b) The Administration shall not publish or disclose any information which permits the identification of individual voters.

"§ 405. GRANTS TO INCREASE VOTER REGISTRATION.

"(a) The Administration is authorized to make grants to any State or political subdivision thereof to establish and carry out programs to increase the number of registered voters. Such a program may include—

"(1) expanded registration hours and locations;

"(2) mobile registration facilities;

"(3) employment of deputy registrars;

"(4) door-to-door canvass procedures;

"(5) absentee registration procedures;

"(6) re-registration programs;

"(7) public information activities; and

"(8) other activities designed to increase voter registration and approved by the Administration.

"(b) A grant made under this subsection shall be equal to 50 percent of the fair and reasonable cost, as determined by the Administration, of establishing and carrying out such a program. A grant made under this section shall not be in excess of 10 cents for

each eligible voter in the State or political subdivision receiving the grant.

"§ 406. GRANTS TO MODERNIZE VOTER REGISTRATION.

The Administration is authorized to make grants to any State or political subdivision thereof for planning, evaluating, and designing the use of electronic data processing or other appropriate procedures to modernize voter registration. A grant made under this section shall not be in excess of one-half sent for each eligible voter in the State or subdivision receiving the grant, or $15,000, whichever is greater.

"§ 407. GRANTS FOR VOTER REGISTRATION BY MAIL.

The Administration is authorized to make grants to any State or political subdivision thereof to carry out a program of voter registration by mail. A grant made under this section shall be equal to the fair and reasonable cost, as determined by the Administration, of establishing and operating a registration-by-mail system. Forms available for registration by mail shall conform to such regulations as the Administration may prescribe, including the use of bilingual forms where appropriate. Such forms shall be widely available for distribution in post offices and other public locations and for distribution by private individuals and organizations.

"§ 408. TECHNICAL ASSISTANCE AND FRAUD PREVENTION.

"The Administation is authorized to provide technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration and voter participation. Such assistance shall be made available at the request of States and political subdivisions thereof, to the extent practicable and consistent with the provisions of this chapter.

"§ 409. APPLICATIONS FOR GRANTS

"Grants authorized by section 404, 405, 406, or 407 of this chapter may be made only upon application to the Administration at such time or times and containing such information as the Administration may prescribe. The Administration shall provide an explanation of the grant programs authorized by this chapter to State or local election officials, and shall offer to prepare, upon request, applications for such grants. No application shall be approved unless it—

"(a) demonstrates, to the satisfaction of the Administration, that the applicant has primary responsibility for registering voters within its jurisdiction;

"(b) sets forth the authority for the grant under this chapter;

"(c) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this chapter, and provides for making available to the Administration, for purposes of audit and examination, books, documents, papers, and records related to any funds received under this chapter; and

"(d) provides for making such reports, in such form and containing such information, as the Administration may reasonably require to carry out its functions under this chapter, for keeping such records, and for affording such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"§ 410. REGULATIONS.

"The Administration is authorized to issue such rules and regulations as may be necessary or appropriate to carry out the provisions of this chapter.

"§ 411. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated the sum of $45,000,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.".

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11 Voter Registration ..... 401".

SEC. 403. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(132) Administrator and Associate Administrators (2), Voter Registration Administration, Bureau of the Census.".

SUMMARY OF KENNEDY-STEVENS VOTER REGISTRATION AMENDMENT

1. Principle.—a voluntary, not mandatory, program of Federal financial assistance to State and local jurisdictions to defray the cost of carrying out voter registration programs.

2. *Grants available to State and local governments:*

10 cents per eligible voter to defray the cost of existing registration programs.

50% of the cost of new programs to expand registration, such as deputy registrars, mobile registrars, and extended hours for registration. Maximum grant of 10 cents per eligible voter.

Grants to plan computerized registration systems. Maximum grant of one-half cent per eligible voter or $15,000, whichever is greater.

Grants to pay full cost of registration-by-mail programs.

3. Administration of program.—by a bipartisan Voter Registration Administration created in the Census Bureau. The Director of the Census is authorized to carry out the program until the new Administration is appointed.

4. Fraud prevention.—the new Administration is specifically authorized to provide technical assistance to State and local governments for the prevention and control of fraud.

5. Authorization.—$45,000,000 a year for each of the fiscal years 1973, 1974, and 1975.

AMENDMENT NO. 1481

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

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1483

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

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1484

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

Mr. BUCKLEY submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1485

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

Mr. GURNEY. Mr. President, I am today submitting an amendment to the Revenue Sharing Act of 1972 which would provide for badly needed reforms in our Nation's local property taxes.

One of the most persuasive arguments for general revenue sharing has been that it would reform our local property taxes and alleviate the heavy burden placed on this tax resource by growing demands for local government services. This legislation, as reported by the Finance Committee, would indeed mitigate these problems by providing badly needed funds for our local governments. However, it does not address itself to the equally important problem of vast inequities and disparities in local assessing practices.

We all know of situations where local assessment rolls are distorted and inaccurate. Assessments in more than one State range from less than 40 percent of market value in one jurisdiction to over 80 percent in other jurisdictions of the same State. It is no wonder that we see a loss of faith and credibility in local governments. It is no wonder that citizens of such areas question the fairness and honesty of our tax systems and governments.

My amendment would require that each tax assessment jurisdiction come within 15 percent of the statewide assessment level of its respective State. It would not dictate to the States what level or method of taxation any State is to use; it would merely insure that whatever assessment standard is used in a State is applied uniformly throughout that State.

The amendment provides for a simply applied and administered reform of local property tax assessments. The only reports required are standard ones that should be available for any tax assessment jurisdiction, and they are to be filed with the Secretary of the Treasury, who is elsewhere required by this legislation to maintain similar records for each unit of local government participating in revenue sharing. Each assessment jurisdiction is given until the end of 1974 to bring its assessments into line with its own State's standards before any penalty is imposed. This is a simple and reasonable reform which could have very far-reaching effects on the public confidence in the fairness and equity of one of our most visible and well-known systems of taxation.

Hearings before the Intergovernmental Relations Subcommittee of the Committee on Government Operations and studies by the Advisory Committee on Intergovernmental Relations together with protests from all over the country have emphasized the growing unrest in our Nation over unfair and in some cases dishonest tax assessment practices. There are growing appeals for Federal action to correct the situation.

I feel that such action is needed and will inevitably come, but I would hope to see it come soon, and without undue interference with the right of a State's people to tax themselves as they see fit.

My amendment accomplishes this by leaving for State and local determination the methods and levels of taxation, but still requiring that whatever method is selected by law be applied uniformly and fairly throughout each State.

Certainly the Federal Government should not allocate billions of dollars for the relief of local tax systems without provisions to insure a meaningful reform of badly abused local property tax assessments.

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

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

AMENDMENT No. 1485

On page 73, following line 3, insert the following:

SUBTITLE D—LOCAL PROPERTY TAX REFORM

DETERMINATION OF THE PROPERTY TAX FAIRNESS FACTOR

SEC. 151. (a) Prior to December 31 of every even numbered year beginning with 1974 the chief executive officer of each Local Assessment Authority receiving funds under this Title shall report to the Secretary the Local Assessment Ratio, the Projected Property Market Value, and the sum of all real property tax assessments for his Local Assessment Authority.

(b) The Secretary shall determine and publish the Property Tax Fairness Factor for each Local Assessment Authority.

SEC. 152. If the Secretary determines that the Property Tax Fairness Factor for any Local Assessment Authority is less than .85, or if he determines that any Local Assessment Authority has failed to comply substantially with any provision of this subtitle, he shall notify the chief executive officer of that Local Assessment Authority that if it fails to take corrective action within 90 days from the date of receipt of such notification further payments to it shall be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

DEFINITIONS

SEC. 153. (a) For purposes of this subtitle, the term "Local Assessment Authority" means any unit of local government which is legally responsible for assessing real property for tax purposes.

(b) For purposes of this subtitle, the term "Local Property Sales Sample" means the sum of the fair market values, as determined by a qualified appraiser, of a representative sample of real properties within the jurisdiction of a Local Assessment Authority.

(c) For the purposes of this subtitle, the term "Local Property Assessment Sample" means the sum of the assessed values recorded by a Local Assessment Authority for the properties included in a corresponding Local Property Sales Sample.

(d) For the purposes of this subtitle, the term "Local Assessment Ratio" means the ratio determined by dividing a Local Assessment Sample by the corresponding Local Property Sales Sample.

(e) For the purposes of this subtitle, the term "Projected Property Market Value" means the result obtained by dividing the sum of all real property tax assessments for a Local Assessment Authority by the Local Assessment Ratio for the same Local Assessment Authority.

(f) For the purposes of this subtitle, the term "State Assessment Ratio" means the ratio determined by dividing the sum of all real property assessments reported to the Secretary by the Local Assessment Authorities within a state by the sum of the Projected Property Market Values for the corresponding Local Assessment Authorities.

(g) For the purposes of this subtitle, the term "Property Tax Fairness Factor" means the result obtained by dividing the Local Assessment Ratio of a Local Assessment Authority by the State Assessment Ratio for its respective State.

HIGHWAY CONSTRUCTION AUTHORIZATIONS—AMENDMENT

AMENDMENT NO. 1482

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. KENNEDY (for himself and Mr. WEICKER) submitted an amendment intended to be proposed by them jointly to the bill (S. 3939) to authorize appropriations for the construction of certain highways.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1462

At the request of Mr. HARTKE, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from California (Mr. CRANSTON) were added as cosponsors of Amendment No. 1462, intended to be proposed to 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.

AMENDMENT NO. 1465

At the request of Mr. JAVITS, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Amendment No. 1465, intended to be proposed to the bill (H.R. 14370) to provide payment 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.

ADDITIONAL STATEMENTS

ACCOMPLISHMENTS OF PRESIDENT NIXON'S FOREIGN POLICY

Mr. SCOTT. Mr. President, a column by C. L. Sulzberger, published in the New York Times of August 18, presents some interesting and noteworthy comments on the accomplishments of President's Nixon's foreign policy.

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

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

FIRST NIXON, THEN SHRIVER

(By C. L. Sulzberger)

BELGRADE, YUGOSLAVIA.—From the standpoint of the American international position I believe the very best outcome of this year's U.S. election would be the renewal of Richard Nixon's mandate for another four years in a campaign which allowed Sargent Shriver to gain a national stature sufficient to enable him to run as the principal Democratic candidate in 1976.

Mr. Shriver has not yet made his mark but, an energetic, intelligent and compassionate man, he is in some respects the best endowed of any of the Kennedy clan for the highest office in the United States, even though he has yet to persuade the public. He is running as Number 2 this time on a ticket hampered by some strange concepts of how diplomatic and defense policy should be elaborated, but he now has a chance for widespread exposure.

Mr. Shriver's eventual prospects are, however, of less present importance than the immediate prospects of Mr. Nixon and most Americans would be astonished at the alarm occasioned in a broad spectrum of opinion overseas at the longshot chance that George McGovern might win the November vote and proceed to honor some of the promises he has made.

This opinion is by no means limited to right-wing governments as in Spain or Greece or to Asian states with which we are linked such as South Vietnam or Thailand. It is fervently held in NATO; it is a matter of utmost concern in Israel; and it is endorsed in many left-wing circles which fear the global power balance might be disastrously tilted should anything approaching McGovern's foreign and defense pledges become the basis for American policy.

As but one example I cite the opinion of Milovan Djilas, former second man in Communist Yugoslavia's hierarchy who is now on the outs with Marshal Tito but who is a profound thinker on political matters and with much experience abroad, Djilas told me:

"President Nixon's trips to Peking and Moscow represented a very impressive historical act. They showed that Nixon understands what Communism is. President Johnson played on the conflict between the Russians and the Chinese. That is a classical kind of policy. But Nixon saw that it would be better to have good relations with both of them—while at the same time remaining strong. He knows you can't afford to be weak."

The big event of the past four years, according to Djilas, is that the Americans have demonstrably proven they won the Cold War and this has altered the entire world picture. He doesn't like the Vietnam conflict and confesses he has never felt a personal sympathy for Mr. Nixon, based on what he has read of him, but he thinks Mr. Nixon fully understands foreign policy requirements.

"The United States won the Cold War," he reasons, "because of the internal disintegration of Communism. Because you remained strong you were able to accelerate this inevitable process. Nixon's Peking and Moscow trips were a result. But the U.S. should neither overestimate nor underestimate that victory. You won because you are a nonideological country and thus were able to avoid a stalemate like that which prevailed between Christianity and Islam after their wars, a victory for neither side.

"The New Left and those influenced by it think the U.S. is racked by crisis but the so-called crisis in American society is largely imaginary. Race and class and generation gaps do exist but there is no fundamental crisis. The crises you have are aspects of the difficulty of adjusting to the electronic and technological revolutions of our time.

"But you have emerged stronger on the world scene because the Communist world divided into factions while, at the same time, the United States succeeded in enlarging some of the basic democratic ideas—like individual human rights—thus helping to erode the Communist system.

"And economically you succeeded in pressing the Marxist world into collaboration with you. You proved the truth of your theory that no economic system can develop isolated from others. And you stayed strong enough."

It is interesting that, although this analysis comes from a Marxist heretic, it resembles similar statements I have heard in various Western European countries, often from foreign observers who habitually preferred Democratic Presidents in the United States.

They feel Mr. Nixon is in line with the traditional postwar American outlook and they are scared of what Mr. McGovern might be tempted to do because of verbal commitments already made.

VETERANS EDUCATION AND TRAINING ACT AMENDMENTS OF 1972

Mr. TOWER. Mr. President, our institutions of higher learning will very soon be opening their doors to begin the new school year. Among those returning to college and university campuses, or beginning their college educations, will be up to 50,000 Texans who are Vietnam era veterans.

Since World War II, the United States has assisted its veterans in their efforts to obtain postsecondary schooling, either at colleges and universities, or at any of

a wide variety of vocational institutions. These benefits serve as an expression of the Nation's gratitude for the sacrifices made by its veterans. Further, these benefits encourage and often enable the veteran to pursue his education, thereby improving his opportunities for employment. This education and training is often the key to the veteran's successful transition to civilian society where he can contribute to the welfare of his Nation.

Over the years, Congress has attempted to increase the educational benefits offered to veterans in order to keep pace with rising educational and living costs. The program was never envisioned as a way to pay the entire costs of a veteran's education; but it was designed to encourage him to pursue his education. The benefits, together with private resources or a part-time job, should be sufficient to enable the veteran to attain the education he seeks.

This is not the case today. The average yearly cost of a college education in 1952 was $968. The monthly allowance offered to a single veteran full-time student at that time was $110. Today, the average annual cost for college tuition, books, and fees is about $1,940—more than twice the 1952 cost; yet, the monthy education allowance presently offered our veterans is only $175.

Congress has been moving to rectify this situation, but not rapidly enough. More than a year ago, I cosponsored S. 2161, the Senate version of the Veterans Education and Training Act amendments. This bill would bring the educational allowance for veterans more in line with increasing educational costs. Last February, the House of Representatives passed a version of this proposed legislation which would increase the monthly allowance for a single full-time veteran to $200. On August 3, more than a month ago, the Senate passed another version of this legislation, which I supported, to raise that figure to $250 a month. Shortly after Senate passage, I had a discussion with Assistant Deputy Veterans' Administrator Richard Roudebush to insure that the Veterans' Administration would be prepared to implement the new legislation in time for the opening of school this fall. He assured me that the VA was ready and could implement the increase after an agreement on the bill by a joint House-Senate conference committee.

Unfortunately, even though the congressional leadership had 11 working days to call that conference before Congress recessed, the conference was not called, and now we cannot expect an increase in veterans educational benefits to be implemented by the beginning of the school year. This is indeed regrettable. No doubt some of our Vietnam veterans who need and desire additional education and training, especially with the high unemployment rate for Vietnam era veterans, have been forced to forgo their educational plans because they cannot afford to under the present programs.

It is exceedingly difficult for me to understand why the leadership of the two bodies could not convene a conference and pass final legislation in time to take effect this month; but the fact is that they did not. I am confident that a final Veterans Education and Training Act will be forthcoming from this Congress. It would take effect immediately upon enactment by the President and I know that the VA will act to implement the benefit increases rapidly.

The Veterans Education and Training Act is good legislation and it is needed legislation. It should have been passed already. I urge Senators to work together—and as expeditiously as possible—to resolve any legislative differences for the sake of our Vietnam era veterans.

PUBLIC SAFETY OFFICERS BENEFITS ACT OF 1972

Mr. TALMADGE. Mr. President, the Senate acted yesterday to install what I believe to be a long overdue program. The Senate voted funds to provide for direct payments to beneficiaries of law enforcement officers or firemen killed in the line of duty, or compensation to these men themselves in the event of the loss of a limb.

In so doing, the Senate gave recognition to men whom I have long regarded as unsung heroes in our society—particularly in recent years. These men, in the final analysis, are the average citizen's frontline of defense against lawless elements that have pervaded our society and against mayhem and destruction that have already cost untold millions upon millions of dollars in public and private property damage.

I was proud to support this bill. I am glad to see this expression of concern for public safety officers and firefighters at a time when there seems to be so much handwringing over the unfortunate condition of criminals. Policemen and firemen have a hard row to hoe in this day and time, when law and order are virtually falling apart and when constituted authorities are held up to scorn, ridicule, and physical abuse. It is unfortunate, indeed, that we have seen so many instances of law enforcement officers being attacked or subjected to criticism while criminal and lawless elements are permitted to go about their business as usual. The sad fact is, it is not uncommon at all to read of citizens on the street attacking policemen trying to arrest a criminal suspect, or throwing bricks at firemen and fire trucks at the scene of a major conflagration, which often was the result of arson or rioting. In this kind of work, endeavoring to maintain the peace or salvage valuable property from utter destruction, I for one do not believe policemen or firemen could be overcompensated or their creditable performances overemphasized.

The act passed by the Senate yesterday calls for the payment of $50,000 for death or multiple dismemberment, and $25,000 for a single dismemberment. Of course, neither the Senate nor anyone else can totally make up for the loss of a policeman's or fireman's life in the line of duty, or his tragic disability, but this legislation constitutes at least an important step in the right direction.

A CALL FOR A WHITE HOUSE CONFERENCE ON THE HANDICAPPED

Mr. TOWER. Mr. President, a few years ago, the refrain of a popular song asked the listener to "walk a mile in my shoes." Perhaps every American should take a few moments out of their busy lives to consider what it would be like to be a handicapped person. Let us put ourselves in their "shoes."

If we were confined to wheelchairs, we would discover the difficulty of locating housing with doorways wide enough to pass through and with ramps instead of stairs. If we found a job, we might not be able to take it because the round trip taxicab fare might be more than we would earn and there are no other modes of public transportation which can accomodate wheelchairs.

If we could stand in the shoes of a deaf child, we would live in a world full of sound but only know silence. A fire siren or a ringing telephone would convey no meaning. We would need special training in order to be able to learn to participate in society, to communicate with our family and friends, and to learn the skills necessary to gain employment. But, the special school in our community might already be handling twice as many children as it can serve effectively, and we might be placed on a waiting list already containing the names of hundreds of other deaf children.

If we were elderly and our eyesight was failing, we might soon begin to withdraw from active participation in our community. If we lived in a rural community, we would be far removed from expert medical advice and from any agency capable of helping us adjust to our handicap. We would begin to have difficulty taking care of our personal needs. Because of our failing eyesight, we might easily fall on the stairs and break a hip or a limb. Within a few short months, we might regress from an independent active person to one who requires the full-time care and assistance of others. That might mean a nursing home and leaving our friends behind.

Handicapped people are not hypothetical people. They are real people who live in every large and small community in our Nation. With only a minimum of effort, we can realize at least some of their limitations, their difficulties, frustrations, and disappointments.

The American people have come a significant distance toward full recognition of the special needs of the handicapped. We have made great strides toward providing special education for handicapped children. Greater efforts are being made to remove architectural barriers and to increase the accessibility and utility of public transportation systems. The handicapped are gaining recognition as competent and reliable employees.

On August 18, the day of our recent recess, the Senate passed Senate Joint Resolution 202, which authorizes and requests the President to call a White House Conference on the Handicapped. I cosponsored that legislation and I hope that the House of Representatives will act with the dispatch in approving this measure.

A White House Conference on the Handicapped could provide a focal point on the needs of all of the Handicapped. It could review our past efforts to meet these needs; it could evaluate our present efforts; most importantly, it could tell us what we must do in the future. It would provide a forum from which the handicapped themselves could inform the American people of their needs so that the doors of opportunity could be opened and so that every handicapped person could be able to participate in our society—his society—to the best of his ability.

OFFICE OF TELECOMMUNICATIONS POLICY

Mr. ALLOTT. Mr. President, the Office of Telecommunications Policy of the Executive Office of the President will be 2 years old this September. As Director since its inception, Clay T. Whitehead has instilled life into an organization about which many persons were dubious.

When President Nixon sent his Reorganization Plan No. 1 to Congress in February 1970, I and many other Senators shared some apprehensions about the effectiveness and the propriety of the OTP. However, the President's message convinced me of the necessity of an effective policy group such as OTP has become. The fact that the OTP has become so effective is a tribute to its young and dynamic Director, Clay Whitehead.

Mr. President, OTP has made its presence felt throughout the entire communications industry and here on Capitol Hill. It has not infringed upon the FCC. Where the FCC and the industry needed assistance, as in the recent cable compromise which Mr. Whitehead effected, OTP has provided such assistance. The FCC domestic satellite decision, though not final, was close to OTP's proposal of open entry to competitors. In addition, the Office has brought about the reduction of the amount of spectrum space used exclusively by the Government from 46 to 26 percent. Mr. Whitehead has tackled the politically sensitive public broadcasting issue. It is now apparent, despite the initial protests, that some of the public broadcasting people realize that balance and objectivity are essential elements in the broadcasting world.

But what of the future? Mr. Whitehead is attentive to the complex issues which concern the Congress and the industry. As Chairman of the President's Committee on Cable, Mr. Whitehead will bring forward constructive guidelines for substantive discussion in the Congress. In addition, a number of other issues—such as license renewal, access demand, the Fairness Doctrine, copyright legislation, and counteradvertising—are on his agenda. OTP has provided and will continue to provide valuable service to the Congress and the American people.

Mr. President, I ask unanimous consent that a deserved tribute to Mr. Whitehead and the OTP, an article from the July 10 issue of Television/Radio Age, be printed in the RECORD.

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

INSIDE THE FCC—IN 1 YEAR, WHITEHEAD HAS TURNED THE OTP INTO A DYNAMO

Just about a year ago, many Washington communications experts—both in and out of government—maintained vigorously that Clay T. Whitehead, director of the Office of Telecommunications Policy and adviser to the President, had no political clout and that his ideas would get nowhere. They scoffed at his claim of speaking for the President on communications matters; they predicted his proposals on domestic satellites, transatlantic cables and various aspects of broadcasting would be ignored by the FCC.

"Nobody has tried to blow him out of the water because he hasn't *done* anything yet," one government lawyer said then. A year later, Whitehead has demonstrated that his ideas are heeded at the White House. His proposals, with slight modifications, have been accepted by the FCC. And in the process, he has made some powerful enemies.

Rep. Tobert McDonald (D-Mass.), chairman of the House Communications Subcommittee, attempted to persuade the House to cut OTP's appropriation for next year for $3 million to $1 million. He accused Whitehead of meddling, exceeding his authority and generally wasting public funds. Whitehead felt the ensuing floor debate was "constructive, clearing the air," and that it resulted in "a vote of confidence in the institution" when the House voted to approve the $3 million budget. OTP has a staff of 65.

SOME CONGRESSMEN FEEL HE'S OFF BASE

"Some members of Congress have priorities they feel we should devote our attentions to that are different from ours and the President's," Whitehead feels, but generally his relationship with Congress is okay.

President Nixon held an informal meeting with broadcasters recently (with Whitehead present) where he gave his support to ideas expressed in previous Whitehead speeches, such as the need for stability in license renewal and the dangers of government interfering with broadcasters' editorial judgement in choosing subjects of importance.

We talked with Whitehead about his office's projects and accomplishments just prior to his departure on a three-week tour of the Far East where he will discuss international communications policies with top authorities in the Philippines, Japan, Australia.

His office is drafting legislation on license renewal for consideration by Congress. He stressed that OTP strives to present bills "not in sweeping terms but targeted legislation that has a good chance of passage—"that's what makes us different from a think tank." Whitehead formerly was with the Rand Corporation.

He is also taking a thorough look at the Fairness Doctrine. "We're hopeful that the FCC will be able to correct some of the problems they have studied in hearings. But there is a chance that the courts won't let them. We're considering what kind of legislation makes sense, if legislation is really necessary," he says.

CHAIRMAN OF COMMITTEE STUDYING CABLE TV

Whitehead is chairman of a cabinet-level committee studying the future of cable television, now drafting its final report. He feels the FCC rules on expansion of cable, importation of distant signals and copyright exclusively are not the final word. He adds that the agreement he helped engineer between cable, copyright and broadcast interests was legitimate in that it helped cable develop at a time "that emotional arguments were being made on fairly narrow economic grounds." He thinks an election year is not a good time for a big legislative fight on what cable should be permitted to do and that the compromise averted inaction or chaos.

One subject likely to be covered is the extent of the FCC's authority over cable. A narrowly divided Supreme Court recently upheld the FCC's right to require cable operators to originate programs. Whitehead feels the 5–4 split and the confusion in both dissenting and concurring opinions reflect "the complexity and many-dimensional nature of this problem." He agree with Chief Justice Warren Burger (who joined the majority in the 5–4 vote with some seeming reluctance) that if the FCC is to have such broad powers, they should be specifically granted by Congress. Otherwise, Whitehead suggests, what would prevent the FCC's passing on the content of motion pictures on grounds that the great majority are later shown on television? He questions whether the FCC should be able to compel operators who went into the business of retransmitting signals to become program producers.

FAVORS LESS, RATHER THAN MORE, REGULATION

Whitehead consistently favors the side of less—rather than more—government regulation, a proclivity that has not endeared him to many bureaucrats. The FCC's recent decision of ownership and operation of domestic satellites was close to OTP's "open entry" proposal. The Commission went further than Whitehead would have in requiring a financial showing by applicants. "Although we are basically in agreement with the FCC's decision, we have some problem with the restrictions placed on AT&T and Comsat. It may make it harder for these companies to serve the public and that may be counterproductive," he points out. OTP had recommended that the FCC grant all applications for domestic satellites without financial restrictions in essence.

Among the office's accomplishments is reduction of the amount of spectrum space used exclusively by the government from 46 per cent of the spectrum to 26 per cent. Since government agencies have always been jealous of that space assigned to them, this is an impressive achievement. OTP's responsibilities with regard to the governmental spectrum are similar to those of the FCC in relation to broadcasting and land mobile and safety and special radio allocations. The office has also been instrumental in a revision of the emergency broadcasting system, Whitehead adds.

FEELS UNDERSTANDING, SOLVING PROBLEMS HIS JOB

He has spent the majority of his time in getting OTP "reasonably well-established, developing a philosophy and understanding of the problems," he feels. Next comes "finding solutions and getting them implemented—through FCC rules, legislation and the other ways the government operates."

One of Rep. McDonald's criticisms of Whitehead was his speechmaking before industry groups. Whitehead feels it is an important function of his office to "call attention to the seriousness to the country of the instability we're witnessing in the broadcast business."

License challenges and access demands "go beyond the broadcasters' economic interests—although those are perfectly legitimate—and beyond the political interests of challenging groups, although they, too, are often legitimate, to a major question of how we are going to handle mass media in this country."

Another point of controversy between McDonald and Whitehead is the financing of public broadcasting. Whitehead believes the issue had become too politically emotional to push for settlement this year. "There was sufficient question about structure that we thought it would be more constructive to consider permanent financing at another time." The congressman charged that Whitehead, on behalf of the Administration, was attempting to bring television under his thumb and stifle its news programming.

AREA OF WORK IS IMPORTANT BUT NOT WELL-PUBLICIZED

Whitehead points out that much of OTP's work is in fields that get great emphasis "but

not much press." Proposed amendments to the Communications Act in the common carrier field are being drafted. Whitehead's trip will be concentrated on international agreements. "The FCC, being an independent agency, cannot represent the President; the State Department does not have the manpower or expertise."

Perhaps Whitehead's clearest accomplishment is changing the tune of those who had said he wasn't doing enough to a complaint that he is doing altogether too much.—Mal Oettinger.

INTERVIEW WITH ATTORNEY GENERAL RICHARD KLEINDIENST

Mr. HRUSKA. Mr. President, in the latest issue of U.S. News & World Report the editors have published a wide-ranging interview with Attorney General Richard Kleindienst. In it the Attorney General discusses the work of the Department of Justice in the fields of civil rights, crime, antitrust, electronic surveillance, drugs, and a number of additional subjects. I believe that this interview serves as a very good and constructive window on the work of this Department and the policies of the Nixon administration.

In order that Senators may have an opportunity to read Mr. Kleindienst's words, I ask unanimous consent that the complete text of the interview be printed in the RECORD.

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

INTERVIEW WITH ATTORNEY GENERAL KLEINDIENST

What are the major problems in law enforcement? Are business mergers a cause for worry? How would Nixon proposals curb school busing?

Official answers to such questions are given by the nation's chief legal officer, who came to the conference room of "U.S. News & World Report" for this exclusive interview.

Q. Mr. Attorney General, what do you see as the main task—the No. 1 priority—of the Justice Department at this time?

A. For the next several years, our priorities would be as follows, and not ranked in any particular order: a continuation of a vigorous enforcement of antitrust laws, civil-rights laws and laws against organized crime and narcotics, and a continuation of our support to State and local agencies in their fight against street crime. Prison reform also should be included.

If we can maintain through the next Nixon Administration the momentum that we've established in the last 3½ years, then I think many of the problems that seemed almost insoluble four years ago will be reduced to what I like to refer to as just normal irritants in any free society.

Q. In the field of civil rights, what is your main problem now? Schools? Jobs? Voting rights? Housing?

A. Let me start out with a general statement:

This Administration has felt that racism and discrimination exist in all parts of our country. We have not, for short-run political expediency, singled out any particular section of the country with respect to enforcing civil rights. Our efforts have been on a nationwide basis, and I think that lends validity to the enforcement and acceptance of the enforcement of these laws.

Our main emphasis, in relative terms, has been on two areas: the so-called *de jure* segregation in schools in the South, and on discrimination in employment.

One of the facts that I don't think we have been able to get across to the public—or some parts of the news media have been unwilling to report—has been the almost miraculous achievement of the Nixon Administration with respect to the school-segregation problem in our Southern States.

When we came into office in 1969—15 years after the Supreme Court's ruling against school segregation—we found that, in spite of all the breast-beating and the rhetoric, only about 5 per cent of Southern school districts had desegregated to become what the courts call a unitary school system.

Two and a half years after President Nixon was elected, almost 90 per cent of the school districts in the South had been converted to a unitary system. I think that argues very well for the techniques and the manner in which President Nixon approached this task, as compared with the manner in which the two preceding Administrations approached it.

Q. How did the Nixon Administration do it?

A. What President Nixon did that was different was that he persuaded citizens of the South—black and white—to come together, acknowledge the obligation imposed by law and work it out, without making it an inflammatory local or parochial political matter.

I think the mistake that had been made in the past, particularly in the 1960s, was that in order to get some temporary political advantage in Northern cities, the preceding Administrations had an overemphasis on sending outsiders into the South to do this.

But, regardless of the techniques, the fact is that President Nixon had created a situation where now, in most Southern cities and communities, there is more integration, more mixing of black and white youngsters in the public schools, than you would find in such Northern cities as Detroit, Philadelphia, Cleveland, Chicago and New York.

This leads us to one of the predicates for the President's proposed school legislation. Having substantially eliminated *de jure* segregation in the South, we now find ourselves at the point where we should have a national standard to achieve two things: quality education for all children, and the elimination of racial or discriminatory practices everywhere.

That was the basis of the President's proposal to the Congress last March. I hope that when this election is over and Congress gets itself back to the serious business of national issue, it will take up what the President has offered and come out—for the first time—with a national standard for the education of our children.

Q. What is the Justice Department doing about discrimination in employment?

A. To me, any form of racial discrimination is wrong, and I hesitate to put one form of discrimination above any other. But in terms of giving our minority groups the wherewithal to participate fully in our society, I think certainly one of the most important places to start is employment.

There are many practices of many labor unions—practices that were legal when they grew up, just as segregated schools were once legal in the South—which as a result of job-protection clauses and seniority systems now operate either to exclude minority people or make it very difficult for them to enter the unions.

One of the most dramatic situations we had in 1969 was in the motion-picture industry on the West Coast. They have many very highly specialized guilds in that profession and, because of the economic changes in that industry as a result of television, many of those guilds found themselves not seeking new members. Through long, hard negotiations, we were able to obtain very substantial changes that opened up that field to minority groups.

Through the so-called Philadelphia Plan that was enunciated by this Administration, and through the many suits that we have filed on an industry-wide basis, we have opened doors in the building-construction trades.

We've also gone into white-collar employment where large companies, though hiring blacks in some lower-level managerial positions, were laggard in promoting them. Through the filing of carefully selected court cases, we have broken down those attitudes.

Q. Are you getting a growing number of complaints about discrimination against women?

A. Yes, we are.

Q. Is this likely to become a serious problem?

A. I don't think it's going to be a too severe problem. I think the American woman is really rather privileged, because in an enlightened society she has more choices available to her than the male does. She can decide whether to be a housewife and mother, a part-time housewife and part-time careerist, or devote herself entirely to a professional career.

But, of course, we do not have as much equality of opportunity for women as there should be. Many women complain that they are paid less than men for doing equivalent tasks, that they are not treated equally in advancement, or that they are not hired in the first place.

Q. What is the situation in housing? Are complaints of discrimination still rising?

A. Until we have eliminated racism from our society, I think we're going to have continued pressure with respect to violations of the law in this area. But, at least from the standpoint of national policy, we've turned the corner, and I think that the gains each year hereafter are going to be on a progressive scale.

Q. Can you explain why some groups of civil-rights lawyers have resigned from the Justice Department, complaining that its enforcement of the laws is not vigorous enough?

A. We've only had one group who actually resigned—and the next day they announced their support of Senator George McGovern's candidacy for President. So I interpret their action as political.

Previously, in 1969, we had a rather awkward situation in Mississippi involving a school-desegregation case. We had one lawyer resign then and one that we had to discharge. But other than these cases, in some 3½ years of normal turnover of lawyers, I would say we've had fewer resign from the Civil Rights Division than in the previous Administration.

Q. Why do you think so many black leaders are critical of the Nixon Administration's civil-rights record?

A. I think there's a very simple explanation. Black leaders in this country are predominantly Democratic, and they realize that if just a rather modest percentage of black persons started voting Republican, they would probably not win a national election. So I think that for just rather short-range political reasons they have not been fair about recognizing our efforts in this area.

I might add that this is not good for the civil-rights movement in this country. I think it has operated, in some respects, to detract from the desire of many people to end racial discrimination in America.

Q. How large is the Civil Rights Division of your Department, and how does it compare with those in previous Administrations?

A. We have about 140 lawyers in the Civil Rights Division now, and when the former Attorney General, John Mitchell, and I came into the Department, there were only about 100. We have requested authorization for 198 for the next fiscal year.

Q. In the civil-rights field, right now the big dispute seems to be about busing pupils for school integration. Congress has passed

some measures intended to curb busing. What effect do you think those measures will have?

A. Congress has not yet addressed itself to the real busing problem, quite frankly. They passed a so-called moratorium, but they avoided the real issue. They have left it up to federal district judges—some 400 of them all over the United States—to legislate on an individual, case-by-case basis.

So you have a federal district judge in Detroit coming up with one solution; another judge in Richmond, Va., with another solution; in Nashville, another and in Denver, yet another.

I think that has been one of the reasons why the busing problem has become so inflammatory.

What we really need is a national policy. The comprehensive legislation that the President offered last March after many months of diligent study is the only responsible approach to this problem.

Q. What would the President's proposals do that the congressional measures do not?

A. President Nixon's approach takes into account these three things:

No. 1, as a result of our effective enforcement, we now have substantially eliminated the dual school system in the South, so that the South is either equal to or ahead of the North in desegregation. Therefore, we can now treat the problem on a national basis.

No. 2 is the desire to provide quality education for all our children.

No. 3 is to have a uniform standard with respect to what you do to eliminate racial segregation.

AIM IS TO UPLIFT POOR SCHOOLS

Q. How would the Nixon measures curb busing?

A. The President's proposal says that, consistent with the Supreme Court's latest ruling, busing may be used where necessary as a last resort—but only as the last arrow in your bow.

It also says—as the Supreme Court suggested—that you do not bus very young children long distances and into a strange environment.

The aim is to uplift poor schools with monetary support to provide equality of education for all.

Then there is the President's moratorium bill which says there will be no more busing orders—no new busing—until next July 1, until Congress has time to pass subtantive legislation to lay down new rules.

Q. Congress has passed a moratorium on busing—

A. But the language of the congressional moratorium is really so vague that no one can determine with certainty its applicability. In the Detroit case, for instance, there is a very serious situation where a federal judge, in effect, wiped out long-established city, county and school-district boundaries to compel busing of pupils between city and suburban districts. That also was the effect of the ruling in Richmond. This raises a real question as to whether a federal judge has the constitutional power to change the basic political-subdivision lines.

Q. Would the President's measures bar such orders as those in Richmond and Detroit?

A. Yes. The decisions in the Detroit and Richmond cases would not be consistent with the President's legislation.

Q. Would you favor a constitutional amendment to limit busing, as some people have proposed?

A. Well, you might eventually have to get to that point. But I believe the President—and I know that I as a citizen—would much prefer to have it done by thoughtful, responsible legislation enacted by the representatives of the people in Congress.

Q. Turning to the subject of crime: Are you making any real progress in curbing crime?

A. I think we have made dramatic progress. To begin with, I think there has been a change in concept and attitude with respect to crime, under this Administration.

By way of preface, let me say this:

I believe that crime derives from several general causes. No. 1 is the natural imperfection of the human being. As long as you have imperfect human beings, you're going to have crime.

Crime also derives from ignorance, poverty, lack of training and bad environment. That's why in this Administration we applaud and support those long-range programs of our Federal Government—some 67 billion dollars' worth of them last year—which, over a long period of time, are calculated to uplift and improve our general society; eliminate poverty, ignorance and racism.

In the meantime, however, we—unlike some of our predecessors—feel that there has to be enforcement of the law. So we in the Department of Justice have concerned ourselves with the specific of enforcing the law. The evidence of how well we've done that is rather compelling.

One example is Washington, D.C., the nation's capital. When this Administration took over in January, 1969, this city was fast getting the reputation as being the crime center of America. And this is a federal city, under control of the Federal Government.

President Nixon quickly presented to Congress a program calculated to improve the whole system of criminal justice in Washington. Today, it has the fastest decreasing crime rate of any major metropolitan area in the U.S.

Q. What caused this change in Washington's crime rate?

A. It came about much the same way that it is coming about in some other areas.

When this Administration began, Washington had 13 federal judges who could try felony cases. They tried 2,000 felonies in 1952 and they tried 2,000 felony cases in 1968—and yet the number of felonies reported had mushroomed to 16,000. Today, there are 55 federal judges in the District of Columbia who can try felonies.

When we got here, the police force numbered about 2,900 officers—only 10 or 15 per cent of whom were black in a city that is more than 70 per cent black. Today, Washington has 5,200 police officers, and about 35 or 40 per cent of them are black. It has the best program of police-community relations in the country. We have more than doubled the number of prosecutors and of defense attorneys.

So what we have done here in 3½ years is to bring the whole system of criminal justice in the District of Columbia up to date.

Q. How about crime in other cities?

A. Through the efforts of the Law Enforcement Assistance Administration, the same thing—on a much slower basis—is going to occur all over the United States. Witness the figures that were recently reported for the first quarter of this year, in which the increase in crime nationwide was only 1 per cent. In the first quarter of the year before the increase was 6 per cent, and it was 13 per cent in the year before that.

An important factor has been the hundreds of millions of dollars that the Nixon Administration has provided State and local agencies through the Law Enforcement Assistance Administration.

This is a revenue-sharing project which enables States and cities to do essentially what the District of Columbia has done. When we got here, the LEAA appropriation was about 63 million dollars. Our first year it was bumped up to 268 million, the next year to 529 million, last year to 699 million—and next year it will be about 850 million dollars.

This federal money is going back to the States on a block-grant basis to give them the police, the courts, the judges, the penitentiaries and the prosecutors to bring law enforcement up to date.

And I would like to say this about block grants:

There was great debate in Congress in 1968 over whether these LEAA monies should be administered as usual by some bureaucrat in Washington, or whether they should be administered by the States through their own planning agencies, with just general supervision from Washington.

I think the manner in which Congress decided that question—and which has been supported by the President—is the best approach, because what Mississippi needs to curb crime might be different from what is needed in New York. I believe the revenue-sharing concept of President Nixon is best illustrated by the block-grant program of LEAA.

Q. There have been charges that some of these LEAA funds have been misspent. Are you looking into those charges?

A. We have been aware of them and have taken the initiative with respect to correcting any misuses. With so much money and so many people involved, it should be no surprise that some misspending has occurred. But the amount of misspending has been very small, and in each case where it has been found, the Department of Justice has gone in with investigative and corrective measures.

CRACKDOWN ON LEADERS IN CRIME

Q. How is the Justice Department doing with its fight against organized crime?

A. I'm glad you asked that question. There isn't a politician, Democrat or Republican, who wouldn't willingly say, "I'm against organized crime." The question is, what do you do about it?

In 1968, Congress debated whether to pass a law giving the Justice Department the right to institute electronic suveillances of organized-crime figures under the supervision and control of a federal judge.

The Attorney General at the time, Ramsey Clark, said if Congress passed that law he would not encorce it. Congress passed the law, and he wouldn't enforce it.

John Mitchell, when he became Attorney General, said he would enforce that law. And in the last 3½ years we have done so. We've instituted some 600 electronic surveillances against organized-crime figures, pursuant to a court order and under court supervision.

The results have been about 2,400 arrests and about 1,600 indictments of organized-crime figures—including what we regard as at least one half of the so-called leadership of the crime organizations.

We have built up our strike forces against organized crime from seven to nearly 20. We have effective co-operation now between all branches of the Government. And the President created the National Council on Organized Crime to plan the strategy to eliminate this menace.

I predict that if President Nixon is given another four years in office, the scourge of organized crime will be reduced to manageable proportions.

Q. There was a recent court ruling against wiretapping—

A. One U.S. district judge held the congressional act authorizing wiretapping to be unconstitutional.

Q. Are you still using wiretaps?

A. Yes, and that ruling is being appealed. I would not expect it to be upheld, particularly in view of the Supreme Court's latest ruling on wiretapping. The Court ruled we could not wiretap without a court order in investigations involving purely domestic subversion. But for even domestic organizations that have a substantial link with foreign governments, the President still has the power to institute wiretaps without a court warrant.

Q. Before the Supreme Court ruling, how many wiretaps were you using in domestic-security cases?

A. When that Supreme Court decision came down, I think we had to discontinue six surveillances which I felt were barred under that decision. All told, including those six, I think we had a total of only 29 security-case surveillances in operation at that time.

We have gone as high as 50 or 55 wiretaps in security cases at a particular period of time. But that is substantially less than the number under previous Administrations. I think the greatest number was under the Kennedy Administration, when there were more than 100 in operation.

Q. Are you able to use wiretap evidence in court in criminal cases?

A. Sure, if you make a proper application and a judge issues an order and you do the wiretapping for the period specified by the judge. The virtue of the law is that it provides evidence you couldn't get otherwise.

Q. How important is the wiretap weapon to a prosecutor?

A. It's indispensable against organized crime. In such cases, witnesses lie under oath or they are intimidated not to testify, or sometimes they are killed. So wiretapping can get us the evidence we need to convict these syndicate members.

Q. L. Patrick Gray, the acting Director of the Federal Bureau of Investigation, said recently that he favors the licensing and registration of all privately held firearms. Do you agree with him?

A. No, I do not.

Q. Why not?

A. In the first place, you can't apply such a rule uniformly in a complex society like ours. To apply that rule to a farmer or a rancher or a sportsman, let's say, out West on the same basis that you would in New York City, just doesn't argue for an understanding of the kind of country we live in.

Secondly, I think enforcement of such a law would be practically impossible. New York for many years has had a law against possessing firearms without a permit. Yet it is estimated there are some 700,000 illegally possessed firearms in New York City.

The end result, I think, would be that your honest, law-abiding citizen would register his gun, but the criminal type—with access to millions of guns—would not. If you take New York City as an example, I don't think a mere law requiring registration of firearms would cause any appreciable diminution in deaths caused by guns.

Q. You mentioned penal reform as one major task for your Department. What is wrong with our penal system, and how serious is the problem?

A. I think the social problem emanating from the prisons in this country is one of the most serious we have.

When you look at the fact that 75 per cent of those persons who are convicted of felonies are rearrested within four years of their release from prison, then—whether you look at it from a humanitarian standpoint or as a matter of just strictly dollars and cents—you've got to say to yourself that we are doing something wrong in our penitentiaries.

Instead of sending offenders to institutions of rehabilitation, so that when they come out they have a better chance of being a useful part of society, what you're really doing is sending them to places that almost guarantee they will be worse when they come out than they were when they went in.

Q. Are federal prisons as bad as State prisons?

A. No. The federal penitentiary system is a model, comparatively. But it still has a long, long way to go.

There is no rational justification, in my opinion, for putting 2,000 men or women in big fortresses like our prisons at Atlanta, Ga.; Leavenworth, Kans., or Lewisburg, Pa., that do not carefully dichotomize the inmates according to their age, background, education and the severity of their crimes, and then divide them into groups with programs calculated to reconstruct and rehabilitate human beings.

The President, long before the revolt at the Attica, N.Y., prison, presented to Congress the country's first long-range, comprehensive program for reforming penitentiaries. Congress has provided the wherewithal to do a part of this program, but has not really addressed itself to the problem. And this is going to be one of the great challenges for the next four or five years. This is a matter I've had an interest in for many years.

Q. Recently, we've had a rash of uprisings in which prisoners demand that Governors or other public officials come to negotiate with them while they are holding hostages at the point of a gun—

A. I don't approve of that kind of thing. I don't believe you can solve the penal problem by being intimidated by inmates to do things not consistent with good prison management. That is not the answer.

Q. Should a Governor refuse to bargain with prisoners under such conditions?

A. It all depends on what the prisoners' demands are. If there are legitimate grievances, I think a Governor or a State legislature has a duty to look into them and make proper corrections. But there is no duty on any public official to acquiesce to unreasonable demands of prisoners—many of whom have become politicized in the last several years.

CURBS ON DRUGS: "DRAMATIC"

Q. Is the use of narcotics a serious and growing problem for your department?

A. It's a serious problem—but it's not growing. I think it would have grown had it not been for President Nixon's aggressive programs. The success of those programs has been dramatic. It's an across-the-board effort—internally, externally, in medicine, education, research, enforcement, customs controls and foreign relations.

I believe that with the continuation of these programs, four or five years from now the drug problem can be reduced to an ordinary irritant.

Q. Moving into the antitrust field, what is the policy now in dealing with big companies that are merging, first into one line of business and then into another—the so-called conglomerates?

A. The Johnson Administration took the view that Congress should enact a new law to deal with that type of merger and, therefore, did nothing to stop conglomerates.

We felt that existing statutes, combined with the rulings that have been handed down by the Supreme Court, gave the Government the power it needed.

I signed the complaints against the International Telephone & Telegraph Company when it acquired the Hartford Fire Insurance Company, Canteen Corporation of America and Grinnell [Grinnell Company, Inc.]. We filed many other complaints against large conglomerates.

Our approach is this:

We feel that it is a violation of the law if the acquisition of a company by one of these conglomerates will interfere with competition from other companies that have been competing with the acquired firm, whether that results from reciprocal buying arrangements that can be used by the conglomerate, or just from the nature of the industry involved.

Q. Does that policy still stand?

A. It certainly does.

Q. Why did you take that position?

A. It was estimated, when President Nixon was elected, that if the wave of mergers continued, within six or seven years about 80 per cent of the productive capacity of this country was going to be in the hands of about 100 corporations. And that doesn't argue well for a relatively dynamic, free, competitive economic society.

I don't think it would be fair to say that the approach we instituted was the sole reason why conglomerate acquisitions have subsided. But I would say it was one of the important reasons.

Q. Have the courts sustained you in your approach?

A. We have not had a Supreme Court ruling, because we've been able to get the companies to accept consent decrees and settlements of that kind. However, some cases still are in the process of litigation.

Q. Are you worried about the fact that mergers seem once again to be increasing?

A. We have no objection to mergers per se. What we say is: If you are going to merge or acquire another company, we want to look at the merging companies in terms of their relative positions in the market and what that market would be like after the acquisition. If it's a highly diversified field, the merging and acquiring companies together might not have a pre-eminent position, and we will let them go ahead.

But if, as in the ITT-Hartford Fire case, you are acquiring the world's largest fire insurance underwriter and, at the same time, you're taking over one of the largest manufacturers of fire-safety equipment, if you own the Sheraton hotel chain and the Avis car-rental system—if all these businesses are large and have a strong position in their markets, that's an entirely different matter. Then we look at the probable economic impact, and we have guidelines that we apply.

Q. Are these the same guidelines that were laid down by the Johnson Administration which, in effect, barred any large company from taking over another firm in the same line of business or of any supplier or customer?

A. Our guidelines are more strict.

Q. How so?

A. I mean that they are being enforced, and I think there's a lot of difference in that respect. This Administration has been more vigorous—and that is generally true of Republican Administrations—in the enforcement of the antitrust laws than the Democrats.

Q. Have you filed more antitrust complaints?

A. We have filed more complaints than any of the past five Administrations. You have to go back to 1942 to find a greater number of antitrust suits brought during a year's time.

Q. You brought up the ITT case. Why did you decide not to press for a Supreme Court decision on that case?

A. We had appealed in the ITT-Grinnell merger case and were contemplating possible appeal in the other ITT cases, involving acquisitions of Hartford and Canteen, in the event we were to lose those cases in the lower courts.

On the one hand, we had very adverse findings by the federal district court in the Grinnell case, which also adversely affected the Hartford case.

Ultimate success on the facts of those two cases, was thus seriously in doubt.

On the other hand, we were advised that there were significant problems in terms of the effects on the shareholders and possibly on the economy of a Hartford divestiture.

Judge Richard McLaren, who formerly headed the Antitrust Division, recommended to me, and I approved, a settlement which would eliminate all the anticompetitive effects we saw in those cases and, at the same time, avoid the problem of a possible loss in the Supreme Court.

This settlement, amounting to a divestiture involving a billion dollars in annual sales, as well as a bar on significant future acquisitions by ITT, is the largest divestiture in modern history. As such, it serves as a

stern warning to those who believe that a conglomerate can operate outside the antitrust laws.

PROBLEMS OF U.S. FIRMS ABROAD

Q. Do American companies need more leeway under the antitrust laws in their operations overseas?

A. I think that is a legitimate area of study and inquiry.

Q. Why do you think that?

A. An American company is subject to our antitrust laws on its activities here in the United States. When that company goes abroad to do business, its activities overseas are still subject to the U.S. laws, but its foreign competitors are covered by different laws which tend to be less restrictive. They may be able to work in cartels, to carve up the market, and our companies can't enter into arrangements of that kind.

You also have to consider that our companies already are at a disadvantage because of higher labor costs.

It seems to me that we've got to look at the problem carefully to see whether we can't make it possible for them to be more competitive and less inhibited.

Q. Can't you just say that a company is O.K. if it obeys the U.S. law while operating in this country, and obeys the foreign antitrust laws when operating abroad?

A. It isn't that simple, but that is the essence of the problem.

Q. Mr. Kleindienst, there have been reports in recent weeks that some militant groups of young voters are planning multiple voting on a wide scale in the November elections—with each young person voting in several different precincts or communities. One method reported is for a college student to vote in the town where he attends college and also cast an absentee ballot in his home town. Is there any way the Justice Department can prevent this?

A. If such plans were carried out on a very wide scale, there wouldn't be adequate facilities or resources in the Federal Government to deal with it. But if any voter violates the law, he can be prosecuted. And if there is substantial abuse, we will certainly pursue it.

Q. How large is the Justice Department?

A. We have about 47,000 employes in 17 divisions.

Q. How many of these are lawyers?

A. I would say about 3,000. We're the biggest law firm in the world.

INDUCTION OF EIGHT OUTSTANDING ATHLETES INTO BASEBALL HALL OF FAME

Mr. TAFT. Mr. President, the height of success, in any field of endeavor, is recognition by one's colleagues. Success can best be measured by others in the same field, others who have had the same goals, and those who know the real challenges of the profession.

On August 7, 1972, eight men were so honored in Cooperstown, N.Y. Eight outstanding athletes were inducted into the National Baseball Hall of Fame. Induction into this society not only recognizes the prowess and talent of the individuals on the baseball diamond, but also acknowledges their dedication and high integrity.

Baseball has long been considered the national sport. It implies so much more than athletic ability; it implies teamwork, self-imposed disciplines, character, and devotion. It carries a responsibility as well. These men have excelled in their sport, and they have excelled in the watchful eyes of youngsters playing in sandlots. They have proven themselves to be worthy of the attention and admiration of these youngsters. They have proven themselves to be men of outstanding character, men for the boys to revere.

Perhaps the best way to understand these men is to read their acceptance speeches. The speeches reflect the pride of accomplishment, and the true reward for dedication to one's profession.

I ask unanimous consent that their induction speeches be printed in the RECORD, with the hope that youngsters across the country will realize that dedication and integrity are the rewards of those who merit them.

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

ACCEPTANCE SPEECHES BY INDUCTEES, AUGUST 7, 1972

YOGI BERRA.—I have to put on my glasses . . . Thank you Commissioner. I guess the first thing I should do is thank everybody who made this day necessary. But since this is the most important day of my life I want to get it right, so that's why I'm gonna read it. I'm really happy to be here today. Thank God I made it. I always loved the game of baseball. I gave it everything I had. I'm glad I had a chance to play as long as I did. I hope my being here will be an inspiration for every boy in America. I can't begin to thank everyone who helped me achieve this goal—scouts, teammates, managers, broadcasters, and photographers. But I have to mention Bill Dickey who gave me some pointers on catching that put me on the right track and of course Casey for having enough faith in me to play me in the lineup every day, and also George Weiss, who gave me my first contract with the New York Yankees. Being with them was a dream come true. And now the Hall of Fame. But I couldn't have made it without the cooperation of my family. Carmen is a perfect baseball wife. She planned our entire lives around the game. And Larry, Timmy, and Dale always knew it was the right way. I wish they would stand up. My only regrets are for those who didn't live to see this day—my mother, my father, who died several years ago, my brother John, and Gil Hodges who died this year. I want to thank the Yankees and the Mets the only two organizations in baseball I worked for. I would like to thank all of my loyal fans who supported me all these years. I hope they are proud of me today; also my friends who came to share this day with me. I want to congratulate all the men who are being inducted here today. And last of all I want to thank baseball. It has given me more than I could ever hope for, and I hope that when I am through with this game I will put something back. Thank you very much.

JOSHUA GIBSON.—His son Josh, Jr.: Mr. Commissioner, baseball inductees, and Hall of Famers. It's a great thrill and honor today to accept baseball's highest award for my father Josh Gibson, Sr. I would like to thank the Hall of Fame Committee for recognizing such a great talent. The whole Gibson family and the city of Pittsburgh is very proud of this award. And before I leave here, which I'll finish up in a few minutes, I would like to say something personal to my father. "Wake up, Dad. You just made it in."

VERNON LOUIS GOMEZ.—Thank you, Mr. Commissioner, members of the Hall of Fame Committee, old timers who voted me in, the new inductees and others who are here. This is indeed the greatest pleasure I've ever had in my life and batting so high in the line up, third, I'm not used to this and so I really don't know what to say but I know that there is nobody up here any happier than I am today; and I also, like Yogi, want to thank the New York Yankees for giving me the chance, and my teammates who scored so many runs and helped me and Joe DiMaggio who ran down all my mistakes and certainly last, but not least, the late Johnny Murphy, who the last couple of years that I pitched, if it wasn't for John I wouldn't be here either, believe me; and to my wonderful family, sitting out there—my wife, June, my son, Duane, my son-in-law, Steve, my daughter Sharon—I've got the first three rows—and my son-in-law, Dr. Banas, my two grandsons, John and Andy, and my daughter Vernona—I wish you'd stand, please—and some more Gomez' at home that couldn't make it. Again, thank you so much. I only hope that I can live up to the expectations of so many wonderful and great players who have gone into the Hall of Fame before me. Thank you very much.

WILLIAM HARRIDGE.—Will's grandson, William Harridge, III.: Thank you very much, Mr. Commissioner. I'm very pleased that my mother is sitting down in the front row and myself to be here in Cooperstown today to receive this plaque. I'm sure that my grandfather would have liked to have been here for it. Thank you.

SANFORD (SANDY) KOUFAX.—Thank you, Mr. Commissioner and distinguished members of the Hall of Fame. I don't really have any speech to make today, only a great deal of thanks to a lot of people, so many of them that I don't think I can thank them all by name. There are some I would like to thank. My career started in 1955 in Brooklyn and a very inglorious career it started as, and I think the first group of people I would like to thank are those who had enough faith in me that I'd be standing here some day, a lot more faith than I did, to be honest, and I had times I would possibly be tempted to go look for a job somewhere for those first six years. One man, a pitching coach that we had, that was with the Dodgers for ten years, Joe Becker, pushed me, shoved me, embarrassed me and made me work; and thank God for him. Being a pitcher, I feel that it is sometimes a very solitary, very lonely, sort of thing. Baseball players are wont to say pitchers are a different breed. I think sometimes you're all alone and you feel like, well, everybody on the other team is against you, and they are. The only other one that seems to be close, the only friend you have, is the catcher; and I'd like to thank every catcher who ever caught in any ball game I was ever in—two in particular: Roy Campanella, who is here today and caught the very first one, and John Roseboro, who caught most of the others. I'd like to thank all the other players that I ever played with for their help, their support. I'd like to thank the Dodger organization, Mr. O'Malley, his son Peter is here today—the only organization I ever played with. I'd like to thank Walter Alston, also, the only manager I ever played for. There's so many others to thank, I think right now I must thank my parents and my wife, not for what they've done for me, but for what they are. I'd also like to take this opportunity to thank all you people here, both inside the fence and outside the fence, for how good you've been to me and tell you just how much I appreciate being here today and how lucky I feel to be in such distinguished company. Thank you.

WALTER BUCK LEONARD.—First I'd like to thank all of the various committees and the Commissioner for selecting me as a candidate for the Baseball Hall of Fame. It was something that I'd never dreamed about, something I'd never think would happen, for we in the Negro Leagues weren't eligible to even take part in the Hall of Fame ceremonies. In our leagues we played mostly for the fun of it and a little money. The reason why it was so far from us, first we had to get into the major leagues and also play ten years in the major leagues and qualify—that is, to receive enough votes from the committees to be eligible to be selected for the Baseball Hall of

Fame. That was so far from us in the Negro Leagues until we just would read about the Hall of Fame, and that's all. Sometimes we used to criticize the Hall of Fame for selecting various players for the Hall, and we made our selections for the Hall of Fame. However, we had fun and we enjoyed doing that. The greatest moment until the present time of my life was in February, in New York City. Monte Irvin, who works in the Commissioner's office, called and asked would I come from North Carolina to New York to select an all-star Negro team from the old Negro Leagues. I told him yes, I would be happy to. I arrived in New York on a Monday afternoon, called, and he came over and said "stay here and I'll pick you up in the morning, we're going to the meeting." He came over on a Tuesday morning and we went across the hall to the Americana Hotel to the meeting, and we saw the Commissioner standing over there. I asked Monte: "What's he doing over here?" He said, "Well, he wants to sit in on the meeting." Then they opened the door and there was all those cameras, men, lights; and I asked Monte, I said, "What they gonna do now?" and he said, "They're going to name Josh Gibson for the Baseball Hall of Fame." So they were arranging the platform, and after they got everything arranged—the Commissioner, Campanella, Larry Doby, Irvin on the platform—they said "Come up here Buck we want you to sit on the platform" I said "For what?" "They're going to ask you some questions about Josh Gibson. You played with him nine years and you ought to know quite a few things about him," I went up and sat on the rostrum, and the Commissioner began to talk. He said—these might not be the exact words, but something like this—He said, we have met here today to make an announcement," he said "The committee has seen fit to elect Josh Gibson to the Baseball Hall of Fame." Well, everybody clapped. "The Committee has also seen fit"—and I started sweatin'. Sweat was meetin' right under there and fallin' down on my new suit. So then he said they have also seen fit to select Buck Leonard for the Hall of Fame. I was speechless. All the cameras started clinking, and lights went on, and I was already sweatin'. So they said, "Say something." I said, "I don't have anything to say. Somebody ask me a question. Maybe I can answer that." So they began to ask questions—"How do you feel?" It was the greatest moment of my life, being at that time selected for the Baseball Hall of Fame. Now, we in the Negro Leagues felt like we were contributing something to baseball too, when we were playing. We played with a round ball and we played with a round bat. And we wore baseball shoes and wore baseball uniforms, and we thought that we were making a contribution to baseball. We loved the game, and we liked to play it. If we didn't, we wouldn't have played, because there wasn't any money in it. But we thought that we should have and could have made the major leagues, and all of us would have desired to play in the major leagues because we felt and we knew that that was the greatest game. Sometimes we baseball players think our greatest thrill comes from something that we do on the baseball field, but my greatest thrill did not come from a home run that I hit nor a catch that I made or stealing a base. I ought not to have said that, maybe, but anyway my greatest thrill came from what somebody did for me, and that was select me for the Baseball Hall of Fame. I will do everything in my power to honor and uphold the integrity of baseball. I will do everything in my power to try to take care of this selection and this induction into the Baseball Hall of Fame. Again I want to say this: It is nice to receive praise and honor from men, but the greatest praise and honor comes from our Lord and Saviour Jesus Christ. Thank you.

EARLY WYNN.—Thank you, Mr. Commissioner, distinguished guests, ladies and gentlemen. I don't know how come my hands are so wet and my throat so dry. That Buck is a tough guy to follow. I don't believe the words are within me to express my gratitude for being elected into the Hall of Fame. But a little unlike Yogi, I was trying to figure out for the past few days who made this necessary. And it goes back a long ways. My mother and father. My mother for wanting me to stop football; my father for playing catch with me so often, being associated with people like Mr. Clark, the Old Fox, Griffith—Calvin Griffith—Ossie Bluege, and so many in those twenty three years in the majors and five years in the minors that I cannot remember. I just wish that I could have been better than I was. And I think of the players today. I wish I had felt like this, that every time I played a game I was wanting to be an All-Star, play in the World Series, and be elected to the Hall of Fame. And I have. Thank you.

ROSS MIDDLEBROOK PEP YOUNGS. His daughter, Mrs. Caroline Thompson.—Mr. Commissioner, guests; on behalf of my mother and myself I want to thank you so very much for paying this great honor to my father. I want particularly to thank the sports writers for remembering him such a long, long time. Thank you.

END SEEN FOR SHIRLEY HIGHWAY BUS LANE—OR "WHO'S BEING TAKEN FOR A RIDE?"

Mr. ALLOTT. Mr. President, in a continuing effort to inform the Senate on important developments concerning the Interstate 95 bus operation in the Washington, D.C., area, I ask unanimous consent that two items be printed in the RECORD. The first is an article from the Washington Post of Sunday, September 3; the second is the relevant portion of the transcript of my weekly radio report which deals with the busway project.

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

END SEEN FOR VIRGINIA BUS LANE

(By Jack Eisen)

The Virginia Highway Department plans to abandon the reserved express bus lane on Shirley Highway when reconstruction of the road is completed in 1975, requiring buses to mix with automobiles and trucks in rush-hour traffic.

The plan, disclosed in a letter recently written by State Highway Commissioner Douglas H. Fugate, already has caused anxiety among backers of the bus project, which is nationally cited as an example of how buses can provide efficient rapid transit service in urban areas.

The express bus experiment, funded in part by the federal government, has become so popular that recent statistics show more people riding buses during the rush hours than using automobiles on Shirley Highway. From its initial start of less than 2,000 passengers in 1969, the buses have now attracted 18,420 riders a day.

Fugate's letter has prompted the steering committee of Washington area officials that arranged the express bus project to call for a special meeting with Virginia highway officials early in October.

Kenneth M. Wilkinson, transportation planning engineer for the Virginia department, said his agency always has regarded the reserved bus lane as an expedient during the Shirley reconstruction and has made no secret of its eventual plan to abandon it.

As now used, the busway is a single lane in the median of Shirley. It will be replaced by two reversible lanes carrying traffic toward Washington in the morning and toward the Virginia suburbs in the evening.

George A. Avery, former chairman of the Washington Commission who headed the original Shirley steering committee, recalled yesterday that a consultant on the widening recommended that buses be given permanent preference over automobiles in its two middle lanes.

Under the proposal, the entry of traffic into those lanes would be metered, with buses permitted to use them at all times but automobiles barred when the lanes reached near capacity.

"If you know a bus is going to get stuck in any jam that does occur," Avery said, "the incentive to get on the bus will be lost."

Wilkinson said the highway department feels that the newly widened Shirley Highway, eight lanes for most of its length including the two middle lanes, will provide enough capacity for all traffic to move swiftly.

He said the department will install closed-circuit television to provide surveillance of traffic conditions, but has no plans for metering.

Experience in many metropolitan areas has shown that motorists will crowd a freeway with as many cars as it can hold. Some cities, such as Chicago, have tried metering to prevent jams.

Fugate's decision to abandon the bus priority system was disclosed in a letter written Aug. 15 to Evelyn Kitay, a staff member of the Motor Vehicle Manufacturers Association in Washington. A copy of the letter was obtained from another source.

In the letter, Fugate declared:

"It is the department's intention at the present time to use the reversible lane for mixed traffic when these lanes have been completed to the Potomac River (in 1975).

"According to the last report dated July of this year of the AB&W Transit Co. (which operates the Shirley express buses), there were less than 200 buses using the exclusive lanes during the 2½-hour (rush-hour) period the lanes are open to them . . .

"This means that there would be less than three buses each two minutes per mile on two lanes of highway during the peak conditions.

"The reversible lanes are so critically needed for the inbound and outbound peaks (that it does not appear to be reasonable for the lanes to be reserved for the exclusive use of buses.

"Commuting habits of people could change over the year," Fugate concluded, "and if such a change resulted in extensive use of rubber-tired mass transit vehicles, the department, I am sure, would be glad to re-examine its position."

Statistics compiled by the Northern Virginia Transportation Commission (NVTC) and the Metropolitan Washington Council of Governments have shown that since the busway was opened in 1969, bus patronage has continued to increase month by month.

Initially, Avery recalled, fewer than 2,000 bus pasengers were traveling on Shirley. By mid-1971, just before the first new federally financed buses were purchased for the project, 10,371 pasengers were riding the buses in and out each day. Last month, the total reached 18,420.

However, federal funds from the Department of Transportation that are underwriting the Shirley express bus project will expire in December, 1974, several months before the extension of the widened highway to the river is slated to open.

Rail transit service is not planned by the Metro system through the Shirley Highway corridor. By 1979, however, Metro service is scheduled for Springfield and Franconia, with the trains operating through Alexandria.

WEEKLY RADIO REPORT

PAUL WEYRICH. Turning to another topic, Senator Allott, an active member of the Transportation Appropriations Subcommittee, had this observation on the plans to close the Interstate 95 bus only lanes:

Senator ALLOTT. Of course, the Interstate 95 bus-only lanes applies to the Washington, D.C., area. Here we have, in practical terms, a fine example of what I have been talking about for several years. The Virginia Department of Highways and the Federal Highway Administration permitted two lanes to be used for buses only during rush hours. In a recent Senate speech I said the experiment was a qualified success, even though it is no substitute for rail rapid transit. Now the Virginia Highway department says that 18,000 passengers is not enough to justify the lanes being used for buses only. It says it will have to open the lanes to general traffic when the highway is completed. I think every city which chooses the "trojan bus" approach offered by the highway people to solve its mass transit problem can find itself in the same predicament. After it builds bus lanes, the highway people can dictate that there is insufficient traffic to justify buses alone, so the lanes have to be used for other purposes.

PAUL WEYRICH. Senator Allott says he has been skeptical of the highway department's interest in mass transit for just this reason.

Senator ALLOTT. On the surface some of the highway people seem to be genuinely interested in mass transit, even if they do limit their interest to buses only. Underneath, however, some of these highway people probably see the "bus lane" approach as a clever way to build more highways under the cover of mass transit. I believe that transit authorities and city planners had better take a long hard look at the kind of technology they choose to solve their transit problems. They might find that they have elected to operate buses on exclusive lanes, only to later learn that the buses must be mingled with cars and trucks and they are right back where they started from.

PAUL WEYRICH. This has been news from Senator Gordon Allott. This program came to you from our studios in the United States Senate, Nation's Capitol in Washington.

CALL TO FEAR

Mr. CHURCH. Mr. President, the presidential nominating conventions have been held, the most recent being the Republican Party's convention. The proceedings, particularly President Nixon's speech of acceptance of his renomination, have generated considerable comment in the newspapers.

Two such comments appeared in the New York Times during August—one an editorial entitled "Call to Fear," published on August 29, 1972, the second, an article entitled "The Making of the President," written by Tom Wicker, and published on August 24, 1972. Both editorialized comments point out that, although certain initiatives by the President in foreign policy could have been prominent elements in a constructive acceptance speech, the President inexplicably chose, in the words of the New York Times's editorial, to devote "most of his energies to calling upon the electorate to fear Senator MCGOVERN and the Democrats." This, concluded the New York Times editorial, "is no happy augury for a reasoned and responsible discussion of the Nation's serious problems."

I ask unanimous consent that both articles be printed in the RECORD.

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

CALL TO FEAR

President Nixon's acceptance speech to the Republican National Convention was an extraordinary address for an incumbent to deliver. Instead of expounding the accomplishments of his own Administration and explaining how he plans to extend and improve upon them in the next four years, Mr. Nixon devoted most of his energies to calling upon the electorate to fear Senator McGovern and the Democrats.

"In asking for your support, I shall not dwell on the record of our Administration which has been praised, perhaps too generously, by others at this convention," he said. Coming early in the speech this sentence sounded like a bit of engaging modesty, until it became evident that it was, in fact, a line concocted to enable him to pivot away from his own record and make a savage, partisan attack on the opposition.

Except for a concluding "upsweep" section on the hope for peace, the thrust of the speech was overwhelmingly negative. It was as if Mr. Nixon has not been President at all but is still the office-seeker and partisan sharpshooter, ever on the attack. It was also an intellectually tired and empty speech—one that fell back on old material and barely reworked "cheer lines" from previous campaigns.

Thus, the quote from Lincoln about America being on God's side was lifted from the last paragraph of the first Nixon acceptance speech in 1960. The passage about Tanya, the Russian girl, was the same one that he used in his address to the Russian people earlier this year. "Peace is too important for partisanship," is a slight variation of the line Mr. Nixon used in the last campaign to avoid any discussion of how he intended to "end the war and win the peace" in Vietnam.

Indeed, Wednesday night's speech had the same purpose as the carefully crafted "basic speech" which he repeated over and over again in 1968 and—with some different phrases—in 1960. That purpose is not to engage in the democratic process of debate, of argument and counter-argument, of explaining problems to the people and trying to guide them in the direction a leader thinks they should move. Mr. Nixon seeks the opposite. He seeks to obscure the hard choices, to package issues in ways that sound pleasing to listeners but actually commit him to nothing, and thereby to evade a leader's responsibility rather than to exercise it.

There can be little doubt that Mr. Nixon's performance was effective in partisan terms. With the skills he has relied upon in a quarter-century of campaigning, he set up straw men and bravely struck them down. He placed the well-calculated innuendo; he deployed the usual dubious or unprovable statistics; he made complex issues pivot like dancing bears and leap through rhetorical hoops; he stirred fear and then came down firmly on behalf of convictions shared by everybody.

"I believe in the American system." And who in this campaign does not?

"We have launched an all-out offensive against . . . permissiveness in our country." What does it actually mean, if anything, to launch an attack on permissiveness?

Dusting off an applause line from his 1968 standard speech, Mr. Nixon said, "I want the peace officers across America to know that they have the total backing of their President in their fight against crime." Does that mean they did not have the backing of President Kennedy or President Johnson? Or that Senator McGovern in pro-crime?

"Let us be generous to those who can't work without increasing the tax burden of those who do work," Mr. Nixon said. No one can be generous and thrifty at the same time; the President's own welfare reform plan would involve substantial additional Federal expenditures. In like vein, the President denounced the local property tax but said nothing about the broad-based tax that would have to be imposed to take its place.

The taint of demagoguery sadly infected even the President's discussion of the Vietnam tragedy and also of his initiative toward China and Russia, where his critics would readily concede his constructive efforts. Mr. Nixon laid down three unexamined but applause-provoking criteria for a Vietnam peace. He promised never to abandon American prisoners of war, but did not say how endless bombing would get them back. He promised never to impose a Communist government on South Vietnam, but did not explain how he would end a war in which the political future of South Vietnam is the central issue. He promised never to "'stain the honor of the United States of America," but did not say why it is honorable to rain bombs on the Vietnamese people because they are Communists at the same time that he is making friendly overtures to far more powerful Communist nations.

If he keeps to the pattern of his past campaigns, President Nixon will reiterate endlessly between now and November what he said on Wednesday evening. Sections of the speech may be omitted or their order of delivery shuffled on other occasions, but this is probably "the speech" for the Nixon campaign. If so, it is no happy augury for a reasoned and responsible discussion of the nation's serious problems.

THE MAKING OF THE PRESIDENT

(By Tom Wicker)

MIAMI BEACH, Aug. 23.—You understand, of course, if you've been watching television from Miami Beach, that President Nixon has put an end to the war in Vietnam—"so bloody, so costly, so bitterly divisive," says the Republican platform, when Mr. Nixon came to power.

But then you also understand—surely you do—that anyone who wants us to get out of Vietnam on any terms other than Mr. Nixon's is "bemused with surrender." In fact, although Mr. Nixon already has ended the war in the prologue of the platform, in the very same prologue the Republicans declare that the nation's choice this year is one between "negotiating or begging with adversary nations."

You really have to hand it to Mr. Nixon and the Republicans. Here at Miami Beach they have shown themselves past masters of some of the finest political arts—having it both ways, turning black into white, and making something out of nothing. These techniques are in the finest American political tradition, Democratic as well as Republican, and can only be admired by connoisseurs.

With what matchless cool, for instance, the platform deplores the undeniable fact that before Mr. Nixon zoomed off to Peking, "the isolation of the People's Republic of China, with one-fourth of the world's population, went endlessly on." No voter could suspect from such chiseled prose that either the Republicans or Mr. Nixon ever had anything to do with that wicked isolation, and that is what politics is all about.

Moreover, this is the "open door convention" of the "open door party." Every convention speaker has managed to suggest what a splendid contrast this makes to the rigidly controlled Democratic convention of last month. Nothing is said, naturally, of actual results in the admission of young people, women, blacks; who need to know the facts?

The "open door" does not, naturally, extend to Republican convention headquarters at the Doral Beach Hotel. There, a prominent sign proclaims "this hotel is closed to the public" and the security men, some with menacing bulges under their jackets, others with Graustarkian jackets and caps, swarm like the Nixon Youth that are bused from rally to rally here. But this fortress mentality and Mr. Nixon is not even in residence at the Doral does not surface in the righteous "open door" rhetoric; the people aren't entitled to know everything.

Speaker after speaker warns here of the profound threat to the free enterprise system posed by the extremists said to have stolen the Democratic party from rightful heirs the Republicans seem to consider remarkably virtuous. These speakers do not say who imposed wage and price controls on the economy, or whose policy failures made those controls more or less necessary. But let us not ask too much of fallible human beings.

Let us not inquire, for instance, how the Republicans can defiantly declare their flat opposition to "programs or policies which embrace the principle of a Government-guaranteed income," when only three years ago Mr. Nixon became the first American President to propose a program embracing precisely that principle—his once-vaunted Family Assistance Plan. Pat Moynihan, rest in peace.

And it is reassuring, isn't it, that the open-door party also vowed to "continue to defend the citizen's right to privacy in our increasingly interdependent society"? It may, of course, be unfortunately true that the Nixon Administration has heretofore boasted of its wiretapping and bugging policies, which ultimately had to be curbed by the Supreme Court, but perhaps this is nit-picking. Watch what we say, not what we do, or vice versa in some cases.

And what fair-minded man would try to make a connection between the Democrats' troubles with organized labor and the fact that this year's Republican platform promises a continued search for "realistic and fair solutions to emergency labor disputes"—in sharp contrast to the 1968 plank on which Mr. Nixon was elected, which said emergency strike legislation was "imperative"? Everybody is entitled, after all, to grow and mature in office; no politics in that.

Of course, the open-door party and its President are "irrevocably opposed to busing for racial balance." And though it may seem superficially contradictory, they also "strongly oppose the use of housing or community development programs to impose arbitrary housing patterns on unwilling communities." But, really, nothing could be more logical, because if you don't want to bus black kids into white neighborhoods, you certainly don't want their black families moving in next door.

It's that kind of thing that makes the Republicans and Mr. Nixon what they are. Come to think of it, it's that kind of thing that makes American politics.

EQUALITY FOR THE DISABLED

Mr. DOLE. Mr. President, millions of Americans face discrimination literally every hour of their lives because they suffer from some physical or mental handicap. The following article describes this discrimination with surprising accuracy. Entitled "The Disabled Speak," the article appeared in the International Rehabilitation Review, second quarter 1972, and presents the results of a survey conducted with the assistance of the United Handicapped Groups of Ontario, Canada, under the guidance of Mr. Wilfred Race. 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:

THE DISABLED SPEAK

(Note.—The following article presents the results of a survey conducted with the assistance of the United Handicapped Groups of Ontario, Canada under the guidance of Mr. Wilfred Race. It was undertaken as a part of a larger study by Dr. Keith Armstrong, Executive Director of the Canadian Rehabilitation Council for the Disabled and Rehabilitation International National Secretary. Dr. Armstrong is also Chairman of the Rehabilitation International Social Commission.)

There are three basic approaches to an examination of the needs of the disabled. The first is through the eyes of the professional—doctor, teacher, therapist, psychologist or social worker. Unfortunately, because of the degree of specialization demanded by present day accumulations of knowledge, the professional person gains expertise in a comparatively narrow area of the individual's total needs.

The second is through the eyes of the institution, either the government or a structure within the private sector of society. Together they represent the attitudes of society towards the disabled, and the privileges or limitations which society imposes upon the disabled person, but do not necessarily reflect the real needs of the disabled.

The third approach, and the one which will be emphasized throughout the present study, is the viewpoint of the disabled person himself—which will very likely be in conflict with the needs as defined by the professional, or made possible through the institution.

THE DISABLED IN TODAY'S SOCIETY

The average handicapped person (in Ontario) today is confronted by an environment which severely restricts his function as a member of society. The environment is fraught with barriers of both a physical and social nature, frequently combining to produce a lifestyle of fear, frustration, failure and even despair. The root of much of the emotional distress of the handicapped adult lies in a public which does not understand his strengths and, instead, judges him solely in terms of the debilitating effect of his disability.

THE SOCIAL REVOLUTION

The social revolution of the past quarter century has had a profound effect upon how disabled people see themselves. Disablement has been, until recently, seen as a personal tragedy afflicting the life of the victim and, possibly, his immediate family, but of inconsiderable concern to society. The democratic conventional wisdom of the day dictated the accommodation of the majority as the first duty of state, and those whose circumstances did not conform to the norm may have been regarded with compassion, but not understanding.

Apparently, the disabled accepted these conditions and did not feel the social and physical infrastructure of society should adapt to their particular requirements. They saw their plight as an act of the gods. Those determined to overcome their limitations usually found sympathetic response, but the initiative lay entirely with the disabled themselves. The disabled had not yet discovered the strength inherent in their own numbers.

Gradually, more enlightened thinkers realized that disabled people could be trained to perform certain useful functions, and to the limited extent that this was done, vocational training programs touched the lives of a few disabled people. The vast majority were left to fall back on their own limited resources.

The majority of those given access to special training had sustained a disabling condition at a later stage in life, after having demonstrated their usefulness to society as non-disabled persons. This kind of program assuaged the public conscience, by compensating those who had become disabled while engaged in some form of socially accepted activity. Society did not feel particularly responsible for those suffering from congenital conditions of the debilitating effect of disease.

Disabled people, therefore, became the object of many charitably minded individuals and organizations who ascribed to them an inferior status and self-assumed the responsibility of determining what was best for them.

The liberalization of social thought and the shift in emphasis of the democratic philosophy to a greater respect for the rights of minorities have had a remarkable and salutory effect on the way minority groups regard themselves. These developments have manifested themselves in a variety of movements such as tenants' associations, poor people's conferences and women's liberation. In keeping with other minority groups, the disabled have come to realize that they too have a right to the better life, and that if the structure of society and accepted social values must be altered to achieve this, then we should get on with the job.

THE NEEDS OF THE DISABLED AS EXPRESSED BY THE DISABLED THEMSELVES

The following observations are those of a representative sampling of disabled adults living in Ontario. The information was obtained by holding group meetings and individual interviews with persons having a wide variety of physical disabilities, representing all age groups between 18 and 65 and reflecting experience within a broad socio-economic milieu. Factual information quoted from the interviews were not in all cases verified by the interviewers. They represent, however, circumstances as they are understood by the disabled, and this in itself can be highly significant.

Architectural barriers are undoubtedly the most universal complaint voiced by disabled persons because they severely hinder those affected by a broad spectrum of disabling conditions. They limit all kinds of everyday activities, from the weekly grocery shopping or going for a beer at the local pub to job-hunting or taking a vacation.

The question of architectural barriers extends far beyond access to public buildings—it embraces as well public washrooms and telephones, revolving and excessively heavy doors, turnstiles and rubber skid mats at shopping center entrances and high friction carpeting. Even the vertical alignment of elevator buttons can pose a serious problem to a person in a wheelchair. Difficulties are also caused by roadways and sidewalks needing repair and by curbs at crossings, which are particularly dangerous when icy.

Housing.—There is probably no issue facing disabled persons which produces more genuine anxiety than the lack of appropriate living accommodations. Parents of disabled persons living at home are apprehensive as to what will happen when they can no longer provide care and it is equally a source of fear to the disabled person who can foresee only a bleak future of institutionalization. Disabled married couples often cannot find housing at a price they can afford and suited to their limitations.

Many disabled persons requiring only a minimal degree of personal assistance are placed in hospitals for the chronically ill and in old persons' nursing homes. A case in point is a woman of about 40 years of age in a Northern Ontario community who shares a room in a nursing home with four women all over the age of 75. This young woman has never experienced any peace and quiet or privacy.

Many disabled people distinctly prefer their own private residence. In many cases, financial obstacles are the only deterrent to this. Several people therefore felt that financial assistance should be available for those on limited incomes to help cover the cost of maintenance or a down payment on a home.

Transportation.—Lack of inexpensive transportation constitutes a major obstacle to the mobility of many physically disabled

people, which is essential if one is to join society. Many handicapped people are reluctant to ask friends and relatives to meet their local transportation requirements. There is, therefore, a very widespread feeling that a local transportation allowance or subsidy should be provided. Several instances were cited in which a disabled adult could not attend a workshop because he could not find transportation.

Many taxi drivers will not accept the responsibility or burden of picking up a handicapped fare. As one woman put it, "it is remarkable how many taxi drivers develop heart conditions whenever they see a handicapped client."

The blind are regarded with envy by some people with other disabilities because of special transportation arrangements made for them in many cities.

Large metropolitan areas present even greater problems for the physically handicapped—the inaccessibility of public subway systems has been well documented. Proposed bans of vehicular traffic in the cores of downtown areas would place the disabled in an even more disadvantageous position.

Recreation and leisure time activity has probably received less attention than any other facet of the life of a disabled person. This is rather surprising, since most handicapped people have more time on their hands than does the average individual. Service clubs in some centers sponsor picnics and holiday parties for the disabled, but this doesn't begin to provide the answer and often carries overtones of philanthropy.

The highly beneficial effect of sports and recreation programs has been demonstrated by numerous severely handicapped people who have gone on to obtain employment as a result of recognizing their capabilities through such programs.

Employment.—The search for competitive employment can be an agonizing experience for the physically disabled. Restricted qualifications, prejudiced employers and a general lack of public understanding all militate against his success.

A lot of criticism has been levelled at employment agencies, which many felt only pay lip service to the desirability of hiring them. One young interviewee claims to have considerable skill in operating film projectors, but upon answering an advertisement for a projectionist at a local theater was rejected because the manager felt he would not be able to properly operate a fire extinguisher.

A handicapped girl in her twenties, a public school teacher prior to the onset of her disability, was unable to get a job in a local bank because she had "too much education." She is now working as a receptionist for a local medical doctor.

A young cerebral palsied man, given the "brush-off" whenever job-hunting, was refused employment as a mail sorter in the post office and told he was too handicapped to handle the work. This same man was denied a government disability pension on the grounds he was not sufficiently handicapped.

As to the degree of accommodation that an employer should be expected to make for a minor deficiency in employee performance, there is a difference of opinion. The majority interviewed thought that an employer should demand as much of a disabled employee as from any other, believing that if a handicapped worker is coddled he will slacken off. Others feel that if special consideration is made, the disabled worker will feel obligated to produce at his maximum. Some also maintain that governments should subsidize employers of disabled workers to the extent that their output falls short of established production standards. It should be noted, however, that this latter approach has the support of only a small percentage of those interviewed.

Appliances.—Most complaints concerning appliances dealt with the high cost and general lack of information as to availability. Some of the respondents had asked their doctors for information on equipment to assist the disabled and discovered even they were largely unaware of what was available and where it could be obtained.

Workshops.—The majority of criticism aimed at workshops was directed at the low rate of pay and unsuitability of tasks for the marginally disabled. The workshops, for the most part, are not required by law to pay the minimum wage, which has led to charges of exploitation.

Pensions and income security.—The current system of disability allowances came in for a lot of criticism on two major fronts: the difficulty of securing a pension and its inadequacy once secured. Many people find it hard to accept that children of well-to-do parents qualify for the disability pension, whereas a disabled housewife whose husband works does not. One young man unsuccessfully applied for a pension for 10 years and finally succeeded the tenth year by changing his doctor.

The present system of allowing earnings of only $25 a month (or $75 averaged over three months) was described as "degrading," "encouraging cheating," and "lacking in all incentive to improve one's position."

Case workers.—Closely related to the subject of disability pension is the attitude adopted by many case workers in this field. Disparaging epithets were often used in referring to such personnel, largely by those who felt humiliated by them. In all fairness to the caseworker, it is felt that the system is more often to blame than its representatives. Quite a large number of people felt that social workers dealing with the disabled should be given special training or orientation to obtain a greater understanding of their problems.

Public understanding.—Many were concerned with finding ways and means of promoting a better public understanding of the needs of the disabled. Opinions varied as to the extent that society now recognizes the disabled as equals, and these opinions can often be correlated to the severity of the handicap afflicting the individual. The more severely disabled describe public attitudes in terms of "being treated like a child," "patronizing," and even "rude."

Television programs and films projecting a positive attitude towards the disabled were mentioned as highly valuable. However, the overwhelming majority of disabled people were of the opinion that the onus rests with the disabled themselves to secure a favorable public image by their own example.

Institutionalization.—A major danger of lengthy hospitalization is the dependency which may be developed on the institutional environment itself. A case in point is that of Pete, aged 22, a paraplegic as a result of a motorcycle accident. At the time of the accident Pete had a large circle of friends, including his fiancee. After a year of confinement he eventually lost contact with all old friends, including his fiancee. Pete has now reached the stage where the hospital is his world, confiding to the interviewer that the possibility of discharge fills him with dread. He stated that he deliberately pretends to be making no progress in physiotherapy treatments in the hope he will be retained at the hospital.

The interviewers were told this case was not unusual and that this was one of the dangers inherent in making the rehabilitation environment so pleasant that it becomes a substitute for the real world.

ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. ALLOTT. Mr. President, the Senate was in recess on a grim and instructive anniversary—the August 21 anniversary of the 1968 Soviet invasion of Czechoslovakia. It is especially important that we not forget to commemorate this date this year.

The news from Czechoslovakia continues to be both grim and predictable. The puppet Czechoslovakian Government—a pliable instrument of the Soviet regime whose bayonets and tanks installed it—is continuing the customary mixture of purges and repressions by which Socialist governments secure themselves.

August 21 will mark another "Soviet Day of Shame." It is a special pity that the Soviet Government cannot content itself tormenting its own poor subjects. Surely the Soviet Union could more profitably export something besides armored divisions.

The most unfortunate thing is that the Soviet Union may feel the need to try to impose its will on Czechoslovakia for as long as the spirit of liberty is alive in the brave and long-suffering Czechoslovakian people. That will be a long, long time.

THE NEEDS OF NURSING HOME PATIENTS

Mr. CHURCH. Mr. President, as chairman of the Senate Committee on Aging I have taken a special interest in the welfare of the nearly 1 million residents in our 23,000 nursing homes.

To be sure, nursing homes are still very much a subject of controversy. And I believe there is a growing and unfortunate trend to criticize all nursing homes under a blanket indictment.

There are, I want to emphasize, some very fine nursing homes across the country, and I can state categorically that there has been great improvement in the last 10 years.

At the same time, there are serious problems. Our study and preoccupation with these problems, I am afraid, sometimes adds to the impression that there is nothing positive in the nursing home field.

For example, I do not believe most Americans realize the full extent of the needs of nursing home patients. It takes long hours and devotion to provide nursing home residents with the kind of care that we would like to see given our loved ones.

In this regard, the Idaho Health Facilities Association recently held a meeting in Coeur d'Alene, Idaho—bringing together some of the Nation's leading experts to discuss these problems. A paper presented at this meeting by Dr. Elsie A. Giorgi, associate professor of medicine at the University of California at Irvine, is so insightful that I bring it to the attention of the Senate. It provides a good account of the fundamental requirements for a good nursing home.

It is clear to me that what is needed immediately is a crash program to provide in-service training to nursing home personnel. Only with proper training can these personnel, no matter how dedicated, come to grips with the problems of the infirm elderly.

Mr. President, I ask unanimous con-

sent to have Dr. Giorgi's paper, entitled "Extended Care Facilities: Educational Course-Medical Aspects," printed in the RECORD.

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

EXTENDED CARE FACILITIES EDUCATIONAL COURSE—MEDICAL COURSE

(By Elsie A. Giorgi, M.D.)

INTRODUCTION

The values of a society are determined not so much by its scientific achievements as it is by the way it cares for its people, especially those who cannot care for themselves. This challenge is particularly pertinent to those involved in health care, both professional and non-professional. The doctor (both physician and dentist) is the most fortunate member of this confraternity. By virtue of his education and training, he is predominantly involved with the diagnosis and biologic cure of acute illness, relatively clearly defined and even at times glamorous. Unfortunately, too often this is accomplished to the point of virtual neglect and even lack of awareness of the physical restorative and psycho-social and economic resocialization aspects.

It is quite obvious that the medical profession in this country has opted for technical and technologic excellence often to the point of detriment to common, every-day care of people. Such things as epidemiology, immunizations, antibiotics, superbly skillful surgical procedures, and incredibly proficient gadgetry have combined to prolong the average life span—unfortunately without sweetening it appreciably. The result is obvious and at times devastating. We are now left with a predominance of serious chronic illness applicable to about 45% of our people—requiring over 70% of all health care services. Thus, the doctors' role must of necessity change. Unfortunately, he (or she) is quite reluctant to acknowledge this and even more unwilling to relinquish centrality to the other health disciplines much more adept at managing the care of the chronically ill.

Our greatest challenge is to redefine the entire gamut of health care services towards a more sensible approach to the true needs of people with a common goal—rapid and optimum functional restoration of that patient—placing him central to our efforts. Levels of care must be based on levels of need, and we must strive for quality care for all rather than luxury care for a few. Essential to these goals is the redefinition of the roles of each member of the team. In this configuration—especially in view of the preponderance of chronic illness—the Extended Care Facility—its personnel, equipment, and philosophies—emerges as a very significant component. Regulations as well as moral implications demand of the E.C.F. much more than the past concept of a place where people go to die or to be discarded and segregated from the mainstream of living.

Pursuant to these introductory remarks, I have divided this presentation into three parts to include discussion of: (1) the various phases of illness and the salient features of each, particularly as associated with a clearer definition of roles; (2) the biologic and psycho-social aspects of chronic illness and aging; and (3) the implications of all three for the Extended Care Facility.

PHASES AND SALIENT FEATURES OF ILLNESS AS SEEN IN E.C.F.

All phases of illness are seen in the E.C.F.—chronic, sub-acute, and acute. Chronic illness is of course predominant. The definition of chronic illness is quite vague to many of us. To some, it means illness of low-grade severity. It once meant an illness that lasted more than thirty days, which made the time element important. A more pertinent concept is that defined by the World Health Organization which states that . . . chronic illness is one for which there is no cure and the patient is still alive. The implications are obvious and grim. In the first place, if there is no cure, the physician's role—predominantly diagnostic and curative—is certainly less significant. Secondly, the problems are mainly functionally restorative and psycho-socially supportive with grave economic implications—all of which requires great skill and patience.

Under these conditions, it is easy to see that the roles of the nurse, the social worker, the physical and occupational therapist, and allied professions and para-professions assume prime significance. The administrator is equally important. He must be aware of each of their functions and must be supportive of them from every aspect.

In sub-acute illness, particularly, the nurses' role emerges as central to care. It requires predominantly a "laying on of the hands" with frequent discussion with the physician as contrasted with chronic illness which involves all disciplines in a conjoint effort and with relatively infrequent discussion with and fewer visits by the physician. In the chronic phase, very frequently the social worker emerges as the most central discipline, especially when psycho-social worker emerges as the most central discipline, especially when psycho-social and economic factors predominate. Acute interval illness can and does occur in the Extended Care Facility. All must be alerted to the associated signs and symptoms and must be quick to act if disaster is to be served.

Thus, it is obvious, that at various phases, the various disciplines are central to management of care with the other disciplines used previously as consultants. At all times, however, for optimum management of the patient's problems, we must be guided by his or her needs rather than spurious, self-centered and self-serving professional roles. Thus, in reality, the patient becomes central to all care.

No longer can we consider the role of the para-medical or ancillary professions as one of "handmaiden" to the physician or that of the para-professional as the "scut-worker." Each must contribute to the best of his ability and confer frequently with each other in a conjoint effort based on the patient's needs at any one time. This is the essence of a true team approach.

BIOLOGIC AND PSYCHOSOCIAL ASPECTS OF AGING AND CHRONIC ILLNESS

Figures I and II appended to this paper describe the scope of the problem with relation to chronic illness (Slide I–II) as well as comparison of incidence of degenerative or chronic disease with other large categories. It is very obvious that chronic or degenerative illness predominates. Since it is also obvious that the elderly are most frequently involved, it makes good sense to describe the biologic aspects of aging as a framework.

It has been said that the relationship between aging and disease has thus far generated more heat than light. I certainly agree. Perhaps the most significant point to make about the biologic aspects of aging is that aging, of itself, is not synonymous with illness and disability. The basic cause of these is always some disease process which *can* be dealt with in terms of preventive, curative, and rehabilitative services. By and large, then, we can and should dispense with the well-known cliche—"What do you expect at your age?"—hurled in answer to complaints made by anyone approaching old age—which nowadays, I'm told, is over thirty-five. There is a vast difference between senescence, which is physiologic, and senility, which is pathologic.

Taken in its broader sense, as part of the continuum of human growth and development, aging can be defined as that period during which growth and development have ceased, but change is still taking place. Barring catastrophic illness, which takes place at any age, those changes should be gradual, permitting adjustment and adaptation towards homeostatic maintenance. There is a general slowing up—but the demands for energy and speed are also less. The reason for this is as yet obscure. The real challenge is to maintain optimum balance between these two. Unfortunately, this cannot be achieved in aging if it has been neglected prior to then.

If it were possible to ever make a simple statement about any period of man's life span—we might sum up the characteristics of aging with the observation that there is less elasticity and latitude and more rigidity and limitation. This applies not only to the biologic, but to the psycho-social as well. The elderly are a very conservative crowd—they like what they're used to—a fact which must be kept in mind at all times in programming for their health needs.

In this discussion, I would like to review the biologic aspects of aging under two headings, as follows: A. The more frequently occurring changes and their associated health problems; and B. The health care needs of the elderly.

A. *Biologic changes and associated health problems*

1. More Frequently Occurring Physical and Physiologic Changes

Loss of elastic tissue producing such conditions as pulmonary emphysema, skin changes, loss of dentition and hair.

Decreased tolerance for temperature and other weather.

Decreased tolerance for certain foods, especially carbohydrates and fats.

Decrease in immunity.

Changes in vision and hearing.

Altered sensorium—memory for recent events impaired and memory for past increased.

Demineralization of bone—osteoporosis.

Destructive changes in joints—osteoarthritis.

Decreased gastro-intestinal mobility.

Diminished endocrine function.

Increased rigidity of the circulatory system and associated decreased capacity for adequate circulation.

Decreased muscle mass and tone.

Decreased energy and tolerance for exercise.

Decreased sexual capacity.

In general, then, degenerative conditions predominate and the mechanisms for balance (homeostasis) are less effective. There is increased vulnerability with slow response to illness and with slow recuperation after disruption or illness. All of this has been beautifully summed up in one concise phrase by the poet, W. H. Auden: "So children run high fevers on slight provocation while the organs of the old suffer in silence."

By and large, the common denominators for all of these changes are: decreased blood supply through athero and arteriosclerosis; decreased endocrine secretion—also very likely a function of the former; and actual wear and tear through use, trauma, and neglect.

2. There Are Also Some General Principles Which Should Be Kept In Mind

We do not abruptly become old. The whole process of human growth and development is a continuum and there is a biologic and psychosocial cumulative effect. Thus, neglect in the pre-geriatric years takes its toll in later years.

There are individual differences. It is very true that "getting" old is universal, but how we "grow" old is very personal.

There are class, cultural, and economic factors involved with attitude towards health. Health has different meaning for different people. To the poor, it may mean the absence

of illness or even just the absence of pain. They may present for care only when it hurts—too often when the condition is irreversible. The life styles of people must be understood if we are to be of real help.

3. Associated Health Problems

Some of the health problems of special concern in aging are those which are mainly responsible for transformation of the well aged into the sick and disabled aged. These are:

Cancer.—Older patients are more likely to have cancer than younger ones. For example, lung cancer is becoming or is now the most frequent malignancy; carcinoma of the breast is particularly important in women; prostate cancer is very frequent in men; involvement of the gastrointestinal tract is important in all older people.

Generally, the malignancy seen in older patients is the result of pathologic states that may have been active for as long as 20 years, and a program for early detection of malignancy must be encouraged beginning in the pre-geriatric years.

Cardiovascular diseases

Essential Hypertension.—This is characterized by increased peripheral resistance and elevation of both the diastolic and systolic blood pressure, and it is a dangerous concomitant of the tendency to hyperreaction—to tensions. However, drug therapy is sometimes effective, with special care given to reducing the pressure gradually so as to prevent insufficiency in the central nervous system or renal blood flow. Also, there is a great need for programming life styles towards decrease of tension states.

Diastolic Hypertension.—This must be distinguished from the more common arteriosclerotic hypertension (systolic hypertension) which is less amenable to anti-spasmodic treatment, which should not be used.

Atherosclerosis and Arteriosclerosis.—This is perhaps the most significant condition in the aging because of its progressive action in the arteries of the heart and brain, and because it is seen most frequently. Progress in diagnosis and treatment of this condition will make a great dent in general morbidity and mortality rates among the aged. However, arteriosclerosis is neither inevitable nor irreversible, and some of it is preventable. Proper medical supervision and responsibility by the patient for activity and diet patterns are the inter-related and indispensable foundations for effective medical management in the prevention and treatment of this condition.

Cerebral Thrombosis.—The discovery of the prophylaxis for this vascular condition is one of the major objectives of medical research. If we cannot do too much at this point in the way of prevention, at least when it strikes we can avoid many of its disabilities by aggressive treatment during the acute condition and a vigorous rehabilitation program.

Peripheral Vascular Disease.—It is generally recommended that individuals with this condition eliminate smoking. Also, that they be particularly careful about proper hygiene and care of extremities.

Diseases of the Endocrine Glands.—These glands may function inadequately, but the patient can live with the condition as long as they do not fail completely. However, endocrine function has a significant effect on other conditions, and has a great impact on normal functioning and every-day activities. Consider, for example, the effects of thyroid or adreno-cortical insufficiency, the problems following menopause, or diabetes. All of these—including the menopause—can be treated. Replacement hormone therapy in women is now conceded by most authorities to be of proven value.

Obesity.—The patient should be aware of the harmful consequences of overweight. He should be helped in any necessary readjustment of caloric intake and food habits. Where necessary, there should be instituted a weight reduction program, which in the case of the aged must be rigorous, although not drastic, to achieve significant weight loss.

Musculoskeletal Disease.—Muscular insufficiency causes very common disabilities which are usually preventable and which can be corrected. Generally speaking, insufficient attention is given by both physician and patient to the patient's potential for physical training and postural exercise. Too often both practitioner and patient underestimate the elderly patient's capacity and need for regulated, but regular, exercise. The effect on bone is particularly important. Endocrine changes cause a deficiency in the protein matrix which leads to inadequate incorporation of calcium and phosphorous. This condition is known as osteoporosis. Lack of exercise further complicates this condition since inactivity contributes to loss of calcium in the bones.

B. Some specific health care service requirements of the elderly and chronically ill

Accident Prevention.—The risk of accidents among the elderly is increased by such general physical changes as impaired vision and hearing, loss of sense of smell, and slower reflexes. Older persons should be aware of those changes. They should be conscious of their possible effects and be aware of their own specific limitations. Healthy older adults need not limit their activities because of the higher incidence of accidents among the aged. Nevertheless, knowledge as to how and where accidents occur and awareness of one's physical and emotional state can cut down the incidence and dangers of accidents.

Prevention of Exposure to Excesses in Climate.—Extreme heat (which upsets normal fluid and mineral balance); extreme cold (which causes narrowing of blood vessels and may therefore put a greater strain on the heart); extreme dampness (with its higher incidence of upper respiratory infections); over-exposure to sun, heavy winds or any other extreme of weather.

Maintenance of Good Appearance.—Good appearance can boost and maintain one's morale and self-image. Therefore, the elderly should be encouraged to take pride in their dress and appearance.

Mobility.—Whether it takes the form of walking, driving, or the use of public transportation, mobility—the ability to get about—is basically important to the older adult's independence and feelings of self-esteem, and it has a very direct bearing on his physical health. Mobility is essential to the business of daily living—shopping, visiting a clinic, or one's physician, taking care of one's business and other activities. Mobility is essential to maintaining one's relationships with family and friends. Mobility makes possible new interests and activities and therefore adds zest to living.

Drugs and Medicines.—Careful instructions as to use. Avoid self-diagnosis, self-medication, and cross-medicine. (The elderly often prescribe for themselves and for each other.)

Discard old medicines.

Clear labeling of all medicines.

The health practitioner (all disciplines) must be aware of the side effects of medication.

Housing.—The familiar surrounding is important to the elderly. Too often we insist they move to be near married children. This often results in their leaving home and friends to live in single room furnished apartments which result in depression and disengagement. This is a very individual thing, and the wishes of the elderly must be respected. Too often we treat ourselves, rather than them.

Maintenance of Family Role.—This is a major factor in emotional well-being of the aging. Every effort should be made to promote a meaningful relationship with children and grandchildren, especially with the loss of spouse.

Food, Nutrition and Eating.—If food habits have been basically sound, little change is necessary except an understanding that digestive processes slow down and meal size and spacing must be adjusted. Caloric intake should be cut down to a level consistent with the degree of activity. Fasting or drastic dieting is very poor. Some of the foods difficult to digest are those that are fried, highly seasoned, contain large amounts of fats and carbohydrates, gravies and heavy sauces, and some raw fruits and vegetables. A sudden and persistent loss of appetite should receive prompt and complete medical attention. Eating alone should be avoided. Every effort should be made to maintain eating as a social occasion.

Complete Health Insurance Coverage.—It has been estimated that Medicare Plan A covers only about 40% of health care bills; and Plan A plus Plan B, only about 60%. There is great need for supplemental and catastrophic illness coverage. It is unfortunate that income is at its lowest at a time when health care needs are greatest and most costly.

Maintenance of Work Role.—This was beautifully expressed by Ethel Shanas as follows: "In our society a man's employment is not only a means of making a living, his occupation in itself is a social role, and employment in and of itself can assure his social status." In general, people are happiest in our work oriented society if they are able to continue at their jobs as long as possible. Here, I would like to introduce the concept of a "second job" after retirement. Why not train for this in the pre-retirement years? The aging could very easily be trained as aides in the human services, especially in health and education—the seriously undermanned fields. Here, also, we must recognize the need for some changes in our retirement rules. It is senseless to preserve the concept of enforced retirement at 65 in the presence of an increasing life span. Man is living more and more of his years in retirement—suffering from "retirement rot"—often unnecessary. This, too, is very individual and personal. There are some who prefer leisure and the rocking chair. Their choice should be respected.

Programming for Leisure.—Satisfying and constructive use of leisure time is a key factor in the morals and self-image of the aging individual. Where such use of leisure time also involves some sports activity and exercise, it becomes an important contributory factor to promoting and maintaining physical health. In general, there is a very strong relationship between good health and active living which should carry over from one's working days to retirement; the meaningful and satisfying use of leisure is the means by which this carry-over can be achieved.

Mental Hygiene.—The first rule of mental hygiene is to keep open the channels of communication with one's surroundings. However, some reminiscing is also necessary. The pattern of "life review" and reminiscence is prevalent among the aging and should not be construed as abnormal. It is necessary for the attainment of candor, serenity, and wisdom.

Encourage Good Personal Health Habits

Eye Hygiene.—Regular eye examinations; prompt medical attention to eye injuries and inflammations; good light for reading and working.

Care of the Feet.—Too often, neglected foot problems can cause the aging to become homebound prematurely and unnecessarily.

Hearing.—Should be checked in annual examinations. Hearing aids should be encouraged when needed. Deafness tends to isolate the elderly.

Physical Activity and Exercise.—Should be maintained and encouraged. It contributes to general muscle tone, including the heart and circulation. Insofar as possible, continuation of accustomed physical activi-

ties should be encouraged with some modification of pace and quantity.

Sleep.—The amount required varies greatly. In general, it is carried over from the middle years. It is a mistaken notion that the elderly require less sleep.

Care of Teeth.—Teeth can remain in good condition throughout life if they receive proper care. Certainly inadequate teeth should be corrected. They are vital to good nutrition.

Sexual Needs.—Sexual needs and desires do not undergo an abrupt change with advancing years. The sex organs change more than does the individual's sexual needs. The capacity for reproduction ebbs more rapidly than does the strength of the sexual desire; and when the latter does change abruptly, it is generally symptomatic of some psychological factors in the individual. Erich Fromm's statement should be remembered here. He intimated that sexual desires and prowess take origin "from the head up."

Society, including the aged themselves, lack general understanding of the sexual urges, capacities, and expression in older people. Social conditioning is a particularly important factor in the sexual attitudes and practices of older persons—with women, more than men—dominated by social custom and restraints in early and later life. However, here again, the individual's history largely conditions his sexual pattern and attitudes. Those who have not undergone any particular complication or difficulty in a life of sexual and other relationships do not experience new problems in aging.

According to Kinsey, 80%–85% of married couples between 60 and 65, and 70% of those between 65 and 70 years of age engage in sexual intercourse. Fifty per cent of men retain their potency after 70. There is also, according to Kinsey, little decrease in sexual desire by women after menopause. Removal of the uterus and ovaries does not decrease the sexual desire and capabilities.

Sexual activity has little or no effect on the general health of average aged individuals. It may involve greater exertion for the male than for the female, since it is more of a strain on the heart and arteries of the male, though not dangerous for the healthy person.

Protective Services.—Too often, the aging are the victims of schemers who take advantage of their anxieties and diminished capability for understanding. They need an advocate—one whom they can consult before signing agreements and contracts.

All of these health care requirements are to be kept in mind with relation to the E.C.F. patient. All may not be pertinent during the patient's stay in the E.C.F., but they become applicable on discharge and should be considered in designing the treatment and discharge plan.

FURTHER IMPLICATIONS FOR THE EXTENDED CARE FACILITY

These come chiefly under five headings: (1) recognition of effect of decreased tolerance and homeostatic potential; (2) awareness of individuality; (3) the patient's need for a role if we are to avoid disengagement; (4) need for clearer definition of central and team roles of personnel; and (5) need for an ongoing treatment and referral plan.

(1) Decreased Tolerance and Homeostatic Potential: This is particularly significant when acute interval illness occurs. The elderly may not react with fever or even elevated white blood count. A change in his appearance or attitude should be sufficient to alert the staff to investigate thoroughly. Intolerance for changes in temperature and for carbohydrate and fat must be of prime consideration.

(2) Awareness of Individuality: This is of prime importance in programing. There are no blueprints for this. No one type of occupation or recreation can be applied generally. Life styles must be considered. These include racial, ethnic, and individual considerations. It is most important to remember that the elderly dislike change. They like what they're used to. The mere fact of inclusion of some of their personal belongings—pictures, favorite chairs, small tables, etc.—can spell the difference between success and failure in therapy.

(3) Need for a Role: The disengagement of the patient can become pronounced and extremely pathologic once he is confined to an extended care facility. He should be encouraged to take as active a part as possible in his own management and the management of others. His contacts with those outside must also be promoted.

A therapeutic community approach is very helpful. Self-governing committees are of proven value in this respect. Assignment of chores for self-management is also very good. All of this requires imagination and enthusiasm on the part of the staff.

I have often felt how good it would be if we could arrange for vocational programs—such things as bring in "homework" for compensation. There are many in-house assistance programs which the elderly and chronically ill can accomplish. All of these should be encouraged.

How good it would be if an area of the E.C.F. could be set aside as a day child care center using the patients in the role of custodians and even teachers and recreationists. There is a very definite compatibility between the child and the grandparent figure. This would help the child, the busy mother, and the chronically ill not only from the standpoint of role and validation through labor, but also as a source of income.

(4) Definition of Central and Team Roles: This must be accorded much more than lip service. There should be frequent discussion promoting these concepts as policy. The administrator is the most likely member to undertake this function. He cannot and must not be isolated in his office cubicle. Too often his chief concerns are related to business and fiscal managerial problems. He must lead in designing programs of value to all.

(5) On-going Treatment and Referral Plan: The care of the patient does not begin with entrance into the E.C.F. Neither does it end with discharge from the facility. Of prime importance is the establishment of basic requirements prior to transfer into the E.C.F. A complete description of the patient's status including historical, physiologic, and biochemical aspects as well as other diagnostic and treatment reports should accompany him. To often the patient is relegated to the role of chronic illness without proper evaluation. We should be particularly suspicious of the term "chronic brain syndrome" and should insist that this be followed by the words "secondary to —." Too often there is a totally or relatively curable condition underlying this such as congestive heart failure, pernicious anemia, surgically amenable partially occluded vessels, medication abuse (iatrogenic), and even brain tumor. There are many more, to be sure. I am certain you also recall instances of this type. A very productive and simple approach would be to refer to the P.D.R. or the A.M.A. Manual of Pharmaceuticals, reviewing the side effect of the medications the patient is on—especially if and when his condition changes or he is exhibiting bizarre behavior or is out of contact.

There should be frequent discussion by the team of an on-going treatment and referral plan to include discharge plans. The latter particularly should not be considered precipitously and hurriedly at the last moment. The physician should be included in these. If he cannot be present, a conference telephone is a good method to insure his participation. He can be telephoned at his office when his patient is being discussed. The patient and his family or surrogate family members responsible for him must also be brought into the picture. The ultimate goal should be restoration and resocialization. Figure 111 describes this process graphically (slide).

These are some of the chief and minimal requirements for a good E.C.F. program. Far from "pie in the sky," they can certainly be achieved. It merely requires a little less emphasis on the patients' health insurance latitudes and limitations and a little more on what are his needs towards optimum restoration and resocialization.

Although it is very true that there are obstacles to achievement of a good program, it is equally true that if we continue to complacently accept the status quo, we are guilty of "hiding behind the institution and the regulations"—which is nothing more than an evasion of responsibility. Many improvements are possible, even under the present structure. We simply must do better all around. We must identify unmet needs and do everything possible to change the provisions or inadequacies which interfere with addressing those needs. This is our true challenge as health professionals and practitioners. In this context, later this afternoon we will consider the deterrents and then attempt some recommendations to overcome those deterrents.

LOCAL TRANSIT COMPANIES AND SCHOOL BUS SAFETY

Mr. ALLOTT. Mr. President, for sometime I have expressed concern that the Department of Transportation was not realistically evaluating the problems of local transit companies, which transport schoolchildren, as regulations concerning schoolbus safety are propounded.

I have received copies of letters by George F. Pellissier, general manager of Holyoke Street Railway Co., in Holyoke, Mass., to Mr. Herbert J. Scheuer, of the American Transit Association, and to Secretary of Transportation John Volpe. Also included is a letter from Amalgamated Transit Union, division 537, to John Volpe. These letters set out, in specific terms, the case I attempted to make in behalf of those transportation operators in the school transportation business. They are most impressive and I believe they should be read by all Department of Transportation officials concerned with the problem. For that reason, I ask unanimous consent that they be printed in the RECORD.

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

HOLYOKE STREET RAILWAY CO.,
Holyoke, Mass., August 7, 1972.

Mr. HERBERT J. SCHEUER,
American Transit Association,
Washington, D.C.

DEAR MR. SCHEUER: In reference to the Highway Safety Program Standard No. 17, it appears that Transit Companies will become the victims of discrimination if the uniform standard is adopted for state highway programs. The experts, in order to add greater emphasis, use phrases such as "precious cargo" when referring to the transportation of school children. The transit companies feel that all individuals transported including the driver fall under this same description and our goal is always the same—no accidents—therefore no deaths nor injuries. To reach a fair and honest appraisal in formulating safety standards the following criteria should be considered:

That transit type buses, regardless of age, are structurally stronger; heavier in weight and have wider aisles than the "Yellow School Buses",—thus they withstand shock from impact better and with less damage to the vehicle which in turn means less serious injuries to the occupants. With wider aisles the

occupants can be evacuated from the vehicle more quickly. This fact is very important when fire engulfs the vehicle after a collision. Transit buses operate on the more safe Diesel fuel.

Transit Companies maintain shop facilities so that repairs, maintenance, and inspections of vehicles are done in a more systematic manner.

Most transit vehicles are garaged in heated buildings, consequently they are in better operating condition in the winter months than vehicles stored outside.

Transit type buses provide better vision for the driver in the area immediately in front of the bus as the engine is in the rear. This feature of design also adds greater protection if and when the vehicle is struck in the rear.

Transit Companies conduct safety meetings periodically to provide the operator with the best available information concerning highway safety and to review the driving records of all personnel. These meetings tend to serve as a reminder that there can be no relaxing in providing safe transportation.

Regarding the request for comments concerning Standard 17, the following factual information should be considered by all interested parties when promulgating ideas and standards relative to school bus transportation:

School bus transportation is the safest mode of transportation in the United States based on the number of persons transported daily. Proportionately, more children are killed or injured while walking to and from school.

About sixty percent of the fatalities charged to school busing occur outside the vehicles and not related to the actual operation of the school bus. It is in this area that a concerted effort should be made to reduce accidents.

Color of the vehicle has not been the cause of more accidents involving school bus transportation as indicated by the Safety Record compiled by transit companies while performing this service. Their vehicles are generally driven by full time experienced operators who earn their livelihood by providing safe transportation. Good driving habits are acquired by the hours spent in operating over the streets and highways with all the hazards that traffic presents.

Buses transporting school children should be designed with aisles as wide as transit buses to permit safer and faster ingress and egress. It would also provide more comfort for the older children by eliminating the practice that allows three to a seat based on the antiquated rule of thirteen inches of seating space per pupil.

During the school year commencing September 1971 and ending June 1972, the Holyoke Street Railway Company transported approximately eight thousand school children daily, to and from school, using fifty seven buses and operating about fifty percent along franchised routes. The cost performing this service amounted to an average of about three dollars per student. Reimbursement to the cities involved amounted to about seventy-five percent, as State Statute provides that additional reimbursement will be granted to the cities if a common carrier performs the service. This law was placed in effect to help maintain public transportation.

Over fifty percent of the gross revenue of our company is attributed to providing school bus transportation. Without this source of revenue, we would be unable to continue operations.

During the school year, three students reported minor injuries and the total of the claims amounted to less than seventy five dollars.

Attached to this letter are copies of letters sent to the Honorable John A. Volpe last year asking his consideration in allowing transit carriers to be exempt from part of Standard 17 requirements.

I hope that all of this information will be of some help in preventing the acceptance of the arbitrary sections that this Standard 17 contains. I am sending copies to Senator Gordon Allott of Colorado, as he appears to favor transit companies in this issue.

Very truly yours,

GEORGE F. PELLISSIER,
General Manager.

HOLYOKE STREET RAILWAY CO.,
Holyoke, Mass., August 23, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR SIR: The Holyoke Street Railway Company, a common carrier in the Commonwealth of Massachusetts, and doing business as a local transit company for more than eighty years, desires to state its objections to the recommendations in the Highway Safety Program Standard No. 17 that would eliminate the transit industry from the school bus business.

The Transit Industry has and will continue to perform the various segments of transportation which include school busing efficiently, safely and at a lower cost through consolidation rather than by division of the services. We are equipped to handle the demands of transportation without additional costs as we are able to use our equipment more effectively.

Transit buses are considered safer because of their better construction, wider aisles for ease in ingress and egress and must operate with a more safe diesel fuel. They are maintained by full time qualified mechanics and are operated by full time drivers, many of whom have more than twenty years of experience for which there is no substitute. We operate generally on city streets at relatively lower speeds and not on State and Federal Highways where higher speeds have to be maintained because of the faster moving traffic with its resulting hazards. It is for this reason alone that we contend that operating standards should not be country or state wide, but rather for given areas because of the differences in operating conditions. In fact, local school boards have the power to determine the requirements necessary for safe transportation and the decision should be left to them.

As a former Governor of the Commonwealth, you are familiar with the Transportation Act of 1964 whereby Section 7-B of Chapter 71, as amended, provides for additional reimbursement to cities and towns using the local common carrier in their school bus transportation. This was done to help maintain local transit by private carriers who were having financial problems. The siutation has worsened over the past seven years because of higher costs and today school bus transportation accounts for over fifty percent of our gross revenues. The promulgation of Standard #17 would force companies like ours out of business and bring about the institution of more Transit Authorities which is not, as has been proven, a satisfactory substitute for private enterprise. Most Transit Authorities, including the Massachusetts Bay Transit Authority, are deficit ridden operations with most cities and towns seeking through legislation to withdraw because of the high costs involved. I ask that you and your committee members do not cause this to happen in our area, as it is not a satisfactory substiute for the services that we are rendering at the present time.

I believe that school bus transportation is the safest form of transportation in the United States. I believe also that the statistics on injuries and fatalities include the accidents of school buses while doing camp work; buses used in charter service; and children injured or killed while waiting at school bus stop, or crossing the street on the way to the school bus stop; and others injured or killed outside of school buses. These types of accidents have no bearing on the school bus itself, or its specifications or equipment, and its deletion from the accident records would greatly improve the image of school busing and its safety record.

In conclusion, Mr. Secretary, we and the Transit Industry, ask that your final decision be based on sound and honest judgment with safety, as well as economic factors considered. We ask that opinions of school bus manufacturers and Educators be weighed and considered in their proper prospective; that the same treatment be afforded the views of Transit Companies so that a decision can be rendered that will not be arbitrary and force companies to close their doors with the resultant loss of employment for many dedicated union members.

Respectfully yours,

GEORGE F. PELLISSIER,
General Manager.

DIVISION 537,
AMALGAMATED TRANSIT UNION,
Holyoke, Mass., August 10, 1972.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR SIR: In reference to the recommendations of the United States Department of Transportation concerning the color of school buses, Division No. 537 of the Amalgamated Transit Union wishes to state its objections to the proposed legislation.

The most important reason for objecting to these proposals is that of our job security. Because our Company obtains approximately sixty percent of its gross revenues from school bus transportation, the loss of this source of revenue would force the Company out of business with the resulting loss of our employment.

Our membership has been providing drivers and mechanics in the operation of school transportation for over forty years. We are competent drivers who have served both regular passengers and school children in a safe and reliable manner. More than one third of our membership have been in the employ of the Holyoke Street Railway Company for ten or more years. We have enjoyed steady employment during these years and have had an excellent relationship with the Management.

We believe that driving buses is an occupation and not a hobby. It is a full time job with our men which requires a high degree of skill acquired only by the experience gained through hours of operating time. The Department of Transportation desires safety in all forms of transportation, so we, therefore feel that professional drivers best meet their standards and priority should be given transit companies.

The membership of Division No. 537 respectfully requests that you vote against any recommendations that would bar transit companies from the opportunity of providing school bus transportation, thus preserving our jobs and keeping local transit operation.

Very truly yours,

E. H. DEIDRICK, *President.*

NATIONAL ENVIRONMENTAL RESEARCH CENTER, CINCINNATI, OHIO

Mr. TAFT. Mr. President, on June 28 ground was broken for the new National Environmental Research Center in Cincinnati, Ohio. I had planned to attend that ceremony along with other members of the Ohio delegation, but the press of business and several votes on the floor of the Senate prevented me from doing so.

On that occasion, Bill Ruckelshaus, Administrator of the Environmental Protection Agency, delivered the principal address, and he was most favorably re-

ceived by the people in attendance. I think his remarks at Cincinnati that day deserve wider circulation than they have received. So that Senators may have the benefit of reading them, I ask unanimous consent that they be printed in the RECORD.

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

DEDICATION OF NATIONAL ENVIRONMENTAL RESEARCH CENTER, CINCINNATI, OHIO, JUNE 28, 1972

(By William D. Ruckelshaus)

The most characteristic activity of 20th Century man has been his relentless drive to master the natural world. We have begun the conquest of time and space; we have provided unprecedented comforts and stabilized our food supply. We have extended life spans and opened up opportunity for millions, and we can even see the dawn of genetic and behavioral engineering in the distance.

We Americans have taken justifiable pride in these accomplishments. But as a nation hell-bent on progress and the good life, we are something like the little boy who came home everyday with skinned knees. His mother asked: "Why do you fall down all the time?" The boy answered: "Because I always run faster than I can."

The movement to protect and preserve our natural environment reflects a widespread, grassroots realization that though we learned to run fast, we may have been running faster than we should. In the process we have fouled the air, the water and the earth, and discovered that even the oceans are not too big to be contaminated.

President Nixon determined when he came to office that this ruination of our common environment had to stop. He asked that we stringently enforce the water pollution laws and we in EPA have done so. He asked us to set rigorous air quality standards under the Clean Air Amendments of 1970 and we have done that too.

But perhaps most important of all for the long run is our scientific activity. One of the major EPA functions mandated by the President's Reorganization Plan No. 3 is to monitor pollution, research its adverse effects and devise new methods and equipment to control it.

This fiscal year EPA is budgeting about $160 million for research and monitoring. About 40 percent of this goes for work in our own laboratories, 40 percent to universities and other non-government institutions, and 20 percent by transfer of funds to other federal agencies.

The facility we are starting here today will be a vital component of this endless search for new knowledge that can be put to practical use for the benefit of mankind. It will pull together all our research activity in the Cincinnati area into one efficient complex of laboratories. It will encourage the further development of environmental sciences here at the University of Cincinnati and it is bound indirectly to foster the growth of control equipment industries in this part of the midwest region.

We are expecting much of this facility based on the excellent work done so far at the Center.

I think this nation is well on its way to a new era of environmental stewardship. We are beginning to realize that the earth itself, the whole biosphere, is an environment from which we cannot insulate ourselves. If we alter that environment we must also protect it and correct the abuses of the past. We must learn to foresee the full effects of our actions on the world of the future, so that human beings and the whole panoply of natural resources stay in balance.

The National Environmental Policy Act, signed by President Nixon on the first day of the nineteen seventies, expressed this objective very succinctly: "to encourage productive and enjoyable harmony between man and his environment." So we have made a firm commitment to maintain the life-support system of spacecraft earth and all systems must remain "A-okay."

Our success will depend utterly on the dedicated scientist. Every age has its symbols and its heroes. The white-coated researcher locked in his laboratory, unravelling the secrets of nature with great effort and repeated applications of midnight oil, freely giving his findings to the world for whatever use can be made of them, has been a childhood hero to many of us. And he may yet save the world if we use his findings with restraint.

The prime goal of modern society has been knowledge because knowledge meant progress. But knowledge, as Adam discovered, is not an unmixed blessing. With knowledge must come responsibility.

Applied science is changing from a period of extraordinary and unquestioned growth and innovation to a time of caution. Until recently, it seemed there was nothing we could not do. Now, we are repeatedly and most cogently reminded that we depend on living processes for survival—processes we only dimly understand and cannot control or supplant.

The conclusion is inescapable that from now on our applications of technology will be monitored, subjected to critical review, and modified in advance to meet social requirements. This does not mean we should discontinue or slow the development of new technology, rather that we need to better understand the human and environmental impact of its ultimate use. In the long run, this will be less expensive than having to undo our mistakes after the fact.

Scientists will have to be more active in the public forum, laying out the facts and helping to formulate and clarify issues. When complex questions confound the layman there is no subtitute for solid evidence and informed advice. I am not saying that any opinion, expert or otherwise, can expect to dominate the formation of policy but merely that sound policy making is impossible without a full exposition of all relevant data.

The image of the disinterested scientist breaking down the barriers of ignorance, wiping out misconceptions, discovering new facts, laying the foundation for knowledge, progress and peace—this image has been enormously influential as an ideal of humanitarianism and public service.

It will continue to be, if we treat technology as a means, and never as a goal in itself.

When historians of the future look back on this period, they will say it was an age of enlightenment when man first understood that his limitless capacity to innovate always takes place within nature, not outside it, and that preserving the life systems of the earth is our most sacred task.

With science integrated into the total culture of mankind, I have no fear for the future. Man will not only survive, but prosper, and advance in wisdom as a guardian of the Earth.

ACTION DUE ON GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we are now in the final home stretch of the 92d Congress. Congress will adjourn sine die—we hope—by the end of this month, or certainly by the middle of October. Little time remains to act on the significant issues pending before this Congress.

One of the significant issues pending is the Genocide Convention. The Convention was approved by the Foreign Relations Committee in May of 1971 by a vote of 10 to 4. It has been awaiting floor action since then. In fact, it has been awaiting action much longer than that—the Genocide Convention was originally submitted for ratification in 1950, by President Truman, and for 21 years the Convention was on the agenda of the Foreign Relations Committee.

Mr. President, the Genocide Convention deserves consideration. Seventy-six nations have ratified it. Its merits have been debated exhaustively, and every objection to the Convention has been considered and dismissed. The Convention has the backing of the Attorney General and the Secretary of State—the two administration officials with jurisdiction over the Convention. There is no reason for the Senate to postpone action on this issue.

Mr. President, I urge that we proceed to consider this matter without further delay.

TRIBUTE TO ADMIRAL STARK

Mr. SCOTT. Mr. President, a native of Wilkes-Barre, who gave his all to the United States of America in her time of need during World War II, passed away recently. Adm. Harold Raynsford Stark was a loyal American, a respected Pennsylvanian, and a courageous commander.

I ask unanimous consent that an article published in the Wilkes-Barre Times Leader of August 21, 1972, be printed in the RECORD.

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

ADMIRAL HAROLD STARK, WHO BUILT NAVY BEFORE PEARL HARBOR, DIES AT 91

Admiral Harold Raynsford Stark, chief of naval operations from August 1939 to March 1942, and commander of United States Naval Forces in Europe prior to and during the Allied invasion of Normany, died at the age of 91 on Sunday morning at Washington, D.C. following a long illness.

Admiral Stark went to Washington to become chief of naval operations at a time of great world tension. In September 1939, only a month after his arrival, Hitler invaded Poland and general hostilities erupted in Europe. Admiral Stark foresaw the possibility of American involvement and in the face of existing strong isolationist public opinion he was able to convince Congress of the need for naval strength that could control both the Atlantic and Pacific Oceans. Under his guidance, a strong Navy, including all of the necessary supporting vessels and bases, was planned and actual construction was initiated. When this country was eventually drawn into the war by the Japanese attack on Pearl Harbor, the Navy had achieved a vastly improved state of readiness.

For his accomplishments while chief of naval operations, Admiral Stark was awarded the Navy's Distinguished Service Medal. The citation noted his "responsibility for building and administering the largest peacetime Navy in the history of the country," and stated that "Due to his exceptional qualities of leadership and his outstanding ability full reliance was placed upon his advice and counsel by the Secretary of the Navy, by the Congress and by the President of the United States as evidenced by the executive measures adopted for the Naval service to effect a high state of training for war and the building of a 'two-ocean navy'."

DECORATED BY EISENHOWER

In March of 1942 the duties of the chief of naval operations were combined with those of the commander in chief of the United States Fleet by executive order of President Roosevelt. Admiral Stark was then sent to command all United States Naval Forces in Europe, a post he held until August 1945. The command embraced all United States Naval forces assigned to the invasion of Normandy. He was awarded the Army's Distinguished Service Medal by General Eisenhower because of the major role he played in the naval phase of the liberation of Europe. The citation stated—

"Admiral Stark was responsible for the planning, preparation and coordination of the United States Naval aspects of the launching of the campaign for the liberation of Europe. Through keen foresight and exceptional administrative ability Admiral Stark was able to plan for and meet the necessary personnel and material requirements for this enormous operation. Only through his untiring efforts was the accomplishment of this successful invasion completed."

He was also awarded the Navy's Distinguished Service Medal for his work during this period. The citation read in part:

"Serving as Naval Advisor to the United States Member of the European Advisory Commission in addition to his duty as senior United States Naval representative in Europe, Admiral Stark rendered distinguished service not only as a Naval administrator but also as a highly skilled and diplomatic emissary in his relations with Allied authorities, contributing vitally to the success of the Normandy invasion and the post-invasion operations leading to the victorious termination of the war in Europe. His performance of this exacting and important assignment was characterized by exceptional tact, intelligence, professional integrity and gallant devotion to duty, reflecting the highest credit upon himself, the United States Naval Service and his country.

AFRICA IN 1917 WAR

In 1917, when the United States was drawn into World War I, Admiral Stark, then a commander, was in command of the Torpedo Flotilla, Asiatic Fleet. He led a squadron of small and old destroyers, hurriedly fitted out in the Philippines, to the Mediterranean at a season when the southwest monsoon was at its height; the squadron thereafter took an active and efficient part in the antisubmarine campaign in the Mediterranean. For this extraordinary service, he was awarded the Navy's Distinguished Service Medal and the Order of the Crown of Italy.

During the years prior to World War I, Admiral Stark participated in the "around the world" cruise with the U.S. Battle Fleet in a "show of the Flag" under President Theodore Roosevelt. He commanded the destroyers Porter, Stringham, Lamson, Patterson and served in the Cruiser Brooklyn.

Prior to World War II, Admiral Stark served as chief of the bureau of ordinance from November 2, 1934 until August 27, 1937 and in May 1938 he was given command of cruisers, battle force with his flag in the light cruiser USS Honolulu. Other post World War I duties included those in the USS North Dakota, USS West Virginia, USS Nitro, Naval Proving Ground at Dahlgren, Virginia, and Naval Powder Factory at Indian Head, Maryland.

Because he had been chief of naval operations when the Japanese attacked Pearl Harbor, he was an interested party when the Navy in 1944 convened its Court of Inquiry into the circumstances surrounding the Japanese attack on Pearl Harbor. He was later a witness before the congressional inquiry into the attack.

DECORATED BY OTHER NATIONS

In addition to the Distinguished Service Medals already mentioned; Admiral Stark was awarded the following foreign decorations for World War II service: British Honorary Knight Grand Cross of the Military Order of the British Empire; the French Legion of Honor, rank of commander; the French Croix de Guerre with Palm; the Brazilian Grand Master of the National Order of the Southern Cross; the Norwegian Order of St. Olaf; Chevalier of the Order of Polonia Restitute, First Class from Poland; the Knight Grand Cross of the Order of Orange-Nassau with Swords from the Netherlands Government; and Grand Officer of the Croix de Guerre (1940) with Palm, from Belgium.

BORN IN WILKES-BARRE

Admiral Stark was born in Wilkes-Barre on November 12, 1880. He was graduated from the Naval Academy with the class of 1903. He made his home in Washington, D.C. at 4900 Glenbrook Road since his retirement in April 1946.

Admiral Stark is survived by two daughters, Mary (Mrs. Edwin W. Semans) and Katharine Rhoads (Mrs. Harold P. Gillespie), both of Washington, D.C., three grandchildren and two great grandchildren. His wife, the former Miss Katherine Adele Rhoads of Wilkes-Barre, predeceased him.

He was a member of the Westmoreland Club in Wilkes-Barre, the Army and Navy Club of Washington, D.C.; Army and Navy Country Club, Arlington, Va.; the Chevy Chase (Maryland) Club; and the New York Yacht Club.

He held life memberships in the Navy League of the United States, the United States Naval Academy Alumni Association, the Navy-Marine Residence Foundation, the Retired Officers Association, and was an Honorary Vice President of the Naval Historical Foundation.

Active on behalf of the Navy Relief Society during both his active duty and retirement years, he was president of the society during his term of office of chief of naval operations.

JOB TRAINING PILOT PROJECTS IN FEDERAL PRISONS

Mr. BROCK. Mr. President, on August 15 the Senator from Illinois (Mr. PERCY) introduced S. 3922 to establish job-training pilot projects in Federal prisons. I was delighted to have the opportunity to join him in sponsoring this legislation and want to add my comments and encourage the support of my colleagues.

Hearings on the conditions of our prisons before the Subcommittee on Penitentiaries convince me the phrase "prison reform" needs to be understood in carefully defined terms.

For many it is a sort of conversation piece. Everyone professes to be in favor of prison reform, just as they are against sin. But when one asks what should be done, the answers range from making cells more homelike, to improving the manners of the guards.

Senator PERCY's proposal establishes the type of practical, down-to-earth program which could make prison reform a reality. For it would combat the two great problems associated with imprisonment: Boredom and recidivism.

Mr. President, "boredom" is a word that sounds harmless enough, but as someone remarked, boredom can be one of the most destructive forces in society.

He was talking about society in its normal free sense. I would assure him that in prisons boredom is endemic and can result in the most brutal or perverted type rising to dominance over an apathetic herd of men or women inmates.

Genuine job training, related to the real, outside world, rather than the present make-work or mere prison maintenance work, would offer the most effective antidote to boredom of which I can conceive.

The second problem, recidivism, is closely related to the lack of constructive activity in most prisons today. During the subcommittee hearings, testimony was submitted by many closely associated with our prison system, including attorneys, corrections officials, and former convicts.

They all agreed on the difficulty in reestablishing one's credentials in order to obtain a job with any future in it, if one had served time.

It seems clear to me, however, that if a former convict could produce evidence as to having received job training while in prison in terms of what our manufacturing or service industries look for today, he would find many more employment doors opening up for him. He would then be far less likely to revert to crime as a way of living.

The human and material savings resulting from this program seem so promising that I intend to work as closely as possible with Senator PERCY to persuade Congress to agree to its enactment.

RAYMOND GIVENS

Mr. CHURCH. Mr. President, recently, retired Idaho Supreme Court Justice Raymond Givens died in a Boise hospital. Today I pay tribute to him.

Judge Givens was a dedicated public servant, a man whose life encompassed the entire history of Idaho since statehood, yet who looked to the future as one of the authors of a proposed new State constitution.

Perry Swisher, an Idaho columnist, summed up the essence of Judge Givens' career, I believe, in a recent article in the Intermountain Observer of Boise. He wrote:

He was born six years before Idaho's constitution was written. He practiced law, served as a prosecutor, an assistant attorney general, a legislator, a district judge and then for nearly 30 years as a supreme court justice. Yet . . . this tells you almost nothing. What matters is that Judge Givens summoned all that experience into holding up to the light every phrase of our basic governing documents. More important, he used his years and energy to show others how to do it. And how to do it carefully, critically, and dispassionately that we do not thoughtlessly accept—or reject—the way we rule and are ruled and how we got this far.

Mr. President, I ask unanimous consent that Mr. Swisher's column be printed in the RECORD.

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

JUDGE RAYMOND GIVENS

(By Perry Swisher)

A death is what prompts the obituary, but a life is its subject.

The cost accounting in today's chain newspapers usually relegates death notices to the lower-paid and therefore greener reporters. So what you learn about the way a man lived may be confined to some unedited mortuary epitaph describing the widow's burden: "He was an ardent sportsman" or "Mr. Johnson was fond of horses."

Other men's lives instruct our own. Or

should. And as this past decade of assassinations drives home, we are most open to what a man was and what he did at the moment his mortality and our own touches us—at his death.

Last weekend Judge Raymond Givens died in a Boise hospital. I didn't know it when I left the state Sunday morning. It was a shock to come home on Thursday morning to word that he was gone and the funeral was already over.

The substance of Judge Givens' life can't be dismissed by a cost-accounted obituary. Nevertheless, the contrast between the power of his spirit and the poverty of the obit frames my intended subject well: The quality of the offering of public service in this particular primary is out of all proportion to the attention the people have so far invested.

The central fact about Judge Givens' 88 years of life is that he became a public man, stayed that way, and then by the most remarkable self discipline I have seen first hand, made sure that his public service became a public asset.

He was 81 when Robert Smylie, then governor, appointed the judge as chairman of the Idaho constitutional revision commission. I wasn't alone in this: In spite of my respect I wondered why Smylie chose such a frail old man for such heavy duty.

Near the end of the commission's six-year labor on the constitution, we were scheduled into a hearing on the top floor of the Idaho State University student union building. By then Judge Givens was walking with the aid of an aluminum frame. I told him I was sorry but the building had no elevator. "Well, damn it then, carry me up," he said, and while we did I thought, as I do now, how much of the public effort comprising Idaho's history had been gathered into and expressed from one frail body.

He was born six years before Idaho's constitution was written. He practiced law, served as a prosecutor, an assistant attorney general, a legislator, a district judge and then for nearly 30 years as a supreme court justice. Yet, like his obituary, this tells you almost nothing. What matters is that Judge Givens summoned all that experience into holding up to the light every phrase of our basic governing documents. More important, he used his years and energy to show others how to do it. And how to do it so carefully, critically and dispassionately that we do not thoughtlessly accept—or reject—the way we rule and are ruled and how we got this far.

Using this column to remark on him takes away space but adds meaning to what I'd wanted to write about. We are well served, our society enriched, when public life draws talents on the scale displayed by the present contest for U.S. senator.

Robert Smylie has been identifying and sharpening the issues. ISU President-on-leave William E. Davis is finding new warmth and concern in himself by responding to the so-called ordinary people who take the measure of a campaigner. The talents of Lawyer-Dr. Glen Wegner—couldn't we simply hire him without this election fuss? Rose Marie Bowman is giving a newly attractive meaning to being gutsy.

The woman as citizen is, in this campaign, injecting vitality when it is needed. The wives of Rep. Jim McClure and former Rep. George Hansen were secret and not-so-secret (in that order) major assets. Now we meet Polly Davis, Lynn Wegner, Byron Johnson's lustrous Marie. They are more than decorations.

They appeal because their heads and hearts work without being plugged into a kitchen outlet. It is part—and welcome!—of the new politics, even if it is also as old as Abigail Adams and Dolly Madison.

The 1972 field of candidates and their partners represents a commitment that will still be bearing fruit long after my obituary—"he liked trees," probably—has been proofread. Remembering Judge Givens, I celebrate that.

BANGLADESH EMERGES

Mr. CHURCH. Mr. President, the August issue of Harper's magazine contains a graphic and detailed report of the early days of the new nation of Bangladesh. Mr. Lawrence Leamer, a former Peace Corps volunteer in that area of the world, has written a vivid account of the atmospherics in Bangladesh following its successful fight for independence.

With Bangladesh's application for United Nations membership currently being held up, and with Career Officer Hermann Eilts being nominated as America's first Ambassador to Dacca, it is timely to recall the anguish and joys Bangladesh recently experienced.

I call, then, this special report, "Bangladesh in Mourning," to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

[From Harper's magazine, August 1972]

BANGLADESH IN MOURNING—A NEW NATION EMERGES FROM A TERRIBLE DARKNESS

(By Laurence Leamer)

On the night Bhutto announced that he would free the Sheik, the young men who had fought the war and the young men who wished they had fought the war and the poor men of Dacca came out into the streets. Soon the small groups of men, men lithe by race and lithe by diet, and swathed in lungis, the long cotton skirt of Southeast Asia, merged into a mass that surged through the dusty, smoky haze of the evening streets. "Joi Bangla, Joi Bangla, Sheik Mujib, Sheik Mujib," they shouted; and when a television movie camera approached they drew to it, moths to fire, and jumped before the camera, thousands of brown hands flashing up into the klieg lights.

The Mukti Bahini guerrillas fired their Sten guns into the air, for they had no other instruments of celebration, but some refused, knowingly, saying it was best to conserve ammunition. Many of the young men looked up at the great orange moon that had just risen over the cement and clay bamboo walls of the city, and stood awed, scarcely believing, for the mountains of the moon were formed into the shape of Bangladesh. There were some few who realized that their country had no distinct shape and in that alone it mirrored the mountains of the moon, but most took it as the most wondrous of signs.

Even before dawn they began arriving. They traveled by launch and dugout on the rivers that are the arteries of Bangladesh, the water mud-brown and thick as blood, and full of katla and hilsa and the other large fish that jump up into the air so that the water below seems as thickly populated as the land above. They traveled by steamer on the two great rivers, the Ganges and the Brahmaputra, passing across the grayish-blue water that faded into the grayish-blue sky, moving among square-masted fishing noaykas, keeping far from the narrow strips of shore that give way to more water, more boats. They traveled by bus and truck and car across this land they call their mother, across the vast flatness of the land, past burned villages, fallow fields.

They traveled on trains, the cinders and smoke passing along the body of the train and out into the yellowish-brown landscape that stretched out, relieved only by occasional villages of bamboo and mud clustered among palm and banana trees, and then further back another village, and another, back beyond the eye, beyond the horizon. They traveled by foot, walking along the narrow paved roads into the city, into Dacca that now on the tenth of January was full of the dryness and dust of the winter season. They came carrying flags that tailors had stitched together, sewing red circles onto the green backgrounds, and then out of golden cloth cutting outline maps of Bangladesh—each one a crazy patchwork of indentations—and affixing them onto the red circles. In their hands they cradled malas of marigolds and roses, and they walked with banners and posters of exaltation and joy.

Soon the streets filled with the rhythmic chatter of Bengali, with layer upon layer of emotion and anticipation, with tens and tens and tens of thousands of Bengalis hurrying toward the racecourse or the airport or the road between.

Today the Sheik would return, return to them after nine months in prison, after horror beyond horror, after . . . there was no reason any longer to think about it. Today he would return, know how they loved him, know how he embodied them and they him; now it would be all right.

Sheik Mujib had become Bangladesh. The Bengalis are a race of talkers, and words and ideas mesmerize them, have a life of their own that often makes their implementation seem almost irrelevant. But Sheik Mujib could take the most extravagant and dramatic rhetoric and charge it with reality, with the reality of his own struggle and his own sense of the Bengali people. For almost a quarter of a century he had fought for the Awami League, the middle-class Bengali party that sought to wrest control over East Pakistan from the dominant West Pakistanis. The government realized the potential of this Bengali nationalism, and they imprisoned Sheik Mujib for a total of ten and one half years. They kept him in solitary confinement. They tortured him. They denied him books and writing material. And each jail term only further tightened Sheik Mujib's grip on the Awami League and his leadership of this movement for provincial autonomy.

In the December 1970 election, the first free election in Pakistani history, the Awami League won 160 of the 162 seats allotted to East Pakistan. President Yahya Khan postponed the meeting of the National Assembly and began negotiating with Sheik Mujib. Bengali Army officers and political leaders warned Sheik Mujib that Yahya was merely stalling until he had reinforced the Pakistan Army in East Pakistan, but Sheik Mujib would not listen.

On the evening of March 25, 1971, the tanks and half-tracks rolled out of the cantonment and fanned out across Dacca, to crush the Bengalis. At one-thirty in the morning the Pak soldiers went to the home of Sheik Mujib. Some hours before, the Sheik had learned what was to come and the students and politicians had pleaded with him to leave, to go underground, but he had refused. He knew full well if he were to escape, if for his failures he were to suffer less than others, then he would break his covenant with the Bengali people. He was a brave man surely. He sent his friends away, and he waited until they came and took him away to prison in West Pakistan.

He would be returning now, his covenant sanctified anew. The lands stood barren, corpses still unburied, factories silent, bridges demolished, the people hungry, but now they would begin again. He was more than a great leader to them, the father of their country. He was *Bangabandhu*, the friend of Bengal. He had a power that entered into the realm of the spirit. To see him, to touch him, was to receive what the Hindus called *darshana*, Sanskrit for "holy audience."

In the upstairs back room of the city Awami League office, Aftab Uddin Ahamed, a seller of trinkets and baubles, lay on a wooden cot, his lips as dry as the last leaf of autumn,

his hair matted and snarled, his face unshaven. The week before he had promised Allah that he would take no food or water until Sheik Mujib returned. Not far from Dacca Airport, in a bamboo hut near the brown swamp at the outer edge of the poor community of Nakhalpapra, Kumila Khatoo rested on a mat on the mud floor. A week before when she had heard that Bhutto, the new president of Pakistan, would release the Sheik, she had begun to fast and say her prayers, and she lay there in her cotton sari and her single bracelet, waiting.

The return of Sheik Mujib symbolized victory not only over the West Pakistanis but over centuries of oppressors. The Aryans, the Moguls, the British all had dominated Bengal; and to all, the Bengalis had proved a treacherous and volatile race. At times they might pour their emotions into poetry and song. At times they might seem obsequious and fawning, even more so than a subject people need be, and then once again they would rise in violent revolt. With the creation of Pakistan in 1947, the Muslims of East Bengal had rid themselves of the Hindus who had dominated the commerce in the major cities and owned most of the large land holdings. But they had merely exchanged overlords. West Pakistan remained a semi-feudal land dominated by a few dozen families, and this oligarchy soon expanded its hegemony over land to commerce and industry as well, and to East Pakistan as well as to West.* Only now, with this independent Bangladesh, would the Bengalis rule their own land.

At the airport they waited, then, on this fine warm morning, the bureaucrats, ministers, officials, officers, diplomats, journalists, Mukti leaders, and student leaders. The Bangladesh Army, Navy, and Air Force units stood at attention in their new uniforms, standing as tall as if they thought that their caps could touch the sun.

Peons had already laid out two red carpets, one to grace Sheik Mujib's path as he met Bengali dignitaries, and a second for greeting the diplomatic community; both carpets were shiny and pink, covered with black marks and purple water stains. Here they stood, then, the elite of Bangladesh. Even stripped of their garments they would appear a race apart from those who waited outside the airport gates. In South Asia the prosperous wear some of their wealth on their bellies, their jowls, their thighs. Syed Nazrul Islam, the acting President, a plump man, full of sensuous well-being, stood swathed in white flowing pants and shirt and sleeveless "Mujib" vest that covered his fleshy, moist skin. Tajuddin Ahmed, he acting Prime Minister, wore green pants and shirt and sandals; and he too had a cherubic face, a stomach like the Chinese god of wealth, and a neck ringed with fat.

These cabinet ministers had fled to India when the Pak repression had begun, and they had formed a government-in-exile. They had spent much of their time feasting and drinking in Calcutta, and the struggle in Bangladesh had grown far beyond them. They had squandered their time. They had formulated no real plans. They had returned to Dacca five days after the end of the war, escorted by the Indian Army, armed only with their rhetoric and their devotion to Sheik Mujib. The Awami League really had no ideas. The party lived solely on the fervor of its nationalism and the belief that life in Bangladesh would have to change.

The student leaders, too, stood near the apex of this hierarchy of fervor. Unlike the common people they loved *their* Sheik Mujib. "Whatever is done by the people of Bangladesh is not beyond the knowledge of Sheik Mujibur Rahman," Nura Alam Siddique, president of the pro-Awami League Student League would say, and his three colleagues would nod in approval. At the airport the four student leaders and the ministers came together touching, holding hands, hugging. The ministers were not pandering to the student leaders, for the universities, the colleges, the schools had provided most of the boys and young men who joined the Mukti Bahini and fought the Pak Army. These students generally did not join for ideological reasons or out of loyalty to the Awami League. They fought out of outrage and idealism. They fought, too, many of them, because they had little choice, because the Pakistanis were hunting down Bengali youth, because the Pakistanis considered a fresh face or a youthful body proof enough of treachery.

The four student leaders were not masters of this movement, and they trafficked mainly in symbol, speech, and rhetoric. In this, however, they had few peers. They had given Bangladesh its flag, and they would give this day its perfect symbol. The Sheik was to have ridden from the airport to the racecourse in a black Mercedes, but the night before the students had said no, that would not do. And they had brought an old blue open truck to the airport, a truck decorated with red-and-blue bunting, with tires as smooth as glass, and a front windshield shattered by a bullet, and they said that the Sheik would sit here on a brown sofa in the back of the truck, that here he should greet his people.

PESTILENCE

The student leaders and the cabinet ministers would stand beside the Sheik, and directly behind in a jeep would come some of the Mukti force. Here Sheik Helal Uddin, a twelve-year-old cousin of Sheik Mujib's, decided he would ride. He sat now in the airport café at a table by himself wearing his olive-green uniform, stuffing unbuttered bread into his mouth. The café was crowded with journalists and officials hurriedly having tea and bread, and Sheik Helal Uddin sat there, the only child in the room, alone at his table. He was small, small even for his age, well under five feet, and sinewy, so shy that he seemed to have a perpetual blush on his face. Yet he had a certain pride and confidence that allowed him to sit there alone, untroubled by those who wanted a seat.

On the night of March 25, when the repression began, Helal Uddin had realized something was wrong, though he did not know what it might be. He had run away from his family in Khulna and gone to Faridpur, his uncle's home district. There he stayed with his grandparents. One night they learned the Pak Army was coming, and they fled across the river. As he looked back, he could see his house on fire. A week later they returned and found the village burned to the ground and corpses lying with their throats cut open. The Pak soldiers had machine-gunned or bayoneted the men to death, and they had raped the women and burned the houses and the fields, and now the boys who were still alive were going to join the Mukti Bahini.

Helal Uddin went with them to the village of Kaliganj in Khulna district. The Mukti captain told Helal Uddin that he was too young, he could not even lift a rifle. But, finally, the captain let him stay. He learned to put magazines in the machine guns, though he could never quite manage to take one out. They traveled by night and slept by day, and only after liberation in December did they come out in the open. It was then that they found the men huddled in the hold of a boat. The men were afraid, and when the guerrillas found arms in the boat, they admitted that they were Razakars, members of the Pak paramilitia. The Razakars led them to their camp where the Mukti found still more Razakars, until they had 204 in all. The guerrillas took their prisoners to the village where the Razakars said they had stayed. The village had been burned down, and the people who were still alive said that the Razakars had done it, had taken their rice and looted their homes and killed their men; and now even the Mukti captain, who at first had wanted merely to imprison the Razakars, agreed that they should be killed. And so they killed them, and Sheik Helal Uddin drove his bayonet into the bellies of six of them.

The liberation struggle aged such boys far beyond what usually passes for manhood and maturity. There had been rites of passage, of horror and heroism, beyond words, beyond comprehension. At first to the Bengali people themselves the Pakistani oppression had remained just another pestilence, along with floods, money-lenders, disease, famine. Then in November 1970 a great cyclone came raging up out of the Bay of Bengal. Half a million died, and those who keep records of such things called the cyclone the greatest natural disaster in human history. The Pakistani government did almost nothing to relieve the suffering, to feed the starving, to bury the rotting, bloated bodies of the drowned. This conscious disdain aroused the dormant, passive feelings of the Bengali people and drove them to a peak of fury.

In March 1971, when Sheik Mujib called for a noncooperation movement to force Yahya Khan to grant East Pakistan provincial autonomy, all across East Bengal the shops, the offices, the factories, the mills closed, and even those who had known Gandhi and his movement stood awed at the discipline and will of the Bengali people.

On the evening of the twenty-fifth, when the Awami League office in the great port city of Chittagong received the telephone call saying that the Pakistani tanks were moving through Dacca, the party workers spread out across the city shouting the news. The Bengalis came out in the streets in the dark hours of the early morning. They yelled "*Joi Bangla*" (Victory to Bengal), and they walked and ran toward the army cantonment where the Pakistanis were killing hundreds of Bengali recruits in their sleep. The Bengalis carried spears, rifles, shotguns, bows and arrows, and *daos*, the curved knife of Bengal, and they took up positions in the hills and trees and roads that surround the great cantonment area stretching for miles on the edge of the city. Some of the Bengalis were so fierce in their fury, so outraged, that they could not be held back, and they ran forward into the cantonment until they were cut down by machine-gun bursts, a few of them rising again to throw their spears arching up into the sky.

That night the East Bengal Regiment (EBR) of the Pak Army revolted. In the early morning hours, Major Zia Rahman led a contingent of the 8th EBR out of the cantonment to regroup in the Kalurghat area. There he met Captain Harun of the East Pakistan Rifles (EPR), the Bengali border patrol, and they formed what was the first Bangladesh liberation army. Shopkeepers opened their gun shops, the police their armory, the gun clubs their arsenals, sportsmen their gun cases. Merchants gave rice and cloth and cigarettes and medicine. The women of the city prepared food and the people donated money—rickshaw drivers a few annas, rich men thousands of rupees.

For several days the Bengalis held out, keeping the Pak Army penned up in the cantonment, undaunted by the shelling from

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* Twenty families controlled 66 percent of the industrial capital and over 80 percent of the banking. The GNP grew at over 5 percent a year, but by 1970 the vast majority of the people were either no better or not substantially better off than they had been two decades before, and 15 to 20 percent may have been worse off. Between 1950 and 1960 the average daily consumption of food declined from 2,010 to 1,970 calories, and the intake of protein was less than half that of inmates in German concentration camps during the last days of the second world war. Whatever the poor of the West suffered, those in the East suffered tenfold. Back in 1951–52, per capita income in the East had been 85 percent of the West's, but by 1967–68 it had fallen to 62 percent.

the PNS *Babur* in the harbor and the sniping from Pak soldiers holding fortified positions in the city. When the Pakistani soldiers first came out of the cantonment they deceived the Bengalis by dressing as civilians, carrying the flag of Bangladesh, and shouting *"Joi Bangla."* When the first four tanks came out of the cantonment soon afterward, it is said that some of the students decided they would have to be stopped. The people of the city would need more time to escape. Already, on March 26, the Bengalis had dug trenches in front of the K-Rahman Ice Cream factory along the route where the tanks would have to come. The plan was for some of the students to fire guns at the tanks, to attract them so that they would come rumbling over the ditches where other boys would lie crouched with mines. The boys who were to divert the tanks could not afford to fail, so they stood up openly and fired their guns, and they were killed by machine-gun bullets. The boys in the ditches could not afford to fail either, so they pressed the mines up against the bottoms of the tanks without setting the timers, and they died in the explosions.

TERROR

When the first Mukti Bahini guerrilla units entered Bangladesh in late April and May, they began to eliminate collaborators from the villages. In the Chittagong area, as all across Bangladesh, these Mukti Bahini were mainly students from homes of prosperous or moderate circumstances. Now they were terrorists. They went into villages, and when they knew they could trust the villagers, they would tell them that they were Mukti and then ask them if any collaborators or Razakars lived there.

By the summer months the Mukti had killed most of the collaborators who lived in isolated villages, and the Pakistani Army was growing less assured, venturing out of its barracks and cantonments into the countryside only in strong numbers and only by day. The soldiers were Punjabis, Afghans, Kashmiris, Sindhis, and Baluchis—martial peoples, manly races. They looked toward the Middle East for their culture, and often to the past for their dreams, to the Mogul rule. What could they think of these Bengalis, then, these soft brown little men in skirts, prone to gasps of emotion, to tears even, so proud of their Bengali culture, a culture as much Hindu as Muslim, a people more South Asian than "true" Pakistani? These Bengalis were kafir, nonbelievers, or so the West Pakistanis thought, and they hated them and their land, this land that had nothing of the austere grandeur of the desert, this land that now in the monsoon had become an immense and frightening expanse of water.

There had been no more sleek and pampered army in all of Asia, a proud force that twice had fought the Indians with awesome courage. Now, though, they were slowly turning into a rabble masquerading in the uniforms of an army; lieutenants and NCOs raped the same women; officers and men shared the same loot. They were growing bloated, prowling the land for booty and women, burning villages. They had no intention of risking their lives when they did not have to.

By August the Mukti could begin to attack police stations in the countryside and cut off communications. The Pakistanis placed bamboo spikes along the rail line between Dacca and Chittagong to prevent the guerrillas from creeping in to attack passing trains. They doubled their guard on major buildings and strategic areas, and they began talking nervously about the role Indian infiltrators were playing in the guerrilla activities. That was the basis of their propaganda, but they simply could not believe these Bengali boys could be harassing them so.

The first major operation in Chittagong took place on the evening of August 15. Thirty-three Mukti commandos dropped into the water of the port. They wore swimming trunks and flippers. They swam on their backs with only the tips of their noses above water. In their arms they cradled eight-pound chemical mines. Sentries fired out across the water, emptying their rifles at shadows. The commandos attached their mines to eleven ships, including merchant ships and patrol boats, and as they swam back across the river the explosions rocked the port; the youths, all of them, escaped into the night.

PLAGUE

They had such pride in their victory, this victory of the Bengali people. None would ever mock their courage again. None would call them a race of poets and women. If only that pride, that joy, could transform their horrors into mere memories, the horrors that mocked them, mocked their liberation, mocked their pride, mocked their joy.

Some at least could pretend to forget, but what about men such as Mohammed Ul Haque? Before the troubles Haque had been doing well enough. He was a truck driver, but he had managed to save enough to start a little shop selling cigarettes and *pan*, the betel nut that South Asians love to chew. He took too much *pan* himself so that the indentations between his teeth had turned black, matching the color of his hair and bristly moustache. He was usually on time at the garage where he picked up the fifteen-ton refuse truck that he drove through Chittagong while two workers dumped garbage and dead animals into the back.

Early in April Haque's employer, Asgar Hussain, who leased vehicles to the municipality, came to him and said that from now on he would have to carry dead bodies. The army sent a supervisor and six outcaste sweepers, who before had worked in the hospitals handling dead bodies and cutting up corpses for postmortems.

From morning to night they worked, trip after trip, only twenty or twenty-five bodies at a time so that they could cover the loads with tarps. They drove to the municipal garbage dump and buried the bodies in great trenches. Haque would drive to the Wireless Colony where the Biharis, the Urdu-speaking refugees from Bihar and Uttar Pradesh, lived, and they would empty corpses from rooms in the high school piled full of bodies. He would drive to the tannery, and they would remove the bodies of women who had bled to death from the way they had been raped. He would drive along K.C. Dey Road, the Hindu quarter, where building after building had been razed, and the pink inner walls of the houses stood open to the air like flesh, and the putrid stench led them to the rotting corpses.

Even for the sweepers, the lowest of the low, it was sometimes too much. They were paid extra rupees. They could take any money found on the bodies and pull off rings and jewelry. But some of them refused to put severed heads into the truck or pick up arms and legs. After two months or so the work let up, to six trips or less a day, and in the fall the Army took over the work completely. Yet even now, at times, it seems as if the stench of those bodies is on Haque, as if when he talks about those days he becomes touched with death itself.

And what has it all done to A.K.S. Afsaruddin? What is there in that face now, as he sits at his desk in the East Pakistan Railway office in Chittagong, that thin ascetic *Mullah's* face, the lips as thin as coins, the eyes so close together there is scarcely room for his high narrow nose, the sparse white beard, the teeth the color of old ivory? It is not the eyes—there are forty-two-year-old men with watery eyes; no, it is the voice, the shudder, the shriek that stays in the voice even when he whispers.

He went back to Faiz Lake at the end of January. He saw the skulls, thirty or more, lying there in a neat geometric pile. He could smell the rotting flesh. He found the scarf of the *Mullah*, the priest of Punjabi Lane, lying in the grass along with bits and pieces of saris and shirts, and it drove him near mad.

Afsaruddin had gone to the mosque that morning of November 10 to say his prayers. When he and the priest and the three other good Muslims who came there each morning left the mosque at about 5:30 A.M., they met a Bihari from the Wireless Colony nearby. "You'll have a bad time today," the Bihari reported. "You Bengalis have killed four of our people."

The Bengalis knew what this might mean. The Biharis were the most loyal Pakistanis of them all. Most of them lived in their own communities, and the Pakistan government rewarded their fidelity with middling positions and minor economic privilege. In Chittagong over a hundred Biharis had died in two days of communal rioting in early March; more had died in the uprising at the end of March when they had sheltered Pak soldiers and sided with the Army. Since then the Biharis had been taking their revenge. They had expanded their grievances so much that their stories passed beyond the mere realm of mere exaggeration to one of pure deceit.

Most of the Bengalis who lived in Punjabi Lane, and the Biharis in the Wireless Colony next door, worked for the East Pakistan Railway. In letter, threat, and whispered gossip the Biharis had been questioning the patriotism of all ranking Bengali railway personnel, and they had seen to it that most of them were killed.

"Where did this happen that you are threatening us?" Afsaruddin asked.

"Up the road."

The five religious Muslims walked along the road into a wooded area past the furthest outskirts of the community. As they turned the bend in the road where the four bodies lay in the dust, they came upon a thousand or so Biharis armed with lathis, swords, iron rods, shotguns, rifles, daggers, and kukris. They ran down the road. They ran screaming through Punjabi Lane warning people to flee, and Afsaruddin and Akbar Hossain, one of the other morning worshippers, ran onward to get help from the police.

Afsaruddin was a good Muslim, for years a strong believer in Pakistan, and he still had faith, some faith, in the authority of the state. He begged the police to come; he pleaded, he even went to the two superintendents of police, a Bengali and a West Pakistani. "These are minor matters," the West Pakistani said. "We'll take care of it." The Bengali at last agreed to send a detachment of police, but they got only as far as Pahartali station in the Wireless Colony.

"Nothing is happening," the Bihari officer in charge told them, and they returned to their Chittagong headquarters. Afsaruddin learned that just outside the railway station at the Wireless Colony, the Biharis had stopped the trains that brought the Bengali workers into the railway shops and offices. They stopped the 7:30 A.M. train, and they stopped the 8:10 as well. They had rifles and daggers and Sten guns, and they herded the people together and took them somewhere. But where? Reports of missing people were coming into the police station now, and there was near panic, and still Afsaruddin could find nothing; no proof, no bodies. Not until that evening did he go to the Pahartali bazaar, where he met Gofron Bhuyia, a twenty-eight-year-old shopkeeper with small eyes and a thin face, its triangular shape accentuated by a trim beard.

"Why are you running around like this!" Bhuyia asked. "Why are you running around like this! Looking for bodies! They are on the other side of the hill!"

Bhuyia had been up early sorting out merchandise in his little shop next to the mosque in Punjabi Lane when the Biharis surrounded the community. They forced him to go with them up the road toward an inlet of Faiz Lake, a man-made reservoir surrounded by thickly foliaged hills, and one of the most popular scenic places in all of East Pakistan. He could hear voices ahead

pleading, begging for mercy. They pushed him up off the road onto a field drenched with blood. He saw headless bodies, their hands still tied behind their backs. He fell to his knees. They began tying his hands behind his back. He flailed out with his one free hand and lunged forward, running toward the inlet, plunging into the water, swimming away under a shower of bricks and rifle fire.

He swam to the far side of the inlet where a small hill rose up out of the water, a hill covered with brambles and vines. He had lost his shirt and *lungi* and sandals, and he tore his way through the foliage, clawing a path part way up the hill where he stumbled exhausted into a thicket of thorns. The Biharis walked around the inlet. Some of them came within a few feet of him, but finally they went away.

After lying there a half hour or so, Bhuyia cleared a tiny open spot for himself and looked out across the inlet . . . stunned . . . he could not move . . . think . . . only look . . . hour after hour. They tied their arms and legs together. Those who resisted they stuck with daggers, chopped off their heads and threw the bodies into a ditch. The rest they pushed forward toward the lake where they cut off their heads with great butcher knives. They had drums of acid they would pour on the corpses to disfigure them beyond recognition. Women . . . men . . . children . . . for hours he lay there before he crawled away.

The Biharis still were keeping the road blocked off so Afsaruddin and three other Bengalis crept through the woods until they reached the inlet. The moon had risen. It was like the feeding grounds of some race of ancient predators. There could not be so many bodies. In his horror Afsaruddin counted. He wanted a record of it. That was what he must do. Five hundred bodies lying there. Five hundred. How many more, legs and arms showing in the ditches, half-covered by dirt, who knew; but five hundred, he had counted, he knew. He had lost all reason, all rationality; he did not care for his life. This would not go unnoticed, five hundred bodies.

The next day Afsaruddin went to the military authorities and begged them to bury the bodies properly, to bury them as Muslims and not just leave them there naked, their private parts showing. He called up the Circuit House, the army headquarters. They told him to shut up and asked his name. He hung up and that evening went back to Pahartali bazaar.

There he met the glass cutter who said he had seen more bodies in the narrow valley across Faiz Lake. Afsaruddin was the chronicler of the horror now, the witness, and he would go there, yes, he would go there and see those bodies too and count them. And so they went—Afsaruddin, the glass cutter, and a third man—to the other side of the lake up the hill to where the Pak Army had dumped the trucks, bodies, decomposing bodies, strewn there, women, girls, young, twenty, thirty, some could scarcely be fifteen, lovely girls, girls of good family, their light skin alive in the moonlight, and their bellies swollen, so many of them, they were pregnant, three or four months pregnant, and their abdomens had been cut with a cross, he did not fear now, he did not fear, he did not fear, 1,082 he counted, 1,082, they must have been kept at the cantonment, 1,082, he did not fear, the third man fainted and they dragged him down to the lake and doused his head in water until he came to, and then they returned to Chittagong.

He would go to the press, he would go to the world, he would tell. He knew the Daily Azadi, the Chittagong newspaper, and he went there the next day, but they said they could not write anything. He telephoned Dacca and talked to a high Bengali official. He tried to get a plane ticket to Dacca to tell him, but he could not. He went to the Superintendent of Police's office, time and time again he went, and because of him and because of Bhuyia's complaints as well, the police agreed to look into the matter. And then a Bengali intelligence officer came up to him and told him that his name had been leaked out. If he did not leave he would be killed. And so he fled, wearing a lungi instead of his usual flowing white pants and shirt.

He has returned to the railway office now, but still it is with him. At times he is quiet, and then it wells up in him again, he remembers, and he will sob and sob, again and again, until he is scolded or shamed into being quiet.

There is nowhere Afsaruddin can go to forget. There is nowhere any Bengali can go. Even at the airport waiting for the Sheik there are boys who had to suck the penises of Pakistani jawans. At the end of the runway in the bunkers there are bras and pieces of saris, and the cantonment is near where they found girls wearing only shorts, their hair clipped, so they could not hang themselves with their saris or the tresses of their hair. That stench, that death is on everyone, on everyone but the Sheik; the Sheik was not here. He has suffered, but he has not been here; there is a purity to him and to his suffering, and he alone can purge this land of all this, can bring them peace, can bring them peace, can bring them peace.

THE BELOVED

The Royal Air Force Comet comes out of the eastern sky and passes across Dacca, and then, turning slowly, drops to earth. As the great silver and blue plane touches down, trailing a spume of dust, a single gasp surges through the Bengalis waiting on the tarmac. "Our beloved leader is here. Our beloved leader is here," a voice, a voice on the precipice of hysteria, announces over the public address system. "He is back after ten months. All the friends and soldiers and workers, we appeal to you to be disciplined. Our beloved leader is here."

The people begin sliding past the cordon of soldiers, and these youths of sixteen or seventeen are themselves so awed, so overcome, that they turn dumfounded toward the plane. He is there. He is there in the doorway. *"We appeal to you to be disciplined."* Hundreds of Bengalis rush through the cordon. They must touch him. They must get to him, touch him. *"Do not rush.* Do not rush. We appeal to you to be *disciplined."* The ministers and high officials leave their places along the red carpet and push toward the gangplank. *". . . to be disciplined. Our beloved . . ."* They must touch him. The ministers hurry up the staircase and garland Sheik Mujib. For a moment he cries, and then he controls himself and walks down to the ground and is engulfed in his welcomers.

The fifty-one-year-old Sheik is tall, almost six feet tall, far taller than most Bengalis, and his head and shoulders move above the crowd, a face transfigured, beyond mere emotion, the gray hair and moustache and full features quintessentially Bengali. The Bengali soldiers are trying to forge a pathway for him, screaming, begging, beseeching people to move, to get back, give *Bangabandhu* some room, don't let him be trampled. *". . . rush. Do not rush . . ."* He is a presence above them, above the day, greeting his troops and the diplomats and then, still walking slowly, moving to the truck. Students and cameramen and onlookers, who have no business there, are climbing onto the truck, jumping on the hood, and the student leaders push them off, bending their fingers and arms until they drop to the ground.

The Sheik and the ministers and the student leaders are on the truck, and the motorcade moves past the cement walls of the airport, and now finally the Sheik sees his people. They are all Bangladesh has, all that Bangladesh can give him, and his face begins to come alive. The two-and-one-half mile route from the airport to the racecourse is a narrow tunnel through rickshaw wallahs, farmers, mill workers, peddlers, business people; students and young people line the route, this their last certain act of devotion. Sheik Mujib merges with the thirty others in the truck, and the truck merges with the soldiers who walk beside and the youths who clap and dance their way down the road, and the procession merges with the people who fall in behind, until the Sheik and the truck and the procession and the people all are one organism.

"Joi Bangla. Joi Bangla. Joi Bangla." Victory to Bengal. Victory to Bengal. Victory to Bengal. *"Sheik Mujib Zindabad. Sheik Mujib Zindabad."* Long live Sheik Mujib. Long live Sheik Mujib. Thousands and thousands of young brown faces, thousands of them. Behind the procession a gigantic plume of dust rises up off the road, a hundred feet up into the air, diffusing into a grayish mist. The people throw garlands and white pigeons and rose petals, and the hood of the truck is soon a mass of flowers, a nest for the pigeons. Each moment the Sheik's face becomes more vivid, more graced with the emotions of the day, and the people stand there crying with their joy. They want nothing, these people, these hundreds and thousands of people. Give them work to earn enough for rice and a little fish twice a day; that is enough, that is everything, that is all they ask of their Sheik.

Even now they shield him, their bodies shield him. He cannot see that the *bustees*, the crude bamboo huts that once lay along the road, are no longer there, burned down by the Pakistanis. He cannot see the gray MPA hostel that the Pakistanis used as a prison and torturing center, or the private house behind where they slaughtered Bengalis and no one dares venture even now.

Adur Rahman stands along the road, his tears turning to laughter, his laughter again to tears. During the troubles the Pakistanis picked him up and took him to the MPA hostel. They stripped him naked, hung him from the ceiling, and beat him with a rubber hose and cane until blood came from his nose. They tortured him in ways he will not talk about. For long afterward he thought it better far to be dead than to have such memories. But today it is all gone; he is filled with joy.

The crowd presses around the truck like fish swirling in a net, and their joy, their emotion, becomes almost a physical presence. For two and one half hours the truck has passed along the road, through the people, and now, turning into the great open field at the racecourse—no, it is not possible, people, people, back into the haze of the afternoon sun, the earth is nothing but people, they hang off trees, the fruit of the trees, pressing toward him, a million people pressing toward him. Sheik Mujib cries. He takes his white handkerchief from his pocket, and he stands there, the tears washing down his face, smiling and crying, the tears streaming down.

The truck inches onto the field. They are no longer simply a crowd. There are currents, waves, ripples that pass through them, and in the distance they are like an immense field of jute swaying in the warm winter sun. The truck cannot move quite up to the speaker's platform, and the Sheik must get down and walk the last few yards. They had seemed so gentle, so tranquil in their movements, so like a field of jute, but now that mass is pressing upon him, trying to touch him, grabbing at him. They thrust and shove toward him; he appears half dazed, he is jostled and elbowed and pushed; if he should stumble, God knows what would happen. His protectors claw and pummel a path for him, dragging people off the staircase, and half lift the Sheik up to the speaker's platform.

He stands before them now. They have been waiting, many of them for eight hours or more sitting in the sun without food or drink, and they cheer, they shout *"Joi Bangla, Joi Bangla"*; shouts beyond exaltation, deep groaning shouts that burst out of them as if they were ridding themselves of tumors. The

shouts, the *Joi Banglas,* surge forward, from behind him, to the sides, rolling up to the platform and beyond. He stands wiping his tears with his fine long hand, scarcely moving, scarcely able to move. While he stands there many of the dignitaries surround a young woman volunteer who has brought a thermos of ice water. They squabble, fighting for a cup of water, two, three cups more, before they walk away, satiated.

"Brothers and sisters of Bangladesh," he begins. "On this auspicious day I remember at the outset those farmers, laborers, students, and intellectuals who embraced martyrdom in the hands of the barbarous Pakistani Army during the last nine months." His voice is an elemental force, like a tidal wave or an earth tremor; a voice that comes not from him but up from the ground; a voice that embodies all the pain, the anguish, the joy; a voice that has claws to it, his every word tearing at the air. "I pray for the salvation of their departed souls. My lifelong desire is fulfilled today. My Golden Bengal is today an independent and sovereign state."

He is speaking extemporaneously but each sentence, each thought, has rhythm and pace, the emotions of each phrase, each idea, rising above what he said before, its excesses, its emotions made tolerable only by what has come before. The young Awami League leaders stand behind Sheik Mujib, and although they are preventing thousands of Bengalis from seeing their leader, they refuse to move. They stand proudly, arms folded, finally sitting down when the speech is more than half over.

"We will not cry anymore," Sheik Mujib says, and as he speaks he is crying. "' Oh my Golden Bengal I love thee,' Kabiguru Rabindranath Tagore once said, 'Oh mother Bengal you have created seventy million Bengalis but you have not allowed them to grow to manhood.' But this is no longer true of the people of Bangladesh. The people of Bangladesh have proved to the world that they are a nation of heroes."

He carries his people far beyond their troubles; he charges the whole struggle with meaning, and as he takes his people from emotion to emotion, memory to memory, hope to hope, he says what has to be said. He has been in prison during nine months of the most momentous changes a nation could go through, and yet he is able to speak as if he had never left the country, as if he had led the liberation struggle with his language and a gun. He does not have to ask his advisers what to say this day. He knows. He quiets the hatred against the Biharis by asking the non-Bengalis to become true Bengalis. He knows his country needs massive aid from abroad and he calls for that aid with pride.

The afternoon is ending in a purple haze, and the setting sun turns his face golden. The people are quieting now, swaying to the rhythms of his words, and now his speech crescendoes. He drives his emotions, his language, up to the edge of uncontrol.

"The new Bengal will grow up. The people of Bangladesh will be jubilant, happy, free, and will have enough to eat. That is the goal of my life. Today I appeal to Allah to give me that blessing.

"My dear brothers, there are still 400,000 Bengalis in West Pakistan.

"My dear brothers, I know the conspiracy has not yet ended.

"Bengalis, be vigilant against conspiracy.

"I cannot speak anymore. Let me pray."

Sheik Mujib leads the people in prayer, and then he shouts, "Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Bangladesh omor." Bangladesh is immortal.

"Hoi. Hoi." It is. It is.

"Bangladesh omor."

"Hoi. Hoi."

"Bangladesh omor."

"Hoi. Hoi."

"Shaheed smriti." To the memory of the martyrs.

"Omor Hoak." Let it be immortal.

"Shaheed smriti."

"Omor hoak."

"Shaheed smriti."

"Omor hoak."

Sheik Mujib sits down on the floor of the platform and his friends come and surround him and look at him with great love. They fan him with their hands. "Oh my God, oh my God, oh my God," he cries. All the emotion has drained out of him and out of the day, and as the sun sets behind a distant mosque, the people pass from the racecourse, pass quietly away, fading into the dust.

II

There would be no more days like that one. There would be speeches and ceremonies, many of them, but they would not be the same. Two days later Sheik Mujib took office as Prime Minister. He arrived at Banga Bhavan, Bengal House, wearing the same traditional costume of wide white pants, billowing shirt, and sleeveless vest that he had worn on his return to Bangladesh. On this day, however, he traveled not in an open truck but in a closed black Mercedes. As he walked into the main lounge, an elegant room rich with chandeliers, he passed among diplomats, high officials and their brilliantly dressed wives. Awami League leaders, army officers, and an occasional petty bureaucrat. The audience applauded with the appropriate mixture of fervor and restraint, and the dignitaries, understanding the substance of power and the rituals of its celebration, listened with rapt attention as Sheik Mujib took his oath.

The new Prime Minister and his government confronted problems of almost unprecedented magnitude. The conflict had so thoroughly devastated Bangladesh that it would take two to three billion dollars just to repair the damage, the largest job of rehabilitation since the days of the Marshall Plan after World War II. Relief ships could not even come into the port of Chittagong because mines and sunken ships still blocked the harbor. The rail line between Chittagong and Dacca, the great passageway for goods and materials, was not yet open. The farmers needed seed to plant their annual crop of wet rice if the people of Bangladesh were not to be dependent on relief food for another year. Before the monsoon, five months away, there would have to be permanent bridges on the roads; the temporary structures would wash away, leaving Bangladesh a chain of isolated islands. Tons and tons of food had to be stored in warehouses across the country by then, or the people would go hungry.

Sheik Mujib counted on help from the developed world as well as on the nearly unanimous support of the Bengali people. The millions of refugees who had fled across the border or to remote villages did not wait for promises of sustenance or seed before they began returning home, and the roads and rivers were full of people. When the villagers reached their homes, as often as not they found that the Pakistanis had burned them and the monsoon rains had melted down the mud walls.

The villages had almost no seed or bullock or money, and when a rumor spread across Bangladesh that all those who had filled out the green application cards at the Labor Exchange would be given work, the people left their villages by the tens of thousands. The officials at the various Labor Exchanges told them that there was no work, but the villagers did not believe them, and they came, five, six, then ten thousand a day, to Dacca alone. Their *lungis* and bewildered faces set them apart from the people of the city, and once they had their green cards, they hurried out of Dacca.

The government seemed almost paralyzed. East Pakistan had been a provincial government. Now, with the West Pakistani bureaucrats gone, with many of the Bengali officers dead and those who remained alive suspect for remaining alive, and with Bihari clerks and minor officials afraid to come to their offices, this same provincial government was required to administer the affairs of what had become the world's eighth largest nation. Those administrators who had remained in the country during the liberation struggle were not willing to risk their positions by making decisions. They merely shuffled papers and passed memos up to the highest levels of government. The cabinet ministers ended up dealing with matters that clerks should have handled. They worried about questions of visas and protocol. They named a national flower, a national bird, and a national marching song. They simply had no idea, no sense of the size of Bangladesh's problems. At the present rate, the population would double in twenty-three years, growing from 75 million to 150 million in what was already one of the world's most densely populated countries. Zahur Ahmed Chowdhury, then Minister of Labor, Health and Family Planning, was said to have three wives and twenty-two children. When the government announced its first list of priorities, birth control ranked twentieth.

Favor seekers besieged the government. The poor of the countryside and of the cities asked very little, but many Bengalis thought they should be able to cash in their anguish for businesses belonging to Biharis and West Pakistanis, for import licenses, for teaching posts, for government sinecures. A great many administrative vacancies did exist, and Awami Leaguers began acquiring them. Some of them were grasping men, puffed up with their new importance. There would be money now, bridge contracts, road contracts, positions managing the industries the government would be taking over, and they and their friends were available. They would do favors, certainly, but for a price. Many of these bureaucrats did not even come to work regularly, and Sheik Mujib had to begin making spot checks on offices to see just which officials were at their desks.

The Prime Minister worked from early morning until after ten at night, but he spent hours of his time more like a *sirdar,* a village chieftain, than the Prime Minister of a great country. He loved his people. He felt a great need to greet delegation after delegation of students, soldiers, villagers, anyone who did not have anything critical to say. He listened to politicians and business people and bureaucrats, listened as they asked for favors or proffered advice, listened because he thought himself the physical embodiment of the nation, listened because it was his job to listen. His decisions often depended on who had talked to him last, and that was much the way the Pakistanis had run the government.

Sheik Mujib still could charge the symbols and rhetoric of the liberation struggle with meaning and intensity, and that was the function he preferred above all others. He flew to Calcutta, 150 miles from Dacca, and the people came out to see him by the millions. Sheik Mujib had become a symbol of *their* identity as Bengalis; West Bengali intellectuals had, in fact, begun to accuse India of exploiting West Bengal, just as a decade before the Bengalis of the East had accused the Pakistanis.

Sheik Mujib flew to Moscow. Here he signed trade agreements that saddled Bangladesh with further economic burdens. He had little choice because the Western countries were not sending anywhere near the amount of aid he had expected, and the Western voluntary agencies were merely dabbling in relief. They had come, Uncle Erik's Children Help, the Red Cross, Save the Children Fund, the United Nations, OXFAM, Ramakrishna, Seventh-Day Adventists, Mennonites, CARE, fifty some organizations in all. Over seventy Red Cross workers stayed in the In-

tercontinental hotel, a spendid high-rise with $20 rooms, cheeseburgers, and French cuisine. Traveling from famine to famine, holocaust to holocaust, from Peru to Biafra to Bangladesh, these relief workers were not that much different from diplomats or foreign correspondents. They brought in all the wrong things: 250,000 sets of long underwear from Germany, baby food, canned herring, heavy blankets, used Western clothing.

Bangladesh needed bulldozers, trucks, bridgebuilding equipment, boats. Bangladesh needed money, money to pay workers to unload goods or to repair roads, money to buy what they needed as they needed it.

The government was doing almost nothing to repair the damaged roads and bridges, and the villagers were trying to fix them with their bare hands. Even by March work had still not begun clearing the Chittagong harbor, and across Bangladesh the soldiers and Mukti Bahini were doing almost no rehabilitation work. The soldiers themselves, particularly the younger officers, had begun to speak openly against the Indian Army that in December had defeated the Pak forces and freed Bangladesh. Since then Mrs. Gandhi had proven extremely generous in her aid. But the soldiers knew by now that the Indian Army had carried the Pakistani arms back over the border, leaving the Bangladesh Army as little more than a police force. The Indians sent truckload after truckload of mill equipment back over the border too, and much of the jute crop as well.

In many areas the Mukti Bahini were maintaining law and order, but in other areas guerrillas merely roamed the countryside. They had nothing really to tell the villagers—no guidance, no direction—but the villagers deferred to them nonetheless. In certain districts the Mukti went out at night hunting down leftist revolutionaries who believed in an ideology similar to that of the pro-Maoist Naxalites of West Bengal. Some of these groups had sided with the Pakistanis during the struggle, but some of them had fought for the liberation of Bangladesh, and often the Mukti Bahini did not make a distinction between the two. The Maoists gathered arms and waited. They believed that soon the people would turn to them. A few of the Mukti Bahini did join with the Maoists, but only a few. Most could find nothing for their idealism and joy and dedication to build on. Their hatreds, their youthful arrogance did build day by day. The worst were those who had done the least during the time of trouble, and the worst lived in Dacca. The only direction they had was the direction of their hatred, and that was toward the Biharis in their communities of Mirpur and Mohammedpur on the outskirts of Dacca.

At the end of January major fighting broke out in Mirpur, and the grayish smoke of shelling hovered over the city. The government began moving out busloads of Biharis, sending them off with no more than a bundle of belongings, taking the women and children to refugee camps, the men to prison. Relief workers and journalists were not allowed to enter Mirpur because the government said that in certain sections the Biharis had built bunkers and other fortifications and were planning a final resistance. Several journalists did manage, finally, to get into the city, and they found that this was not true. The Biharis had given up their weapons. They were afraid, and they had little food or water.

It was not the Bengali people, the mourners, the stricken, who were treating the Biharis so, but the highest authority of the state. The *jawans* and police must have understood this, accepted it as their license, for the EBR officers and police officials lost control of their men. In Mirpur and Mohammedpur they could not stop them from looting; they could threaten and command, but the looting did not stop.

The people of the cities were growing fearful again. Before they had feared the Pak Army; now they were not sure just what they had to fear. They did fear the bands of *dacoits,* who before had robbed with daggers and *daos,* and now entered homes carrying submachine guns and automatic rifles. They did fear those Mukti Bahini who were hijacking cars at will. Most of all, though, they feared the unknown, the future. Many of those who had been the most critical of the Awami League government had now grown quiet, and those who at first had been euphoric now expressed doubts.

By spring the people were coming, thousands of them a day, to live in Dacca, and their crude shacks spread across the landscape, along railway tracks and roads, wherever they could find a bit of space. They were always there waiting in front of Sheik Mujib's house in Dhanmandi: villagers waiting bullock and seed standing around smoking the tiny cigars called *bidis;* distant relatives and friends more distant still from the Sheik's home district of Faridpur ready to ask one favor or another; students with petitions and poems for *Bangagandhu;* union delegations demanding higher wages. When Sheik Mujib left his house he might say a few words to them and they would shout, "*Joi Bangla.*" Then he would step into the back seat of the Mercedes, and the car would rush into the city, past the ornamental lake near Dhanmandi where every day more of the homeless built their *bustees* until soon it seemed their bamboo shacks would cover the very road on which the Prime Minister traveled.* At the gate to President's House, across the street from a field where trenches full of human bone had been found, the chauffeur would nudge the car through a crowd of laborers, rickshaw drivers, Indian *jawans,* and villagers. Once inside the compound, Sheik Mujib would get out and hurry into his office.

Outside the curtained, glass doors to the Prime Minister's office, the petitioners waited, ten, fifteen, twenty of them. They all had what they considered reasons of the utmost urgency why they should see the Prime Minister, and they whispered their requests into the ears of the men who controlled Sheik Mujib's schedule. These men who surrounded the Sheik were the sort who always gravitate toward power, *Mosahab* they are called in Bengali, yes-men, their hands as smooth as satin, their language as smooth as their hands. They were just where they wanted to be, and they were marvelously adept at turning away those petitioners whom they did not want the Prime Minister to see.

One afternoon after Sheik Mujib had been Prime Minister for a month, he sat on a white couch in his long, high-ceilinged office talking to a journalist. "Oh, yes, my boy," he said, "my people have fought empty-handed against the mighty forces of Pakistan." He spoke scarcely above a whisper, the words sighing out of him:

"My people are a brave people, brave not only now but brave for hundreds of years. My people know how to die."

Sheik Mujib lived on pure and perfect emotion. He drew his listener into him, into his Bangladesh, and by fiat, by his mere presence in the room, the listener became a part of Sheik Mujib's Bangladesh. To discuss the realities of the country would be to sully the emotion, and the journalist continued talking in tones of reverence and awe.

"What amazes me," the journalist said, "is that when you came back, you had been in prison for nine months, and yet you knew exactly what to say."

"I know them. They know me. I love them. I love my people and my people love me. And I know their minds and I know their courage. And I know their sincerity, and they know my sincerity. And whatever I say the people will do. There is absolutely no question about it."

His every word embraced his people, and he insisted on their embrace. His feelings went beyond arrogance or pride. This was a vision, a vision that sustained and hurt him, and he was true to it, for he carried his emotion out before him like an open wound.

"What about the situation now? the journalist asked finally. "I see the Labor Exchange. Every day there are more people coming, people by the thousands looking for work."

"It's a serious problem, the unemployment problem," Sheik Mujib said. "Our factories aren't working. I have to arrange it. I can make new industries."

"But some of your most dedicated workers are growing pessimistic," the journalist said. "They say that opportunists are coming in and taking positions. They say that enough is not being done."

"Nothing of the kind. Nobody is coming in," Sheik Mujib answered in a voice touched with irritation. He could brook no criticism. It hurt him so. "I have my own program I am following. I am a clear-cut man. I believe in a secular state. I believe in socialism. The whole problem is that all the workers, all the students have lost something."

"Then it's just a normal reaction?"

"No reaction. No reaction. Don't say it's a reaction. One or two persons may say things. But there are so many people here in Bangladesh who joined with Yahya Khan, the Razakars. These people might talk, but the people who have sacrificed, the people who have suffered, they know how they have achieved their independence. And they love me, no doubt."

Sheik Mujib ended the interview abruptly. There were some students among those waiting to see the Prime Minister, but many of the young people were growing weary of Sheik Mujib and his rhetoric, and they had begun to doubt him. Sheik Mujib embodied Bangladesh and Bengal and the Bengalis, and to doubt him was to doubt themselves, their whole struggle, and to be filled with self-loathing and despair.

Despite them and despite Sheik Mujib and his government, though, the life of Bangladesh, the life of the countryside, was reasserting itself. The villagers were rebuilding their homes and planting their fields. In the summer the great rains of the monsoon fell upon the land, covering the parched and fissioned earth, covering the crumbling bunkers of the Pak Army, covering what remained of the skeletons and the tank tracks and the other rubbish of war, covering all with a blanket of water, and, as it always did this time of year, *Sonar Bangla,* golden Bengal, appeared luxuriant and fertile and rich with promise.

* At the end of March, government trucks moved the 5,000 or so squatters from the park near Sheik Mujib's home to empty lots five miles from Dacca.

APPALLING RISE IN MEDICAL CARE EXPENDITURES

Mr. BROCK. Mr. President, the appalling rise in medical care expenditures in the United States has drawn much attention in this session of Congress—Americans now spend close to $70 million per year, or some 7 percent of the gross national product, on health and health care. This is a larger commitment to health than is made by any other nation on earth. And, yet, far too many incidents are cited to illustrate that we are

not doing enough to provide quality health care for all Americans.

Several of the current proposals in the Senate to rectify this situation approach this problem with a monolithic, totally Government-controlled program which would dismember the third largest industry in the country and could leave the health consumer in a far worse position than he faces today. In shaping new Federal programs we must make every effort to preserve the benefits which come from a pluralistic, competitive approach to modern health care.

Even without all-inclusive legislation now before Congress, the health care industry is making significant strides to improve health delivery and reduce the cost of care to the consumer. While certainly much remains to be done, I invite to the attention of Senators to the July announcement by the Hospital Corp. of America of Nashville, Tenn. HCA announced major reductions in room rates at the North Shore Hospital in Miami, Fla. The reduction will amount to an across the board cut for room and board of 10 percent and is coupled with new plans for a $3 million modernization program to further improve patient care and operating efficiency at the North Shore facility.

Mr. President, I believe this reduction serves notice that America's health care industry can be competitive while preserving quality care. We in Congress must stimulate such competition by urging the use of such cost-cutting techniques as a centralized purchasing, better coordination, specialized facilities among hospitals within the same community, and more efficient utilization of professional staffs and facilities.

I congratulate the Hospital Corp. for this reduction. I hope that other hospitals will follow its lead.

Mr. President, I ask unanimous consent that the text of the reduction announcement be printed in the RECORD.

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

ANNOUNCEMENT

MIAMI, FLA., July 26.—North Shore Hospital, a non-profit 270-bed facility managed by Hospital Corporation of America, today announced major reductions in room rates that will save patients an aggregate of approximately a half-million dollars annually.

Officials said the reductions would cut some room rates by as much as $11 per day, and would reduce total room and board costs to the patient by approximately 10 per cent.

Dr. Fred Gunion, president of the North Shore Board of Trustees, said the reductions resulted from the greater economies and improved service achieved under Hospital Corporation management of the facility and were accomplished "despite the nationwide trend toward spiraling health care costs."

The health care industry drew special attention in the Phase II Economic Program because costs to the consumer were rising at a rate substantially greater than the overall rate of inflation.

HCA began operating the Miami facility under a management contract one year ago, reorganized its operation, and extensively expanded its services.

HCA President John A. Hill said, "We know of no other major hospitals that are even considering reductions in charges, and most are seeking approval for increases. This just illustrates what can be done about the rising cost of hospitalization in this country." Hill serves as a member of President Nixon's Health Care Advisory Committee.

It was also announced today that HCA would begin immediately a $3 million modernization program at the Miami hospital that will further improve patient care and operating efficiency.

Hill said, "It normally takes two years for us to turn around the operations of a hospital we acquire or manage, and to fully realize the benefits of our management systems. What we are announcing here today is the result of only one year of management of this hospital."

Reductions range from $11 on highest price private rooms, from $75 per day to $64 per day, to $6 on four-bed rooms, cut from $42 to $36. Compared with figures in a recent Miami Herald Survey of area hospital charges, North Shore is one of the lowest in total patient daily room rates, even before these reductions.

HCA did not increase rates when it assumed responsibility for managing the facility last year. Slightly adjusted radiology and physical therapy charges were the only pricing change instituted by the corporation, and these are more than offset by the room rate reductions announced today. Hill said that no charges are being increased.

Gunion explained that "patient room rates are the part of the hospital bill which most patients pay out of their own pockets. Most other hospital charges are fully covered by some form of insurance or other reimbursement program, so we selected room rates as the area for reduction most beneficial to the average patient."

Hill said that virtually all of the Company's 40 hospitals have rates "at least competitive with other hospitals in their areas."

"We are constantly seeking ways to reduce operating costs while improving patient care," Hill said, "and to pass these savings along to our patients."

HCA owns most of its hospitals and has built 14 of them, with 12 more under construction now. The firm is the largest in its field, with more than 6,000 beds in operation in 12 states. Hill said the Company manages the other hospitals for other owners, and is actively seeking more such situations.

"We believe this achievement proves what we have been saying all along." Hill continued, "that our company can manage hospitals effectively, can reduce the rate of inflation at least in our own operations, while still producing a reasonable profit margin."

Major cost savings were achieved at North Shore through improvements in food service operations, business office operations, and housekeeping, developing better cost and billing controls in several departments, and in general management of the facility which resulted in major reductions in personnel costs.

In addition to these changes, which also improved patient care and services, North Shore Hospital arranged for 24-hour professional coverage of the emergency room, instituted pharmacy procedures including a unit-dose system and patient profile system, negotiated contractual arrangements for anesthesia, installed telemetry systems for cardiac patients permitting constant monitoring at a central nurses' station, added new, specialized X-ray equipment, developed operating manuals for all departments, installed an EEG department, and established a program to improve the effectiveness of regular emergency procedures drills.

North Shore Board President Gunion gave full credit for the cost reductions to "HCA administration and systems." Gunion said. "It is really amazing that we are able to cut rates when most American hospitals, including several in Miami, are increasing charges to patients."

Members of the Board attended a press conference here today at which the rate reductions and expansion program were announced. Others present include Dr. Thomas F. First, Vice Chairman and Chief Medical Officer of HCA, Robert P. Brueck, Senior Vice President, Robert Crosby, Regional Vice President and former administrator of the hospital, and E. A. Goodwin, administrator of North Shore. A special guest was Dr. Norman West, President of the Federation of American Hospitals.

Members of the Board of Trustees of North Shore Hospital are: Dr. Fred A. Gunion, President, Dr. Robert N. Lee, Vice President, Dr. George L. Richards, Secretary. Dr. P. J. Hanson, Dr. Harris E. Cuckku, Dr. Ludwig Ungaro, Dr. H. Macil, White, Dr. John R. Hilsenbeck, Dr. Charles Biggane, Dr. C. L. Wilson, and Dr. James H. Stage, President of the medical staff.

Included in the planned modernization and expansion of the hospital announced today are completion of one floor for an additional 89 beds, 38 of which will be available in November, central air conditioning enlarging, complete carpeting of the facility, enlarging obstetrical unit, enlarging pharmacy and adding doctors' lounge and other new areas; plus general renovation of the entire building. Planned by the Nashville architectural firm of Gresham and Smith, the construction program is scheduled in such a way that a minimum of 270 beds will be maintained in operation throughout the building process.

The project involved $2.8 million in construction and $300,000 in new equipment.

HCA is headquartered in Nashville, Tenn., where it was formed less than four years ago. Its stock is listed on the New York Stock Exchange.

SUCCESS FOR METHADONE PROGRAM

Mr. JAVITS. Mr. President, as the author of the "Drug Addict Treatment and Rehabilitation Act of 1971" (S. 2840), a bill designed to promote the establishment of comprehensive State and local methadone maintenance programs, I am pleased to commend to the attention of Senators the editorial entitled "Cutting Addict Crime," published in today's New York Times.

The Senate yesterday passed an admirable bill on this subject, H.R. 9323, I have long urged the establishment of more methadone maintenance programs, a proven treatment modality, in order to combat the scourge of heroin abuse which is a plague on our society. The editorial cites a New York City report which gives encouraging evidence that voluntary entrance into New York City's methadone maintenance program materially reduces drug addict crime. For those drug addicts in treatment for 13 months or more, patients who had at least two arrests in the year prior to their admission into the program, there was a 96-percent decrease in arrests.

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:

CUTTING ADDICT CRIME

Encouraging evidence that voluntary entrance into the city's methadone maintenance program by drug addicts materially

cuts their tendency to commit crimes is provided in a report to Mayor Lindsay and his Narcotic Control Council from Health Services Administrator Gordon Chase.

While the study of criminal arrest rates is based on random sampling of the nearly 10,000 addicts in the city's methadone program, Mr. Chase considers it "one of the largest documented arrest studies ever conducted by an addict treatment program." Made in cooperation with the Police Department, the study shows a dramatic decline in the arrest rates of addicts. An accompanying graph depicts the figures for male patients who had had two or more arrests in the year prior to their admission into the city's methadone program. Those in treatment for thirteen months or more, a sizable group, showed an astonishing 96 per cent decrease in arrests. For those newer in the program, the drop in arrests is less spectacular but still very substantial. (Graph not printed in the Record.)

The relationship between arrests and crimes has to be considered simple and direct; thus, the study's revelation that addicts in methadone treatment commit far fewer crimes strongly implies that to expand methadone treatment programs is to make the city safer still.

Unquestionably, there is need for some caution. Methadone blocks an addict's craving for heroin and generally enables him to function productively in society, but it is nonetheless a potentially lethal drug that must be carefully administered by competent medical personnel. Sloppily run programs conducted by unscrupulous private physicians have resulted in an inexcusable diversion of methadone and turned it into a destructive article of illegal commerce on the streets.

The substitution of one addictive drug for another, methadone for heroin, can hardly be considered a wholly satisfactory response to the city's drug problem. Work must go forward, as it is, on the development of improved methadone and other narcotic antagonists less lethal to uninitiated users. Even more important is the task of weaning methadone addicts from this substitute drug and returning them to an altogether drug-free status.

But what the city's study of police records shows is a salutary impact for the existing methadone program. Society has an interest both in reclaiming its addict population, estimated at perhaps 150,000 persons in this city alone. It also has an interest in reducing the risk of criminal attack by drug-crazed addicts desperate for the next fix. The city's study of arrest rates for addicts in its methadone program argues strongly for that program's rapid expansion to include the thousands of addicts now on waiting lists and actively seeking help.

DENVER METRO TRANSIT—EXCITING THINGS HAVE BEEN HAPPENING

Mr. ALLOTT. Mr. President, since Denver Metro Transit took over the operation of the Denver Tramway Co., exciting things have been happening. Service has been improved. Ridership has sharply increased—which is just the opposite of what is happening in most American cities.

A concise, but interesting and factual story of the success of Denver Metro Transit is told in the August 1972, issue of Colorado Municipalities. The article is authored by Ed Ruetz, who, since he came to Colorado 12 years ago, has been in the forefront of the campaign to improve the transportation picture in Denver. Reutz is now director of Information Services of Denver Metro Transit. I commend this article to the Senate. It tells what can be done by efficient, effective transportation management.

Mr. President, I ask unanimous consent that Mr. Ruetz' article be printed in the RECORD.

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

DENVER METRO TRANSIT: SERVING 16.6 MILLION PASSENGERS ITS FIRST YEAR

(By Ed Ruetz)

"Denver Tramway says it may not be able to continue operations if transit union demands are too high," read headlines in the Denver Post and Rocky Mountain News in the winter of 1971. Indeed the Tramway, like many other privately-owned systems, found that hauling passengers for profit in a city that was fast becoming one of the most auto-oriented in the United States did not work. The company, in an attempt to conserve resources and maintain service on the more heavily-patronized lines, was caught in the classic transit industry spiral of decreasing service on marginal or unprofitable lines, reducing frequency and hours of service, outright abandonment of some lines, and raising fares. Each round of fare increases brought a mathematically-predictable decline in ridership.

Denver's Mayor and Council had been watching the situation in public transportation with great interest since early 1970. Also watching were the Department of Transportation's Urban Mass Transit Administration, the local news media and the more than 50,000 daily riders of the Tramway.

While the city and others were watching the decline of the public transit system, there was also a growing awareness in and out of government that transportation played a major role in the quality of the life-style of the community. The public transportation system, if properly exploited for its ability to move great numbers of people to and from the city center and to outlying locations, could have a major impact on such problems as air pollution and the inordinate amount of land that is turned over to the movement and storage of automobiles. These considerations as well as those involving the desirability of providing transportation for those citizens, who, for whatever reason, did not have an automobile, went into the decision by the city to approach the Tramway Company about a sale of the system to the city.

A bond election for $4 million to provide the city's share of funds for a purchase of the system was first defeated in September of 1970, but by November, when resubmitted to the voters, it won overwhelming approval with 76 percent voting in favor of city ownership.

In a recent speech, Mayor William McNichols recounted the events leading up to the city acquisition of the system. He described the first meeting with officials of the Tramway as "very short". It has become apparent that condemnation proceedings would be needed to determine a price for the 214 buses and facilities at 350 South Santa Fe Drive in Denver. With condemnation proceedings launched, April 18, 1971 was set as the date for the takeover of the system. It was in this takeover that Denver met a problem now confronting many other cities faced with the necessity of keeping the transit system in operation—who is going to manage and operate it? A Cincinnati-based firm, ATE Management & Services, which had gained expertise in the operation of publicly-owned transit systems, was chosen from among four competitors. The Mayor and the Council reached a consensus that if the city was to run the system, it would be run well and not on a bare-bones, crisis basis. ATE sent Houston P. Ishmael to Denver to operate what had been the Denver Tramway. Ishmael brought with him a staff dedicated to the proposition that the advantages of the transit system must be sold to the community, and in order to do that, the city must have a system that is a source of pride.

In the time that ATE has been responsible for the operation of public transportation in Denver, a significant change has taken place. What had a 15 percent annual decline in patronage on the Tramway had become a 20 percent gain on Denver Metro Transit. Coaches were now operating to more locations, in and out of Denver. The public was asked to pick a new color scheme for the coaches and suggestions on service improvements were earnestly solicited from the public. Attractive new "Board Here" signs with the Transit system's phone number included replaced the rather sterile "Bus Stop" signs which had dotted locations in the city since 1928.

Service in suburban communities was expanded on a contract basis since the Denver City Charter prohibits the extension of city services to outlying communities unless contracted for. The formula worked out by ATE provides credits to the suburban communities for fares originated in those communities. In the first round of adjustments for the suburban service, Denver Metro Transit refunded some $40,000 to the suburbs because of the higher-than-expected patronage coming from them.

The improvements in the Denver system have drawn national attention. While most transit systems are attempting to halt the decline in usage, the passenger gains in Denver appear dramatic. While some of the initial success of city operation of the system has been credited to Coloradans who believe public transit is a major tool in solving many environmental problems, the gains of the past year must also be credited to a city and transit system that are trying hard to respond to the needs of the citizens of the community. This first year of city operation saw 16.6 million passengers use Denver Metro Transit, that's more than 1.1 million over the previous year. ATE is far from satisfied however, Marketing Director Peter C. Weiglin says, "We've managed to get the easy ones, now we're after the hard ones, those who must be shown that we do offer an attractive alternative to the automobile."

OIL COMPANIES PAID 6.7 PERCENT IN INCOME TAXES IN 1971

Mr. PROXMIRE. Mr. President, according to official records at the Securities and Exchange Commission, the 18 largest oil companies paid a grand total of 6.7 percent of their net income in Federal income taxes. This is significantly less than they paid in 1970 or in the few years prior to the passage of the 1969 Tax Reform Act. In 1970, after restating their income, these companies paid 9.1 percent of their income in Federal income taxes. In terms of actual money paid to the Federal Treasury, this means these 18 oil companies paid $114,672,000 less in 1971 than they did in 1970.

If the public cry for tax reform means anything, it means that situations like this cannot continue to exist. When companies earning over $10 billion a year pay only 6.7 percent of their actual net income in Federal income taxes and individuals earning just over $10,000 a year who file a joint return have to pay 32 percent, it is clear that our tax code is not equitable.

I realize that the petroleum industry's

standard defense is "Yes, admittedly, we pay less in Federal income taxes, but we pay more in foreign and local taxes." That is no reason why the Federal taxpayers should have to subsidize exploration in the Middle East. Why should the American taxpayer have to subsidize exploration for cheap Middle Eastern crude which is too insecure, according to the Government, for him to use? And even if we add the foreign and State and Federal taxes together, the total is still less than many companies have to pay just for Federal income taxes.

Mr. President, these figures are a clear example of the need for tax reform. I ask unanimous consent that the analysis and table from U.S. Oil Week be printed in the RECORD.

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

MAJOR OIL COMPANY FEDERAL INCOME TAXES FALL

Despite the small cut in the oil depletion allowance, the percentage of federal income taxes paid by major oil companies fell last year.

A survey of federal taxes, buried in the annals of the Securities and Exchange Commission, showed 18 top companies paid these amounts and the percentage of their net income they represent:

	Tax	Percent
Standard (New Jersey)	$211,542,000	7.7
Texaco	30,000,000	2.3
Gulf	31,062,000	2.3
Mobil	85,700,000	7.4
Standard (California)	14,000,000	1.6
Standard (Indiana)	63,462,000	14.5
Shell	43,738,000	14.9
Arco	11,115,000	3.8
Phillips	32,734,000	15.0
Sun	41,081,000	17.4
Union (California)	11,750	7.9
Amerada Hess	22,552,000	9.3
Getty	31,585,000	15.1
Conoco	6,240,000	2.1
Cities Service	9,934,000	8.4
Marathon	14,000	6.1
Standard (Ohio)	1,245,000	2.0
Ashland	23,954,000	46.3

Not only the percentage paid but the actual tax was lower than in 1970 in many cases.

A table showing profit and taxes for the past five years begins on page 3.

Figures for previous years have been radically revised from earlier figures given SEC possibly because of audits or changes in accounting provisions and methods.

Figures in this issue update substantially numbers in the Oct. 25, 1971 table published in U.S. Oil Week. But the October table shows tax and profit reports going back to 1962 that may have been revised.

Annual reports published for shareholders by many large oil companies show income taxes as vastly higher than the federal tax paid to the U.S.

The SEC allows refiners to lump together federal, state and foreign taxes along with sums set aside to pay taxes at a later date.

Thus the "provision for income tax" in annual reports can be totaled by refiner and other trade associations to give the impression the large companies are paying a high federal income tax.

But in the 10K reports filed at the SEC, the federal, foreign and state taxes are broken out.

Some companies don't even break out these figures in the 10K reports making it extremely difficult to come up with the figures in this table.

Often, companies with the lowest federal income taxes are the hardest to get the figure from.

SEC rules require publicly held firms to report their federal income taxes, but many resist.

U.S. Oil Week publishes these figures annually because of the significance given by marketers to low federal taxes of refining companies as compared with marketers not involved in crude oil production.

This year the figures taken on a new significance as federal tax avoidance becomes a national issue.

WHAT FIGURES SHOW

Curiously the figures show in many cases that the larger the company the smaller the tax percentage.

That's because the larger firms are involved abroad where royalties may sometimes be treated as federal income taxes paid to foreign governments thus becoming a tax credit against federal tax owed Uncle Sam.

Some of these revisions from previous years show important trends. Earlier after-tax figures showed Ashland Oil & Refining's after tax net growing in recent years, while revised figures show a steady drop.

By keeping concentrating on marketing and avoiding the spending to find and produce crude oil, especially abroad. Ashland has burdened itself with the highest tax percentages among large oil companies.

Ashland's poor performance is especially important to marketers because of its policy of supplying independent brand gasoline marketers.

Since Ashland has an unusually small branded marketing program, its name is not widely known across the nation.

But through supply or ownership Ashland has been the company with enough private label representation nationally to rank it high.

What fate lies ahead for Ashland now as it branded refiner competitors move quickly into the low-priced gasoline field?

Marathon, another big supplier of private branders, unlike Ashland has kept its federal income tax to an unusually low figure by investing heavily in crude oil production, particularly abroad.

But Marathon and Continental have suffered, the figures show, from north African governments taking a bigger bite out of crude oil profits abroad.

This bigger bite is called foreign income tax and thus keeps Marathon and Conoco domestic taxes low . . . and 2.1% respectively.

Another price conscious marketer, Amerada Hess, now benefits from the outstanding tax advantages of crude oil production at home and abroad.

Figures given to SEC show Hess 15.1% federal income tax, a much lower percentage than Hess Oil & Chemical paid before it was merged with the crude oil heavy Amerada Petroleum.

Ohio Standard's federal taxes were so low in 1970 that the after-tax profit was higher than before-tax profit.

Despite a net income of $65,848,000 that year, Sohio won a $6,918,000 credit from the Treasury Department.

One important consequence of federal oil tax policy is its effect on the alleged energy crisis.

Tax treatment of income earned abroad has encouraged the search for oil abroad at the expense of drilling at home.

The API last week said drilling to find oil and gas has fallen more than 50% in the past 15 years.

It may be that oil producers think the prospects for finding big pools of oil in the U.S. have waned.

If so it would strengthen marketer claims that more oil be imported from abroad where oil is plentiful instead of using up dwindling crude oil supplies at home.

FEDERAL INCOME TAXES—18 MAJOR OIL COMPANIES

[Dollar amounts in thousands]

Company and year	Net income before tax	Federal income taxes	Federal tax as percent of net	Foreign, state income taxes	Foreign, state as percent of net	Net income after tax
Standard (New Jersey):						
1967	$2,061,000	$166,000	8.1	$700,000	34.0	$1,195,028
1968	2,313,587	233,999	10.1	802,907	34.0	1,276,681
1969	2,069,697	265,789	12.8	756,269	36.5	1,047,939
1970	2,474,748	268,273	10.8	896,938	36.2	1,309,537
1971	2,736,717	211,542	7.7	1,063,175	38.8	1,462,000
Texaco:						
1967	892,428	17,500	1.9	124,400	13.9	750,528
1968	1,006,246	23,800	2.3	162,800	16.1	819,646
1969	952,854	7,250	.7	175,800	18.4	769,804
1970	1,137,666	73,250	6.4	242,400	21.3	822,016
1971	1,319,468	30,000	2.3	385,600	29.2	903,868
Gulf:						
1967	955,968	74,142	7.8	303,539	31.8	578,287
1968	977,321	8,005	.8	342,997	35.1	626,319
1969	992,005	4,264	.4	377,183	38.0	610,558
1970	990,197	11,892	1.2	427,939	43.2	550,366
1971	1,324,914	31,062	2.3	732,451	55.3	561,401
Mobil:						
1967	599,796	26,900	4.5	187,503	32.3	385,393
1968	680,979	22,000	3.2	228,271	33.5	430,708
1969	736,403	41,800	5.7	260,088	35.3	434,515
1970	873,951	95,600	10.9	295,644	33.8	482,707
1971	1,152,639	85,700	7.4	526,144	45.6	540,795
Standard (California):						
1967	$791,962	$12,900	$1.6	$369,669	$46.7	$409,393
1968	569,431	16,700	2.9	100,900	17.7	451,831
1969	590,386	10,900	1.8	125,700	21.2	453,786
1970	658,517	29,700	4.7	174,000	26.4	454,817
1971	855,692	14,000	1.6	330,600	38.6	511,092
Standard (Indiana):						
1967	372,323	74,021	19.8	17,437	4.7	280,865
1968	399,526	74,682	18.6	15,350	3.8	309,494
1969	408,548	64,524	15.7	22,991	5.6	321,033
1970	394,539	56,018	14.2	24,502	6.2	314,119
1971	437,021	63,462	14.5	31,859	7.3	341,700
Shell:						
1967	342,022	44,940	13.1	12,233	3.6	284,849
1968	387,767	63,378	16.3	12,298	3.2	312,091
1969	308,451	5,464	1.7	11,836	3.8	291,151
1970	274,681	34,285	12.4	3,191	1.1	237,205
1971	292,175	43,738	14.9	3,833	1.3	244,604
Arco:						
1967	233,976	7,273	3.1	33,773	14.4	192,930
1968	239,225	2,225	9.3	38,165	15.9	201,285
1969	279,932	3,963	4.0	47,282	16.9	228,687
1970	263,406	10,622	4.0	43,280	16.4	209,504
1971	295,245	11,115	3.8	85,428	28.9	198,702

FEDERAL INCOME TAXES—18 MAJOR OIL COMPANIES—Continued

[Dollar amounts in thousands]

Company and year	Net income before tax	Federal income taxes	Federal tax as percent of net	Foreign, state income taxes	Foreign, state as percent of net	Net income after tax
Phillips:						
1967	$199,074	$59,163	$29.7	$7,595	3.8	$132,316
1968	174,931	52,255	29.9	11,496	6.5	111,180
1969	177,868	32,584	18.3	15,174	8.5	130,110
1970	185,739	35,191	18.9	16,759	9.0	133,789
1971	217,303	32,734	15.0	20,091	9.2	164,478
Sun:						
1967	221,249	45,906	20.7	16,060	7.3	159,283
1968	230,369	45,652	19.8	19,070	8.2	165,647
1969	228,787	49,651	21.7	25,585	11.2	153,551
1970	223,086	56,957	25.5	27,054	12.1	139,075
1971	236,070	41,081	17.4	43,373	18.4	151,616
Union (California):						
1967	163,820	10,400	6.3	8,457	5.2	144,963
1968	164,232	5,955	3.6	7,045	4.3	151,232
1969	171,430	8,800	5.1	9,400	5.4	153,230
1970	137,211	7,540	4.6	15,210	9.4	114,461
1971	147,357	11,750	7.9	20,900	14.2	114,707
Amerada Hess:						
1967	128,640	10,188	7.9	43,343	33.7	75,109
1968	159,668	11,281	7.0	57,799	36.2	90,588
1969	133,447	2,406	1.8	46,385	34.8	84,656
1970	183,208	6,648	3.6	62,550	34.1	114,010
1971	240,003	22,552	9.3	84,202	35.1	133,249
Getty:						
1967	141,192	11,517	8.2	11,609	8.2	118,166
1968	112,798	4,842	4.3	9,706	8.6	98,250
1969	148,329	19,323	13.0	9,738	6.6	119,268
1970	159,144	34,909	21.9	13,089	8.2	112,396
1971	209,439	31,585	15.1	46,911	22.4	130,943
Conoco:						
1967	239,210	30,031	12.5	62,369	26.1	146,810
1968	239,293	12,475	5.2	78,875	33.0	147,943
1969	246,675	3,394	1.4	88,406	35.8	154,875
1970	300,847	19,262	6.4	121,338	40.3	160,247
1971	292,428	6,240	2.1	176,760	60.4	109,428
Cities Service:						
1967	$165,289	$32,347	$19.6	$5,105	3.1	$127,837
1968	138,613	12,683	9.1	4,594	3.3	121,336
1969	165,418	27,254	16.7	4,766	2.9	133,398
1970	151,562	27,169	17.9	5,816	3.8	118,577
1971	117,574	9,934	8.4	3,173	2.7	104,467
Marathon:						
1967	138,520	3,700	2.7	60,962	44.0	73,858
1968	155,335	4,350	2.8	67,659	43.6	83,326
1969	170,657	3,250	1.9	77,929	45.6	89,478
1970	196,412	8,200	4.2	101,680	51.8	86,532
1971	229,390	14,000	6.1	147,176	64.2	68,214
Standard (Ohio):						
1967	104,614	29,594	28.3	8,412	8.0	66,608
1968	113,054	38,100	33.7	5,394	4.8	69,560
1969	99,193	42,601	42.9	5,183	5.2	51,409
1970	65,848	6,918	10.5	4,252	6.5	68,514
1971	60,462	1,245	2.0	7,508	12.4	54,199
Ashland:						
1967	86,829	25,669	29.9	4,236	4.9	55,924
1968	84,259	26,392	31.3	4,908	5.8	52,959
1969	89,082	27,631	31.0	3,719	4.2	57,732
1970	71,542	29,278	40.9	3,605	5.0	38,659
1971	51,788	23,954	46.3	4,029	7.8	23,805
Total for 18 companies:						
1967	7,837,912	682,191	8.7	1,976,702	25.2	5,179,019
1968	8,146,634	654,324	8.0	1,970,234	24.2	5,522,076
1969	7,969,162	620,848	7.8	2,063,434	25.9	5,284,880
1970	8,742,304	797,876	9.1	2,479,247	28.4	5,465,181
1971	10,215,685	683,204	6.7	3,713,213	36.3	5,819,268

THE TRAGEDY OF THE NATION'S CORRECTIONAL SYSTEM

Mr. BELLMON. Mr. President, September 9 marks the first anniversary of a recent great American tragedy. One year ago Saturday the inmates at New York's Attica Prison rioted and 43 people were killed, including 11 guards. The tragedy lies not just with Attica but with this Nation's correctional system.

As shocking as that incident was, the conditions that prevailed then in that prison and others still prevail today, despite the existence of several legislative proposals for penal reform.

Ben Bagdikian, of the Washington Post, observed that 8,000 Americans are sent to prisons and jails every day. Ninety-seven percent of them eventually return to society, and from 40 to 70 percent of them commit new crimes. He concluded that:

> If theirs is an average experience, they will, in addition to any genuine justice received, be forced into programs of psychological destruction; if they serve a sentence most of it will not be by decision of a judge acting under the Constitution but by a casual bureaucrat acting under no rules whatever; they will undergo a significant probability of forced homosexuality, and they will emerge from this experience a greater threat to society than when they went in.

Norman Carlson, the Director of the U.S. Bureau of Prisons, is of the opinion that—

> Anyone not a criminal will be one when he gets out of jail.

President Nixon has stated:

> No institution within our society has a record which presents such a conclusive case of failure as does our prison system.

Before Attica, on January 28, 1971, Senator SAXBE introduced S. 400, a bill which would establish a Criminal Justice Reform Administration in order to provide assistance to encourage States and localities to undertake comprehensive criminal justice reform. This bill, the Model Criminal Justice Reform Act, is still sitting in the Government Operations Committee.

My own bill, S. 662, introduced to the Senate on February 8, 1971, which would assist States and Federal institutions "in improving their penal and post adjudicatory programs," is still sitting in the Judiciary Committee.

Other significant penal reform measures were introduced after the Attica tragedy.

On October 20, 1971, Senator BURDICK introduced the "Offender Rehabilitation Act," S. 2732. Although this bill did not concern itself directly with prisons, it is concerned with allowing the ex-offender to rehabilitate himself. Specifically, any first offender—except murderers, rapists, and the like—who keeps himself within the law for a number of years after his release from the penitentiary will be able to ask for the nullification of his criminal record. This bill, if it becomes law, would become an important part of the rehabilitation process. A man's old record would not follow him around like a ghost. He will be able to get a job, vote, and serve on a jury just like any other citizen. The Subcommittee on National Penitentiaries has completed one series of hearings and revisions in the 11 months since this bill was introduced for our consideration.

Senator BAYH introduced the "Omnibus Correctional Reform Act" on November 22, 1971. His bill, S. 2894, would, "provide financal assistance for State and local small community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling to develop specialized curriculums; the training of educational personnel and the funding of research and demonstration projects, to provde financial assistance to encourage the States to adopt special protection services; to establish a Federal Corrections Institute." His bill still resides in the Subcommittee on National Penitentiaries.

Senator MCCLELLAN sponsored S. 2939, on November 29, 1971, the "National Commission on Corrections," a bill which would review and study Federal, State, and local correctional systems, institutions, and programs for personnel qualifications, facilities, health, safety, employment training and counseling, meals, living conditions, family life, recreation, cultural and religious activities. This bill is still in the Subcommittee on National Penitentiaries.

Senator JAVITS proposed S. 3049, the "National Correctional Standards Act," on January 24 of this year. His bill would, "provide minimum standards in correction with certain Federal financial assistance to State and local correctional, penal and pretrial institutions and facilities." Hearings have begun in the Subcommittee on National Penitentiaries.

Senator PERCY sponsored S. 3185, the "Federal Corrections Reorganization Act," which would promote "more effective operations and management of the Federal corrections system by reorganizing certain functions and creating new organizations." The Subcommittee on Criminal Laws and Procedures.

In addition, there have been a host of other bills covering specialized areas of criminal justice, such as drugs, pretrial detention, and correctional staff training.

A year ago, I told this body that

Prison riots are a blot on the fabric of our society . . . our prisons are severely lacking in the kind of activities to keep a prisoner suitably occupied. Training programs are inadequate and are not geared to real-life situations in business or industry. The term "corrections system" is a misnomer, because there is neither a system nor much correction.

A year has passed and still no legislation has been passed. Even the bills presently before the various subcommittees offer little more than "bandages" to modify or improve our present prison system. And even these bandages have not been made available for use.

A year ago, I told this body that,

The Federal Government has both the resources and the responsibility to develop and support a correctional system that corrects instead of aggravating crime.

And I called for action "to correct the mistakes of the past and to lay the ground work for a better system of truly correcting those who are imprisoned for breaking the law."

Mr. President, I am sorry to say that these 12 months have been largely nonproductive so far as new legislation is concerned. Despite Attica and continuing similar incidents in our State and Federal prisons, prison reform still seems to have a very low priority with Congress. There have been no significant changes in prisons across the country. And only a very few experimental programs have come forth which try to achieve success in ways that are different from our old patterns of failure. Let me tell you about three such experimental programs.

First. The "Pennsylvania Project," funded by the Department of Labor, takes a randomly selected group of offenders and places them in an unlocked group living situation, and puts them through labor union training. During this period of time they earn full wages, pay taxes, pay for their room and board, and support their families.

Second. Under the California Probation Subsidy, the State gives the local units of government a certain amount of money for every offender placed on probation rather than in an institution. That money, in turn, is used for a program of intensive probation. This program saves California money, as well as providing the offender with a truly effective means of rehabilitation. This program is one of the programs California has instituted to save the State's taxpayers $200,000,000. California prisons and juvenile institutions are emptying, and crime has gone down.

Third. In Massachusetts, the director of juvenile corrections has dismantled all State juvenile institutions and has substituted group homes, intensive probation, and private treatment programs.

These three programs among others represent the direction corrections may take in order to stem the rising tide of crime. In the United States as a whole, crime is still high, many of these crimes being committed by bitter, unrehabilitated ex-convicts.

America gets back the people it sends to prison. We are not doing enough to assure that they are better citizens after prison than before.

Mr. President, I make no claim to be an authority as to the direction correctional reform must take. Based upon my experience as Governor, my reading of the crime statistics, and my observations as a Member of the Senate, I am convinced that Congress is not demonstrating proper concern. We simply are not acting in a timely way to prevent future Atticas. How many more riots must occur and how many more percentage points must our crime rate increase to motivate the Congress into action?

A new session of Congress will begin soon. As responsible representatives of the people of this Nation, I feel we cannot afford to waste another year as we have wasted a year since Attica. Correctional reform should be at the top of all priority lists for next year—perhaps there is still time to avoid future Atticas if we act without further delay.

ARMY SURVEILLANCE

Mr. NELSON. Mr. President, last week the Senator from North Carolina (Mr. ERVIN) released a staff report of the Constitutional Rights Subcommittee entitled "Army Surveillance—A Documentary Analysis." This report publicly reveals for the first time the shocking and extensive degree to which the U.S. Army has monitored the activities of ordinary citizens and civilian organizations and filed ths raw information away in thousands of files, dossiers, and computer data banks. Analyzing only a portion of the military's actual intelligence-gathering efforts and their data files, this report documents the Army's overzealous and dangerous invasion of first amendment rights of speech, assembly, religion, press, and petition, and the danger which these activities pose to the privacy and freedom of all citizens.

The report concluded that the Army's snooping was useful for "no legitimate—or even illegitimate—military purpose" in controlling civil disturbances. Still there appears to have been over 350 separate Army record centers containing files on over 100,000 civilians. Furthermore, these files contained raw data on the intimate private lives of law-abiding citizens gathered by a variety of dubious and covert means.

In the September 5, 1972, issue of the Evening Star and Daily News, James J. Kilpatrick summarized the staff report's analysis of the Army's civilian surveillance activities and raised the specter of George Orwell's 1984. More important, Mr. Kilpatrick framed a question and an answer which anyone concerned with maintaining individual liberties in this country must carefully ponder:

How did this outrageous invasion of constitutional rights get started? It was for the best of motives: The Army wanted to prepare itself for the threat of internal revolution and major civil disorders. Then the cancer of bureaucracy went to work. People had to appear to be "doing something." Vast quantities of useless material piled up, and the technological wonders of computerized data processing did the rest.

The warning that erosions of individual liberties often begin in the most innocuous of ways has been sounded many times previously. Perhaps one of the more eloquent statements was made by Mr. Justice Sutherland in a dissenting opinion in the case of Associated Press against Labor Board, decided in 1937:

Do the people of this land—in the providence of God, favored, as they sometimes boast, above all others in the plenitude of their liberties—desire to preserve those so carefully protected by the First Amendment: liberty of religious worship, freedom of speech and of the press, and the right as freemen peaceably to assemble and petition their government for a redress of grievances? If so, let them withstand all *beginnings* of encroachment. For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

The Constitutional Rights Subcommittee's staff report on Army surveillance of civilians and James J. Kilpatrick's column eloquently call attention to a most flagrant beginning of constitutional encroachment, I ask unanimous consent that the column entitled "Surveillance Report Has Orwellian Parallels," which was published in the Washington Evening Star and Daily News, be printed in the RECORD.

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

[From the Evening Star and Daily News, Sept. 5, 1972]

SURVEILLANCE REPORT HAS ORWELLIAN PARALLELS

(By James J. Kilpatrick)

If it has been some time since you read "1984", let me recommend a return to George Orwell's classic; and then read a supplement to it. The supplement, published only a few days ago, is titled, "Army Surveillance of Civilians: A Documentary Analysis." We are not far from Orwell's bright cold day in April, when the clocks were striking thirteen.

This is a bone-chilling report, prepared for the Senate Subcommittee on Constitutional Rights under the direction of Chief Counsel L. Baskir. The document achieves dramatic impact by not being dramatic; it sounds a thundering warning without raising its voice. For many years, politically active Americans have been wondering: Were they suffering a kind of paranoia, or was Big Brother really watching them? Answer: He was watching.

The report covers some familiar ground, already traversed in hearings before Sen. Sam Ervin's subcommittee, but it contains much that is new. It transpired through the hearings last year that over a period of decades, going back at least to the time of Franklin Delano Roosevelt, the Army had been systematically gathering intelligence on civilians who might cause trouble. In the ensuing uproar, thousands of files and dossiers were destroyed, or so it was said, and orders went out to halt the surveillance.

Were the dossiers in fact destroyed? Has the surveillance ceased? Baskir leaves the questions unresolved. "It is unlikely," he says, "that we will ever know the extent to which the monitoring and the data banks have been cut back."

Baskir's report stops at Dec. 31, 1970. At that time, by his estimate, Army Intelligence "had reasonably current files on the political activities of at least 100,000 civilians unaffiliated with the armed forces." The Army then was maintaining more than 350 separate records centers. Some of these were enormous: Fourth Army Headquarters at Fort Sam Houston, Tex., had the equivalent of 120,000 file cards on "personalities of interest." At Fort McPherson, Ga., the Third Army had dossiers on 4,672 persons and 2,220 organizations.

Some of the most elaborately computerized files were maintained by the Continental Army Command, known as CONARC. At the press of a button, the computer could search through "2,269 pages of detailed summaries of the political beliefs and activities of nearly 5,500 persons." The information was known as "plink," computer shorthand for "personality link."

The plink on Subject No. 000001641, married female, Massachusetts, contained this derog info: "Has written a number of letters to U.S. Government officials, civil defense officials, and to newspapers. The letters are generally very critical of federal and local government because what she considers the futility of a civil defense program and refusal of countries to disarm."

The Army's dossiers, many of them drawn, like the foregoing plink, from FBI records, covered the whole landscape of political activity. The National Committee for a Sane Nuclear Policy, in one coding system, had Dossier No. ZA 00 90 26. The National States Rights Party was nearby: Dossier No. ZA 00 90 97.

Baskir's somber observation, in a concluding statement, evokes the Orwellian nightmare: "What separates military intelligence in the United States from its counterparts in totalitarian states," he says, "is not its capabilities, but its intentions." And he adds: "This may not wholly reassure many Americans."

How did this outrageous invasion of constitutional rights get started? It was for the best of motives: The Army wanted to prepare itself for the threat of internal revolution and major civil disorders. Then the cancer of bureaucracy went to work. People had to appear to be "doing something." Vast quantities of useless material piled up, and the technological wonders of computerized data processing did the rest.

Assuming that most of the dossiers have indeed been shredded, and most of the tapes wiped out, what is to prevent a recurrence of such surveillance in the future? That practical question, says Baskir, "remains to be considered." Thus ends his report, and we are left to wonder, to go back to Orwell, when our clocks will start striking.

PROTECTION OF SURVIVORS OF PUBLIC SAFETY OFFICERS

Mr. MONDALE. Mr. President, I am pleased that the Senate has now taken action on legislation to provide a $50,000 death benefit to the survivors of public safety officers killed as a result of criminal actions. We still have some unfinished business in the form of other legislation to provide them life insurance coverage. This is equally necessary to protect their survivors against financial hardship which may result from deaths of such officers not suffered in the line of duty.

Last year, a tragic series of police officers' killings took place in New York City and in Washington, D.C. A few weeks ago, a police officer was killed during a bank robbery in Roseville, Minn.

The Nation's conscience has been shocked by the rise in violence in our society. Public safety officers have borne an unfair share of this burden. In a 1970 survey it was revealed that 18 States still provide no financial assistance to the immediate survivors of law enforcement officers. Many small cities and towns similarly provide no such benefits. The situation with respect to other public safety officers is even worse.

We owe these brave men, and their families, the best law enforcement systems that we can devise. Substantial help, under the Law Enforcement Assistance Act, has been provided to make this possible. But, in the best of circumstances, death and serious injury will still threaten public safety officers. We must, therefore, assure that their families will not be left helpless if they meet an untimely death in seeking to protect us.

Last year, I introduced legislation to provide a national program for the compensation of all victims of violent crime. It included a special provision for a $50,000 death benefit for public safety officers. It it is very gratifying that the Senate has now taken action along these lines.

I am especially pleased that the bill which the Senate has passed was extended to cover firefighters and other public safety officers, as in my own bill. The original bill, in accordance with recommendations of the administration, was limited to policemen. I think that firefighters, correctional officers, national guardsmen, and sheriffs deserve the same protection.

I am also pleased that the bill covers part-time and volunteer officers.

A significant amount of our public safety protection, especially in firefighting, is provided by such personnel. We must assure them and their survivors the same protection as full-time and paid officers.

The bill also provides benefits in the event of dismemberment suffered by a public safety officer. It would offer $25,000 for single dismemberment and $50,000 for multiple dismemberment.

Another important feature of this legislation is that the benefits would not be subject to Federal income taxes. We have been advised that the payments would be regarded in the same fashion as workmen's compensation and, hence, would not be taxed.

The bill would cover deaths or dismemberment of public safety officers occurring as a result of criminal action on and after January 1, 1967. This date would cover the period during which we have experienced a shocking increase in felonious attacks on public safety officers.

In the 6 years from 1961 through 1966, about 50 killings per year, on the average, were reported for police officers in the United States. During the next 5 years, the average number of felonious police killings had risen to 80 or almost double the earlier figure.

Mr. President, we can never adequately express our appreciation to the gallant men and women who daily risk their lives as public safety officers. There is no way that we can repay their survivors if they are killed in line of duty. But we can spare them the severe financial hardship which they often suffer. I hope that the Congress will speedily complete action on this bill.

As I have indicated, the bill deals with only a part of the problem. Public safety officers frequently have difficulty purchasing life insurance protection—either individually or in groups. All too often, their on-the-job risks are regarded as too high for insurance companies to accept.

But it is hard to believe that they often cannot purchase life insurance to protect their families against the normal risks of death not connected with their jobs. Or such insurance may be available only at very high, or even prohibitive, rates. It is clear that Federal action is needed here, too.

I am pleased to be a cosponsor of two bills which would provide Federal assistance for the establishment of group life insurance programs for public safety officers. These bills—S. 2994, introduced by the Senator from Arkansas (Mr. McCLELLAN), and S. 2995, introduced by the Senator from Massachusetts (Mr. KENNEDY)—are pending in the Judiciary Committee.

I have been advised that the committee plans to consider them soon. I hope that the Senate will be able to act on them at an early date.

When a public safety officer is killed in line of duty, whether by criminal action or otherwise, the conscience of the community is shocked. Indeed the traumatic experience for his family may be more acute than that suffered from a death through natural or accidental causes. However, the financial plight of the family will be equally serious. Thus, we must fill the gap in insurance protection offered to public safety officers.

The Federal Government recognizes its special responsibilities in this regard for its employees. It provides for Federal contributions to group life insurance protection for its personnel. The Federal Government has now recognized its interest in improved law enforcement and public safety programs. It is not fair to call upon members of our community to serve as public safety officers and to expose their families to the unreasonable financial hazards which are created by the absence of satisfactory life insurance programs.

The two bills which I have cosponsored would provide for employee contributions to the cost of life insurance. A Federal contribution would be authorized to assure that a program would be available to all officers and that the costs would not be prohibitive.

Mr. President, I commend the efforts that have been put forth in support of these bills to help protect the survivors of public safety officers. I urge that the earliest possible action be scheduled by the Judiciary Committee and by the Senate on the life insurance legislation. I will do everything I can to assist in enacting this vital measure.

U.S. RECOGNITION OF CUBA

Mr. GURNEY. Mr. President, a July 14, 1972, editorial published in the Miami newspaper, the Voice, makes some excellent points concerning whether this country ought to recognize Fidel Castro's Communist regime. In light of recent reports concerning the boasts of Cuban Air Force Minister Roual Castro, younger brother of Fidel Castro, over the increased numbers of Soviet missile-launching boats obtained by Cuba this year, it would seem to be especially ap-

propriate to place this article in the RECORD.

I ask unanimous consent that the editorial, entitled "Why Should the Castro Regime Be Recognized?" be printed in the RECORD.

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

WHY SHOULD THE CASTRO REGIME BE RECOGNIZED?

(By George H. Monahan)

Should the United States at this time resume normal relations with Castro's Cuba?

This is the question brought before both political parties by the Latin American Division of the U.S. Catholic Conference. On page one of this issue, The Voice reprints a column by Dale Francis, who lived in Cuba for two years where he was Director of the Defense of the Faith in the Matanzas diocese. Mr. Francis is well appraised of the political situation on the Communist-controlled island and spells out his opposition to relaxation of the American blockade at this time.

About one month ago, when the Latin American Division's director, Father Frederick McGuire, C.M., suggested the change in the U.S. relationship with Cuba, he stressed that the statement reflected only the opinion of his agency. He said the 10-year-old embargo can in no way be justified today because it imposes "needless hardship and suffering on the most directly affected . . . the poor, the sick, the aged, and the very young."

It should be pointed out that the embargo was initially imposed by President John F. Kennedy as an immediate result of the Cuban missile crisis and was designed to prevent the importation of arms and other strategic materials. Later, Castro himself imposed restrictions upon packages received by mail from the U.S. containing food, medicines and other goods of humanitarian value sent to the people of Cuba. The dictator claimed exiles in this country had secreted a bomb in a parcel which exploded in the Havana Post Office. Parcels coming from the U.S. that had been stored in the Cuban Customs for many months then were confiscated and never delivered to the designated recipients. The Red dictator also emphasized that no other packages from the U.S. would be accepted and he said American medicines and food were not wanted.

Actually, today hundreds of tons of medicines and food are being sent to Cuba from people in the U.S. through Spain, Canada and Mexico.

The editors of this newspaper feel a number of major points must be considered before a normalization of relationship between the two countries can be considered.

First, a profound revision in Cuba's policies toward its neighbors in Latin America must take place.

Despite the fact that Chile, which has been flirting with the left since it elected a Communist president, has recently normalized its relations with Cuba, other Latin nations opposed any change at this time. And, their opposition is justifiable as long as Castro continues to train and support armed revolutionary bands in these countries. Cuba, in this circumstance deserves to be excluded from recognition by the rest of the hemisphere.

Second, the U.S. has patiently but apprehensively stood by while Castro has continued a protracted campaign of harrassment and infiltration in this country. The director of Cuba's fishing fleet, who defected to the U.S. a few months ago, testified before congressional hearings that Castro's fishing boats were being used to smuggle U.S. students and left wing sympathizers in and out of Cuba in order to receive instruction in communist ideology, as well as basic training in sabotage and guerrilla warfare. Also, he said, tons of narcotics are being smuggled into this country by these same ships.

Third, as long as Cuba continues to serve as a base for Soviet nuclear submarines and warships, we feel there can be little hope for amity between America and Cuba.

As long as the U.S. allows food and medicines to continue to pass through the blockade, we can see little complaint about inhumane treatment. Of course, we feel that peace and harmony should prevail among nations but in this case, it seems that some first moves toward this direction rest squarely on the shoulders of Fidel Castro—not on the government of the United States.

DEMONSTRATIONS DURING 1972 REPUBLICAN NATIONAL CONVENTION

Mr. GURNEY. Mr. President, 2 weeks ago in Miami Beach, Fla., the second of this country's major party conventions occurred. I had the privilege of attending as a delegate and the distinct honor of participating in the proceedings. However, I would like to address my remarks here today to the actions of some of those who sought to divert attention from the proceedings inside the convention hall and to the streets outside. While on the whole things functioned fairly smoothly, a determined group of 2,000 to 3,000 individuals attempted disruptions of the delegates to the convention and of the citizens of Miami Beach.

The major reason why the problems were not worse than they were was that the radical movement was unable to assemble the kinds of numbers that they are accustomed to acquiring in their efforts to paralyze the Nation. However, there were numerous instances of extensive property damage and physical abuse to delegates and others who were proceeding on their own business.

The situation is best summed up by Mr. Paul M. Brunn, the distinguished publisher of the Miami Beach Sun Reporter, in two columns published in the August 2 and 25, 1972, issues of the Daily Sun Reporter. I ask unanimous consent that the articles be printed in the RECORD.

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

ANOTHER "HORROR SHOW"

(By Paul M. Bruun)

Following the conclusion of the Democratic Convention in July, I—along with many others to be sure—was reassured because conditions had remained calm in Miami Beach. I had hoped that perhaps our visiting non-delegates in Flamingo Park had awakened to a number of important realizations—not out of resignation, but from a new wisdom gleaned from the non-productiveness of the stormy "horrow shows" staged in the past.

For it is true that the various targets of the radical movement have not "caught fire," as was expected, and there has been increasing disgust and disenchantment evidenced among high school students and young working people with political radicalism, even in the strongholds of the counterculture.

However, my hopes were to be dashed to the winds, for once again we are witnesses to the spectacle of the "borderline nuts" putting themselves above the interests of the majority of Americans and engaging in another mindless orgy of the ugliest kind—in the name of democracy—because of their so-called political convictions.

My emotions are clearly taxed and I am deeply distressed by these events. (Of course, if I were a strategist in the Soviet Union, I would be delighted by America's lowered and flabby image in the eyes of the rest of the world.)

What is this country coming to when individuals select the laws they will or will not obey? Is this mayhem and horror to be a permanent part of the fabric of our lives? Do these people really believe they are doing the nation a public service?

How can we function as a free and open society and live sanely when the rights of honorable, law-abiding citizens are recklessly and flagrantly trampled upon by irresponsible mobs who are obviously protesting to gain attention for political power?

What is so incredible to me is that these acts have been perpetrated by those who claim to have formulas for reforming our society. However, their fantasies have no relationship to the real world.

No one is more vehemently against the Vietnam War or any war than I. Yet, I am "turned off" more than words can describe by those who, in the name of peace, engage in such actions. In their view, apparently every one of them has the inalienable right to engage in volatile behavior if they are angered by another person or persons.

I've tried hard to understand the motives and meaning behind this kind of mindless destructiveness, but it is unbelievable to me that this small minority of people want the right to be heard and yet, by their acts, deny those of opposing view the same freedom of speech. Indeed, reasoned argument is thrown to the winds and replaced by insults, accusations and vehement condemnations. However, political activism and freedom of dissent does not justify this kind of interference with the rights of others, any more than respect for law and order justifies oppression . . .

The American people are fed up with and deplore this shabby performance. But it is not enough to merely believe in law and order. Each of us must Speak out in not uncertain terms and demand that law and order be preserved, for by silence we are in essence granting, approval to their acts. We must all join together in calling for a return to mutual respect and civility and the right to be free from this plague of political violence on the part of these misguided few.

With this kind of levelheaded attitude, our young people will in fact arrive much faster into fuller partnership with the so-called "establishment" and find it responding to their hopes and aspirations. Indeed—as evidenced by passage of the 18-year-old vote—their vigor, energies, intelligence, compassion, idealism—their innovative and fresh concepts—traits we all admire—are needed in the political process and in the urgent work ahead of us in building America. But only when they are prepared for that trust can they serve as a vital force in our society.

I must state that, quite frankly, I have been completely nauseated and "turned off" by the behavior of the young radicals I encountered over the past week. They exhibited the most appalling lack of self-discipline and disrespect for authority I have ever witnessed.

These were apparently pampered, coddled youngsters whose parents undoubtedly failed to paddle their ——— when they deserved it for fear of "spoiling their personalities." As a result, they are "children", both in temperament and discretion, who delight in pulling the wool over the eyes of their elders, and are apparently incapable of looking after their own interests, to say nothing of the interests of our country.

Are these the kind of people who are truly dedicated to the task of making this a better world in which to live? I think not.

On the other hand, it was a distinct pleasure for me to be in the company of neat, clean shaven young Republican supporters and workers during the course of the Convention whose warmth and friendliness rekindled my faith in the generation that will follow us.

It was obvious to me that the traits of integrity, courtesy, self-discipline, reliability, and a desire to do a good job, had been properly instilled in these youngsters, and these qualities will, as a result, stay with them the rest of their lives.

In my judgment, these young people have the kind of character and well-trained minds that will permit them to respond to the vagaries of life, and hence they are qualified for future leadership roles. Moreover, they recognize that the world without differences in view would indeed make for a very dull existence, but that the civilized approach is to talk—not fight—about these differences.

One essential ingredient in achieving social reforms is patience—a virtue which is markedly absent in all young people.

But the human spirit, their spirit, has been set free in America, and fate has thereby granted this Nation a great gift and a great destiny for which we should all be thankful.

Our young generation must, therefore, turn from strategies of "escape" to those of a "genuine commitment". With this type of approach I have every confidence that they will be eminently successful in bringing us to the fulfillment of that destiny.

WHAT DO YOU SAY WHEN YOU ARE PROVEN WRONG?

(By Paul M. Bruun)

Yes: What can you say when you've said you're sorry? I watched ice picks being stuck into the tires of private cars, buses and trucks in disbelief. I saw the covers of rear-engined buses opened and the ignitions wrecked, which stalled our buses on our streets. Windows were smashed, much damage, all unwarranted, was done. This newspaper suffered tremendous damage because many of our vending machines were completely wrecked.

Such havoc was the traffic on Wednesday that I was late to a deposition in an attorney's office. Returning, I spent 60 minutes moving two blocks on 17th Street. I finally gave up, left my car in the front yard of our personal friends, the Dr. Herman A. Phillips, and walked to my office. The bridge at Alton and Dade was closed to northbound traffic, thus inconveniencing thousands of hometown, law-abiding citizens who deserved better.

For many years, a liberal attitude has prevailed in Miami Beach. Today it has proven to be the wrong way. The darlings of the hippies, etc., and those who were the darlings of the Yippies, etc., fed them chicken soup and contributed to the begging of these bums with as much as $45 per day per beggar. But they now know that those of us who protested long, loud and strong, against providing a haven for the unclean trash that does not want to work, were right, and that Miami Beach's Mayor Chuck Hall—who marched with them and who "vouched" for them—and for their behavior, as did many more well-meaning and impractical people—were wrong.

Again I have to congratulate Councilmen Herbert Magnes, Leonard Weinstein and Harold Rosen—who were not suckered in as was I—on their opposition to the position that only by providing Flamingo Park could the rebels-without-a-cause be controlled.

I succumbed to the pressure of law enforcement officials who told me that without Flamingo Park, the entire cause was hopeless. Many still say that without Flamingo Park, things would have been worse.

If any of the destructive scum of this earth, wearing the false guise of being sincere protesters, had been injured, hurt, or become ill, the full facilities of our great south Florida would have been instantly placed at their disposal.

Now those of us who have suffered considerable financial losses and had our time and schedules aborted, have to pay for our individual losses. The non-delegates on the other hand, go on their merry way unharmed to further their useless existence, preying on those who will sympathize with whatever becomes their next "cause".

Every day in every way liberalism is proving that our laws and our courts are for the lawless. Does the average citizen, caught in the clutches of our law enforcement officers, have the instant justice that the lawless scum who had gone mad were provided?

Admittedly our police officers "kept their cool," which is magnificent. The heads of those wreaking destruction, however, should have been cracked open. I would register no protests had our emergency wards been filled with cracked heads instead of our jails filled with smirking, sneering, uncontrollable animals gone mad.

Perhaps the nation, and unfortunately the entire world, have been treated to a practical lesson in just how democracy doesn't work, a disgraceful happening. I can't but help think the disorderly actions and lawbreaking of those who had placed at their disposal our hospital facilities, have gained for President Richard Nixon millions of votes. Hopefully, their bastardly behavior has served to awaken those mad for McGovern that if this is his "youth corps," then God help us if McGovern is elected.

I talked to some of these rebels-without-a-cause. One had the guts to tell me that "if it rains tomorrow, you have to get up and go to work, but if it rains, I don't have to get up and go to work." For this parasite, the hard-working fools of this nation—decent citizens such as you and me with jobs—pay and pay and pay. Yes, the non-delegate leaders who promised us such safety have surely proven that their word is useless, that they are damn liars, not fit to associate with decent people.

I wonder what those pious religious leaders who provided some of them with a place to bed down think today. There can be no compromise with the lawlessness. Our nation and the world were treated to a brand of lawlessness that surpasses that of the North Vietnam invasion of South Vietnam about which they were protesting.

For the appeasement that I was suckered into, I apologize. I did what the experts, the professionals told me to do, saying that I had no other choice. Now, I'm sorry.

RETIREMENT OF GORDON F. HARRISON

Mr. STENNIS. Mr. President, the staff director of the Committee on Rules and Administration, Mr. Gordon F. Harrison, retired recently after long and distinguished service in that capacity. I wish to pay a tribute to this outstanding member of the Senate staff.

For more than 17 years, Gordon Harrison demonstrated the highest standards of professional competence. His knowledge and energetic cooperation have been at the disposition of all Members of the Senate, and the assistance he has given them in a very wide variety of problems has been extremely valuable.

His personal characteristics made him particularly effective in the performance of his difficult duties. His judgment and integrity lead him to sound conclusions and recommendations, and his quick intelligence, tact, and ability to get along with others enabled him to carry out decisions with minimum delay or disruption. He has found the time to hear and give full consideration to all the staff members who consulted him over the years. The office of every Senator is indebted to him.

After a very long career of public service, including service in the Navy in World War II, as a lawyer in the Department of Justice, and many years with the Senate staff, this fine gentleman has accepted a well-earned retirement. I congratulate him on his accomplishments and extend to him my very best wishes for the future.

NAMING OF CHARLESTON NAVAL STATION ENLISTED CLUB FOR J. ELLIOTT WILLIAMS

Mr. THURMOND. Mr. President, the Navy recently honored Medal of Honor Winner J. Elliott Williams by naming the Charleston Naval Station enlisted club for him. I think it is highly appropriate that the outstanding service of this courageous American be recognized in this way.

Mr. Williams was awarded the Medal of Honor for action in the Mekong Delta on October 31, 1966, when two Navy river patrol boats under his command sank 65 enemy craft. Mr. Williams was a superior leader. The men serving under him during his 11 months in Vietnam won 131 combat decorations and 80 purple hearts. Only one of his men died in combat.

Retiring from active duty in 1967 as a boatswain's mate first class, Mr. Williams has continued to serve his fellow citizens as U.S. marshal in South Carolina.

He has set a high example of patriotism, dedication, and conduct for others to emulate. As long as the United States can produce men like J. Elliott Williams, we will remain strong and free.

Mr. President, I ask unanimous consent that the accounts of the ceremonies honoring J. Elliott Williams at the Charleston Naval Station be printed in the RECORD.

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

BOATSWAIN'S MATE FIRST CLASS JAMES E. WILLIAMS (RETIRED)

Petty Officer Williams received the Medal of Honor in 1968. The citation reads:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a member of River Section 531 during combat operations on the Mekong River in the Republic of Vietnam. On 31 October 1966, Petty Officer Williams was serving as Boat Captain and Patrol Officer aboard River Patrol Boat (PBR) 105 accompanied by another patrol boat when the patrol was suddenly taken under fire by two enemy sampans. Petty Officer Williams immediately ordered the fire returned, killing the crew of one enemy boat and causing the other sampan to take refuge in a nearby river inlet.

Pursuing the fleeing sampan, the U.S. patrol encountered a heavy volume of small arms fire from enemy forces, at close range, occupying well-concealed positions along the river bank. Maneuvering through this fire, the patrol confronted a numerically superior enemy force aboard two enemy junks and eight sampans augmented by heavy

automatic weapons fire from ashore. In the savage batle that ensued, Petty Officer Williams, with utter disregard for his own safety, exposed himself to the withering hail of enemy fire to direct counterfire and inspire the actions of his patrol. Recognizing the overwhelming strength of the enemy force, Petty Officer Williams deployed his patrol to await the arrival of armed helicopters.

In the course of this movement he discovered an even larger concentration of enemy boats. Not waiting for the arrival of the armed helicopters, he displayed great initiative and boldly led the patrol through the intense enemy fire and damaged or destroyed fifty enemy sampans and seven junks. This phase of the action completed, and with the arrival of the armed helicopters, Petty Officer Williams directed the attack on the remaining enemy force. Now virtually dark, and although Petty Officer Williams was aware that his boats would become even better targets, he ordered patrol boats' search lights turned on to better illuminate the area and moved the patrol perilously close to shore to press the attack. Despite a waning supply of ammunition the patrol successfully engaged the enemy ashore and completed the rout of the enemy force.

Under the leadership of Petty Officer Williams, who demonstrated unusual professional skill and indomitable courage throughout the three hour battle, the patrol accounted for the destruction or loss of sixty-five enemy boats and inflicted numerous casualties on the enemy personnel. His extraordinary heroism and exemplary fighting spirit in the face of grave risks inspired the efforts of his men to defeat a larger enemy force, and are in keeping with the finest traditions of the United States Naval Service.

NAVAL STATION, CHARLESTON, S.C.

Naval Station's Enlisted Club was named Thursday for J. Elliott Williams, of Columbia, who received the Medal of Honor among other decorations for heroism in the Republic of Vietnam.

A capacity audience of 300 watched Capt. R. H. Blount, Station Commanding Officer, unveil a showcase containing a picture of Williams and the citation which accompanied the highest military award for valor. He presented a plaque to Williams to commemorate the occasion.

Afterwards the men and women eligible to use the facility lined up with invited civilian guests to shake the honoree's hand and to ask for his autograph. Many had served with him in Vietnam or elsewhere or knew persons who had been associated with him.

Williams, 41, South Carolina's U.S. Marshal, was transferred to the Fleet Reserve in 1967, after 20 years service, with the rate of boatswain's mate first class. He said he considered the naming an honor not for himself alone but for him as a representative of all enlisted personnel.

All platform guests praised Williams' actions. Capt. J. E. McEnearney, Navy Resale System Field Operations Officer, Brooklyn, N.Y., saluted the former enlisted man for exploits, "which have become legendary".

U.S. Representative Mendel J. Davis said the nation has nothing to fear so long as it can produce men like Elliott Williams. Others commending Williams were Capt. E. P. Flynn Jr., representing Rear Admiral H. J. Kossler, Sixth Naval District Commandant, who was ill, and Lieutenant Commander B. V. Dennis, destroyer tender Yellowstone chaplain.

A telegram from U.S. Senator Strom Thurmond (R-SC) expressed regrets that a "critical" vote for the Naval Trident submarine program prevented his presence here. He described the club naming as "appropriate recognition" of Williams, who has had a "high standard of patriotism, dedication and conduct for others to emulate".

Special guests included Mrs. L. Mendel Rivers, U.S. District Judges R. W. Hemphill and R. F. Chapman, State Representatives Julian LeaMond, Sidi Limehouse and Herbert Fielding, North Charleston Mayor John E. Bourne and Trident Chamber of Commerce President Dr. Gordan Stine.

Also, State Republican Party Chairman Ken Powell, of Columbia, and former chairman, Raymond A. Harris, of Darlington; Capt. J. R. Primm, Supply Center, Commanding Officer, and Capt. Whitney P. Jones, C.O., Southern Division, Naval Facilities Engineering Command.

Family members present were Mrs. Roy Williams, the honoree's mother; wife, Elaine, and children Deborah, James, Michael, Charles and Gail.

Ceremony music was by the Sixth Naval District band and dance music by the combo. Members of the advisory board were introduced. Buffet included ham and turkey sandwiches, shrimp salad, Swedish meatballs and party franks.

Williams received the Medal of Honor for action October 31, 1966, during which 57 enemy craft were sunk by the efforts of the two river patrol boats he commanded.

Military decorations won by Williams during Vietnam service are Medal of Honor, Navy Cross, Silver Star Medal, Navy and Marine Corps Medal, Bronze Star Medal, with Combat "V" and star indicating a second Bronze Star, Navy Commendation Medal with Combat "V", Purple Heart with star in lieu of a second Purple Heart and Vietnam Gallantry Cross with star indicating a second award.

Other medals and awards include the Vietnam Service Medal (one star), Republic of Vietnam Campaign Medal, National Defense Service Medal (one star), United Nations Service Medal, Korean Service Medal (two stars), Korean Presidential Unit Citation and five awards of the Good Conduct Medal.

QUORUM CALL

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

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

THE TRAGIC KILLING OF ISRAELI OLYMPIC MEMBERS

The Senate continued with the consideration of Senate Resolution 358.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the resolution (S. Res. 358): the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from Iowa (Mr. HUGHES), the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from Nevada (Mr. BIBLE), and the distinguished Senator from Oklahoma (Mr. HARRIS).

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

Mr. SYMINGTON. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. MANSFIELD. I am delighted.

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

Mr. MANSFIELD. Mr. President, a total of 92 Senators have now cosponsored this resolution, and I ask unanimous consent that their names be printed in the RECORD.

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

COSPONSORS OF SENATE RESOLUTION 358

Senators Aiken, Allen, Allott, Anderson, Baker, Bayh, Beall, Bentsen, Bible, Boggs.

Senators Brock, Brooke, Buckley, Burdick, Harry F. Byrd, Jr., Robert C. Byrd, Cannon, Case, Chiles, Church.

Senators Cook, Cooper, Cotton, Cranston, Curtis, Dole, Dominick, Eagleton, Eastland, Edwards.

Senators Ervin, Fulbright, Gambrell, Gravel, Griffin, Gurney, Hansen, Harris, Hart, Hartke.

Senators Hatfield, Hollings, Hughes, Humphrey, Inouye, Jackson, Javits, Jordan of North Carolina, Kennedy, Long.

Senators Magnuson, Mansfield, Mathias, McClellan, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale.

Senators Montoya, Moss, Muskie, Nelson, Packwood, Pastore, Pearson, Pell, Percy, Proxmire.

Senators Randolph, Ribicoff, Roth, Saxbe, Schweiker, Scott, Smith, Sparkman, Spong, Stafford, Stennis.

Senators Stevens, Stevenson, Symington, Taft, Talmadge, Thurmond, Tower, Tunney, Weicker, Williams, Young.

The PRESIDING OFFICER. The question is on the adoption of the resolution (S. Res. 358) offered by the Senator from Montana and 91 other Senators. 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 Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), the Senator from Montana (Mr. METCALF), and the Senator from Wyoming (Mr. MCGEE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD) and the Senator from Maryland (Mr. MATHIAS) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 392 Leg.]

YEAS—82

Aiken	Eagleton	Packwood
Allen	Eastland	Pastore
Allott	Edwards	Pearson
Anderson	Fannin	Percy
Baker	Fulbright	Proxmire
Bayh	Gambrell	Randolph
Beall	Gurney	Ribicoff
Bellmon	Hansen	Roth
Bennett	Hart	Saxbe
Bentsen	Hartke	Schweiker
Bible	Hollings	Scott
Brock	Hruska	Smith
Brooke	Humphrey	Sparkman
Buckley	Inouye	Spong
Burdick	Jackson	Stafford
Byrd, Harry F., Jr.	Javits	Stennis
Byrd, Robert C.	Jordan, N.C.	Stevens
Case	Jordan, Idaho	Stevenson
Chiles	Kennedy	Symington
Church	Long	Taft
Cook	Mansfield	Talmadge
Cooper	McClellan	Thurmond
Cotton	McIntyre	Tower
Cranston	Miller	Tunney
Curtis	Mondale	Weicker
Dole	Moss	Williams
Dominick	Muskie	Young
	Nelson	

NAYS—0

NOT VOTING—18

Boggs	Griffin	McGee
Cannon	Harris	McGovern
Ervin	Hatfield	Metcalf
Fong	Hughes	Montoya
Goldwater	Magnuson	Mundt
Gravel	Mathias	Pell

So the resolution (S. Res. 358) was unanimously agreed to. The preamble was agreed to.

Mr. BOGGS subsequently said: Mr. President, due to a necessary commitment in Seaford, Del., earlier today, I could not be on the Senate floor at the time the Senate voted on Senate Resolution 358. Had I been here, I would have voted in favor of this important resolution.

Nevertheless, I learned about the resolution prior to its consideration, and asked that I be listed as a cosponsor for I feel very strongly the sense of profound sorrow expressed by the resolution.

I fully endorse the resolution's expression of sympathy to the people of Israel and the members of the families of the slain athletes.

I also support fully the declaration condemning anyone or any nation which gives sanctuary, support, sympathy, aid, or comfort to the evil persons, and their backers, who undertook these barbaric acts.

While the Olympics may never recover the joyful and friendly spirit that prevailed only a couple of days ago, I am hopeful that the terrible events of Munich will lead eventually toward a more peaceful world.

This great tragedy must show the Arab extremists that violence gains nothing. The hope for the future in the Middle East is face-to-face peace talks between the Arab nations and the people of Israel.

We in the United States and the other nations of the world can best memorialize the 11 slain Israelis by working toward such a conference and a peaceful, responsible settlement in the Middle East.

Nothing less is acceptable.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the unfinished business, Senate Joint Resolution 241, which will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

ORDER OF BUSINESS

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

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

Mr. MANSFIELD. Mr. President, it is my understanding that a conference report is ready to be called up; and because it has priority, I am willing to await consideration of the Mansfield amendment to the interim agreement.

UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT—CONFERENCE REPORT

Mr. HARRY F. BYRD, JR. Mr. President, I submit a report of the committee of conference on H.R. 2, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GAMBRELL). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 16, 1972, at pp. 28362–28363.)

Mr. HARRY F. BYRD, JR. Mr. President, this bill passed the House of Representatives on a recorded vote of approximately 330 to 30, an overwhelming vote. It passed the Senate on a voice vote, and then it went to the committee of conference.

There was a disagreement between the House and the Senate in regard to various aspects of this proposal. The House conferees were adamant in their position on one phase of this measure; namely, that the establishment of a Uniform Services University should be authorized immediately. The House receded on the other differences of viewpoint between the House and the Senate.

The purpose of this measure is to try to find some means to keep in the armed services and bring to the armed services a sufficient number of doctors and dentists and other medical officers. The armed services are having great difficulty today in retaining doctors and other professional medical men.

The Department of Defense, the House of Representatives, and the Senate feel that steps must be taken by way of additional scholarships and by the establishment of this university to be assured that the armed services, without the draft, will have sufficient medical personnel for the future.

The Senate conferees did not get all they wanted from the conference. That is the normal procedure, I take it. But the Senate was able to modify some of the House provisions in regard to scholarships which the Senate felt were too liberal.

MAJOR POINTS OF DIFFERENCE BETWEEN SENATE AND HOUSE VERSIONS OF H.R. 2

Mr. President, there were six major points of difference between the House and Senate versions of H.R. 2 and these had to do with:

First. The establishment of a Uniformed Services University of the Health Sciences.

Second. Scholarship program benefits.

Third. A scholarship student attending a university which either disestablished ROTC or barred armed services' recruiters from its campus.

Fourth. Statutory numerical limitations on promotion of medical and dental officers to general and flag officer rank.

Fifth. Scholarship payback period.

Sixth. Technical amendments to the House version of H.R. 2.

I ask unanimous consent that at this point there be printed in the RECORD an outline of the major differences between the House and Senate versions of H.R. 2.

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

OUTLINE OF THE MAJOR DIFFERENCES IN THE SENATE AND HOUSE VERSIONS OF H.R. 2—THE UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT OF 1972

ISSUE	HOUSE VERSION	SENATE VERSION
1. The Uniformed Services University of the Health Sciences (University).	Provides authority to establish the University within 25 miles of the District of Columbia. The University would be so organized as to graduate not less than 100 medical students annually, with the first class graduating not less than 10 years after enactment of the bill. Cost: Estimated at $102 million over a 10-year period and includes salaries of faculty members in addition to construction costs.	Provides for a feasibility and desirability study of the University in place of the House bill provision authorizing such a University.
2. Scholarship program and benefits.	Provides for a medical scholarship program under which a maximum of 5,000 scholarships at any one time would be granted to persons to attend civilian medical schools. As a condition to receiving such a scholarship, a person would have to agree to serve at least one year of military service for each year of training received. The House version of the scholarship program provides that: 1. The full cost of the student's medical school tuition and fees be paid by the Government. 2. Each student serve on *active duty* as a Reserve officer in grade O–1 (2nd Lt./Ensign). 3. Each student receive the full pay and allowances of grade O–1: $8,642 for a student with dependents and $8,250 for one without dependents (in addition to medical school tuition and fees).	Provides for the medical scholarship program but reduces the total scholarship benefits payable to a student below that recommended by the House. The Senate version of the scholarship program provides that: 1. The full cost of the student's medical school tuition and fees be paid by the Government (same as House version). 2. Each student serve on *inactive duty* as a Reserve officer in grade O–1 (2nd Lt./Ensign) except for 45 days per year when he would serve on active duty in grade O–1. 3. Each student receive a monthly stipend of $400 except when he is on active duty when he would receive the full pay and allowances of grade O–1. Under the Senate version a student with dependents would receive in pay and allowances about $5,285 per year and one without dependents $5,235 (in addition to medical school tuition and fees).
3. Scholarship student attending a university which either disestablished ROTC or barred armed services' recruiters from its campus.	Prohibits a scholarship student from attending a university which has taken either of these actions.	Permits a scholarship student to attend a university which has taken either of these actions.
4. Statutory numerical limitations on promotion of medical and dental officers to general and flag officer rank.	Removes all statutory numerical limitations on the promotion of medical and dental officers to general and flag officer rank.	Continues the present statutory numerical limitations on promotion of medical and dental officers to general and flag officer rank. The Senate report requires the Department of Defense to study the question of increased promotion opportunities for medical corps officers and to report its findings to the Senate Committee on Armed Services not later than January 1, 1973.
5. Scholarship payback period.	Limit the duration of the scholarship program to courses of study of not more than *four* years duration.	Varies the length of the scholarship program depending on the period required for a medical degree; certain medical school curricula, for example, may require 6 years for completion of the medical degree.
6. There were several technical amendments made to the House version of the bill, some of which were recommended by the Department of Defense and others by the Senate Committee on Armed Services. These technical amendments were accepted by the House conferees and were included in the text of the conference report.		

DIFFERENCE NO. 1—THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Mr. HARRY F. BYRD, JR. Under the House-passed bill, authority was provided to establish the university within a radius of 25 miles of the District of Columbia. The university would be so organized as to graduate not less than 100 medical students annually, with the first class graduating not less than 10 years after enactment of the legislation.

The Senate amendment deleted authority for the establishment of a Uniformed Services University of the Health Sciences, and substituted a provision providing for a feasibility study to determine the desirability of establishing such a university as provided in the House language. The feasibility study proposed by the Senate amendment was essentially designed to reexamine the entire proposal as contained in the House-passed bill. In accordance with the Senate language, the study was to be conducted by the Secretary of Defense and the results reported back to the President and the Congress not later than 1 year after the date of enactment of the act.

The House conferees were adamant in their support for the university. They pointed out that a feasibility study of the university would serve no useful purpose since the subject had been fully studied both within and without the Department of Defense. In addition, the House conferees pointed to the strong endorsement by the Secretary of Defense, the national shortage of doctors which this university would help alleviate, and the outstanding Government medical facilities in the Washington area which this university would make use of.

Although the Senate conferees were concerned over the apparent lack of consensus within the administration and the various health professions for establishing such a university, they ultimately receded on their position with an amendment which reduced the first year authorization funding for design, planning and construction to $15 million rather than the $20 million contained in the House-passed bill. In addition, the amendment proposed by the Senate conferees would require future line item annual authorizations before appropriations for construction could be provided in subsequent years for the university.

DIFFERENCE NO. 2—SCHOLARSHIP PROGRAM AND BENEFITS

Both the House and Senate versions provided for a scholarship program under

which a maximum of 5,000 scholarships at any one time would be granted to persons to attend civilian medical schools. As a condition for receiving such a scholarship, a person must agree to serve at least 1 year of military service for each year of training received.

The House version of H.R. 2 would permit a scholarship student to serve on active duty as a Reserve O–1 and receive the full pay and allowances of pay grade O–1—second ensign—which would amount to $8,642 for a student with dependents and $8,250 for a student without dependents—in addition to full medical school tuition and fees. The Senate version would require each student to serve on inactive duty as a Reserve O–1 and receive a monthly stipend of $400 per month except when he was on active duty for 45 days per year when he would receive the full pay and allowances of grade O–1. Under the Senate version a student with dependents would receive in pay and allowances about $5,285 per year and one without dependents $5,235—in addition to full medical school tuition and fees.

HOUSE RECEDES ON SCHOLARSHIP PROGRAM BENEFITS

The Senate conferees maintained that the scholarship provisions of the House were too liberal for someone in a student capacity. Under the House version a scholarship student could receive almost $12,000 in total benefits per year as opposed to about $8,000 per year under the Senate version. The House conferees attempted to increase the stipend amount to $500 per month because of their concern with attracting sufficient numbers of scholarship students but the Senate conferees held to their position and the House conferees receded.

DIFFERENCE NO. 3—SCHOLARSHIP STUDENT ATTENDED A UNIVERSITY WHICH EITHER DISESTABLISHED ROTC OR BARRED ARMED SERVICES' RECRUITERS FROM ITS CAMPUS

The House version of H.R. 2 contained a provision which prohibited the detailing of scholarship students to any institution of higher learning if that institution had adopted a policy which bars recruiting personnel of any of the Armed Forces from the premises of that institution, or if such institution of higher learning had directed the disestablishment of Reserve Officer Training Corps units at the institution despite the desire of the Armed Forces to continue such training at the institution. The Senate version of H.R. 2 permitted a scholarship student to attend such schools.

The House conferees believed that the schools in question should not receive any benefits under this legislation from the Department of Defense either directly or indirectly in view of the apparent policy of the institutions to divorce themselves completely from any affiliation with the Armed Forces of the United States. The Senate conferees felt that this would be unfair and undue financial hardship for students attending such schools. Many of these students, for example, may have played no part in the disestablishing of the ROTC unit or the barring of recruiters and in some cases may even have opposed these actions.

In addition, the Senate conferees held the view that adoption of the House prohibition would have a serious impact on the Department's ability to attract the numbers and quality of students required by the scholarship program. The Senate conferees pointed out that approximately 9 percent of all students now attending medical schools are in schools which would be directly affected by this prohibition. Therefore, they argued that notwithstanding the merits or demerits of the principle embodied in the House prohibition, the overriding urgency of the physician shortage problem required elimination of the House prohibition. The House conferees therefore reluctantly receded and concurred in the Senate action.

DIFFERENCE NO. 4—STATUTORY NUMERICAL LIMITATIONS ON PROMOTION OF MEDICAL AND DENTAL OFFICERS TO GENERAL AND FLAG OFFICER RANK

The House version of H.R. 2 removed all the statutory numerical limitations on the promotion of medical and dental officers to general and flag officer rank. This action was taken to provide the Armed Services with additional career incentives for medical and dental officers.

The Senate conferees did not concur in this House action, although they conceded that increased promotion opportunity was essential for officers in the Medical Corps. The Senate report on H.R. 2, however, did require the Department of Defense to study the question of increased promotion opportunities for medical officers and to report its findings not later than January 1, 1973. The Senate conferees were also reluctant to remove all statutory limitations in this regard and pointed to the Department of Defense opposition to the House provision.

In view of the adamant position of the Senate conferees on this issue, the House conferees reluctantly receded with the understanding that the respective Committees on Armed Services would, if necessary, take early legislative action on this problem shortly after the convening of the 93d Congress.

DIFFERENCE NO. 5—LENGTH OF SCHOLARSHIP PROGRAM

Under the House version of H.R. 2, the scholarship program was limited to courses of study of not more than 4 years' duration. Under the Senate version of H.R. 2, courses of study could extend to as much as 6 or more years' duration.

The Senate conferees pointed out that recent changes and innovations in medical training, and medical school curricula, have resulted in some courses, for example, requiring as much as 6 years for the completion of training for a medical degree. Therefore, the Senate conferees urged that the language be made sufficiently flexible to encompass these innovations in medical training as well as others that might occur in future years. The House concurred with the Senate conferees on this issue and receded without amendment.

DIFFERENCE NO. 6—TECHNICAL CHANGES

The House conferees agreed to several technical amendments to the House version of H.R. 2, which had been recommended by the Department of Defense and the Senate Committee on Armed Services. Since these were of a technical nature, they do not require further explanation.

CONCLUSION

In closing, Mr. President, I urge Senate adoption of the House-Senate conference report on H.R. 2. As I have indicated, the Senate receded on the Uniformed Services University issue and the House conferees receded on every other major point of difference between the Senate and House verisions of H.R. 2. I believe there was real compromise on both sides. The result is a responsible piece of legislation which will help solve potentially critical medical and allied science manpower shortages in the armed services in the years to come.

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

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. This bill has troubled me a great deal, because in our Appropriations Subcommittee on Health, Education, and Welfare, for several years we have been facing the problem that many medical schools in this country are trying to expand, trying to accommodate more students, some of them seeking to advance from 2-year courses to 4-year courses. In our Appropriations Subcommittee we have tried to be as liberal as possible in aid to these schools, based on the number of new and extra students they can take in, because student after student after student is being turned away.

When you have a large number of established medical schools in the country that are struggling to increase their facilities and accommodate more students and, thus, increase the number of doctors that will go into practice, to begin all over again and establish a separate institution to produce doctors for the armed services, I fear, will have the result of further starving our attempts to be as liberal as possible in promoting and helping to establish medical schools to increase their personnel and the number of students.

I do not feel that so strongly that I want to oppose this measure, because this measure, in itself, I suppose, in that it trains doctors, will have a certain effect on the civilian population and will relieve for medical services in the civilian population perhaps some now that—in other words, the more doctors the armed services have, the more the general supply of doctors will be.

I do think that the Senate should bear in mind, because in a few days now we will be trying, probably, to revise and prepare the HEW appropriation bill that will not meet with a further veto, that we will have to be as frugal as possible in it. Many programs clamor for attention. I feel that, perhaps, right at the time we are trying to place the emphasis on helping medical schools to increase their output, this measure, in a sense, could do more harm than good.

I merely express my feeling about this. I am not trying, at this late point, to throw a roadblock in the way. But I do think it should be borne in mind that if

we are going to do this, there are things we should do to open up and make more available medical school training for our civilian population in our established medical school training for our civilian population in our established medical schools.

Mr. HARRY F. BYRD, JR. Mr. President, if I could respond briefly to the distinguished Senator from New Hampshire, the Committee on Armed Services had doubts about the proposal, just as the Senator from New Hampshire has. For that reason, it was recommended by the committee and approved by the Senate that, instead of authorizing the establishment of such a university at this time, the better approach would be to have a feasibility study and have the Department of Defense report back to Congress at the end of 3, 4, or 6 months, after obtaining additional information.

That was the basis on which the Senate went to conference with the House. The House conferees were unanimous and adamant in their determination that the establishment of such a university be authorized now.

The House conferees receded on all the other points at issue but they would not recede on this particular point. The House conferees feel strongly that this would be helpful to the armed services in getting adequate medical personnel into the armed services and retaining adequate personnel.

I might say that the view just expressed by the Senator from New Hampshire represents to a considerable extent the view of this Senator.

Mr. COTTON. I gathered that. I cannot help feeling that if scholarships were established in the regular medical schools for the training of physicians for the armed services, with the understanding that if they accept a scholarship they will be available for the armed services, in that way we would get more dollar for dollar than by creating and building a new university. I think that, probably, I gather, is the opinion of the Senator from Virginia. I am sure that the Senate conferees did their best on this, and I commend them for it.

Mr. DOMINICK. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. If I may, I would first yield to the distinguished Senator from Mississippi (Mr. STENNIS) and then I will be happy to yield to the Senator from Colorado.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia, but I have in mind making some remarks that will take longer than to ask just a question, so that I believe if the Senator from Colorado wants to ask a question he would be more in order to speak at this time.

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I want to congratulate the distinguished Senator from Virginia, first of all, for the work he did on the bill when it first came before the committee, and second, for the fight he put up in the conference.

Mr. President, I elected not to sign the conference report. I think I am the only one, aside from the Senator from New Hampshire, who did not sign it. I did not sign it for the very reasons that the Senator from New Hampshire was bringing up, plus the comments made by the distinguished Senator from Virginia.

I do not think that there is anything in the establishment of a building for the purpose of educating doctors or re-educating doctors in the armed services which will contribute a single thing, with the possible exception of adding to the burden of the taxpayer. I do think that the fellowship program is a good idea. The idea of having physicians being able to go back to their colleges and do things of that kind and reeducate themselves in medical science is good. But, heaven knows, we now have the medical manpower training bill, which I worked hard on in the Committee on Labor and Public Welfare, and which the Senate and House passed last year, which is specifically designed to increase the number of doctors.

I see nothing wrong in having the kind of program where, for the purpose of going through medical school on a scholarship, the student will agree to serve a certain amount of time in the armed services, which is the fellowship program that the Senator from Virginia suggested.

But, for the life of me, I cannot understand why we should pour our money into concrete when we already have more than adequate concrete around the country for the purpose not only of educating doctors but also of many other people.

I am not going to ask for a rollcall vote on this, but I have a statement in opposition, and I want my position as being against this conference report made publicly known, and therefore state as follows:

Mr. President, I elected not to sign the conference report on H.R. 2 as an indication of my total opposition to the establishment of the Uniformed Services University of Health Sciences—USUHS. However, let me stress that I do support the expanded medical scholarship program, the other major feature of the bill.

Regarding the USUHS, the Senate Armed Services Committee recommended the requirement for such a university be examined further and the full Senate, in approving H.R. 2, upheld this recommendation. The House, on the other hand, approved the establishment of the university. In the conference, the Senate receded to the desire of the House.

I disagree with the contention that a special institution is required to provide opportunities for armed services' health professionals to be involved with an academic environment at certain points in their careers, thus improving retention. Let me stress it is the special institution I object to, not the need to return to an academic environment. However, there are ample civilian institutions the Department of Defense can turn to for this training.

Mr. President, last year the Comprehensive Health Manpower Act was passed in which authorization for programs in the bill totaled $2.9 billion for fiscal 1972–74 as follows: $816.1 million in fiscal 1972, $963.8 million in fiscal 1973, and $1.1 billion in fiscal 1974. One feature of the bill provided construction assistance grants for schools in the health professions. In this area the bill authorized $10 million per year for each of fiscal 1972–74 for grants to new schools of medicine, osteopathy and dentistry; authorized $118 million in fiscal 1972, $138 million in fiscal 1973, and $156 million in fiscal 1974 for special projects grants for schools in the health professions; and authorized $20 million in fiscal 1972, $15 million in fiscal 1973, and $10 million in fiscal 1974 for grants to schools with serious financial problems.

These authorizations represent major investments by the American taxpayers in the medical school system of this country. Now to ask them to pay another $101.7 million, the estimated start-up costs of the institution over a 10-year period, plus an annual operating cost of $21 million after that, under the assumption, retention of military doctors will be improved if they can study at their own medical university, just does not make good sense. How much uniqueness is there in military medicine? Surely there is not enough to justify an entire new university.

Mr. President, the Senate hearings on H.R. 2 contain a letter to Chairman STENNIS from the Association of American Medical Colleges which makes some excellent points in opposition to the USUHS, and I believe these points bear repeating. The association states:

> The resolution of the problem [striving to meet the armed services' requirements for health professionals] appears to be inextricably tied to increasing the number of well-trained physicians graduated by American medical schools who have an affinity for a career in military medicine and to reducing the turnover rate of career medical officers in the armed services who retire to civilian life.

This, of course, represents a statement of the problem I believe we can all agree with. The letter then continues:

> The Association of American Medical Colleges does not believe that the establishment of a self-contained government medical school would adequately meet either of those objectives.

The reasoning behind this belief has been thoughtfully set forth by the prestigious National Academy of Sciences:

> The academic preparation for medicine and other professional careers in health involves a carefully integrated process of education, training, and controlled experience which must be carried out in a broad and diverse community setting which will permit encounter with the full range of diseases, disabilities and health problems. . . . The manner in which this broad community base could be developed for a purely military medical school seems to present a number of difficulties. More importantly, little would seem to be gained from such a step that would compare with the sizable contributions that could accrue both to the nation at large as well as to military needs by continuing the expansion of our existing system of state and privately supported medical institutions for the health professions. It is this series of institutions with their deep community roots and involvement that can provide the soundest base for the development of the highly qualified professionals

needed to cope with the full range of health and medical problems, civilian and military.

The association then makes a proposal in lieu of the establishment of a USUHS which—

Calls for the development of close professional relationships between academic institutions and nearby military programs and installations. If adequately developed, these relationships could provide the setting for a desirable enrichment of military medical life, permitting career military medical personnel to participate in educational and research activities in close association with academic programs.

Again, the association refers to the comments of the National Academy of Sciences regarding this approach:

Steps could be taken to expand in a carefully planned manner the relationships between major DOD medical facilities and adjacent centers of medical research and education. In this fashion a series of university-based educational and research centers could be developed within the defense system of medical installations which would provide the opportunity to bring academic capability to bear upon the problems of military medicine and permit DOD medical officers to enrich their careers through research and teaching in an academic setting in close association with their professional peers.

This type of approach makes a great deal of sense and would make full use of assistance already authorized by the Congress for health manpower training.

Mr. President, opposition to establishment of a USUHS without further study has also been expressed by Senators JAVITS and KENNEDY. In their capacity as members of the Labor and Public Welfare Committee, they wrote to me jointly on June 15, 1972, and said:

We were pleased also that the Senate turned aside for the present the House proposal for a Uniformed Services University of the Health Sciences. The proposal clearly seems to demand further study. Nearly every important, recognized education organization opposes such a government medical school. And the Administration appears uncertain of its position. Considerable disagreement on this issue between the Department of Health, Education and Welfare and the Defense Department appears in the record of the hearings. A feasibility study of the establishment of such a school, as proposed by the Senate, may well show that it is unnecessary in meeting the health personnel requirements of the armed services, that special scholarships, increased service pay and allowances and higher numbers of M.D.s can meet those requirements more efficiently.

As their letter points out, the administration seems uncertain of its position, and there is disagreement between HEW and the Department of Defense. While the Defense Department understandably is supporting the USUHS, there seem to be waverings even within their own ranks, as evidenced by statements on other proposals regarding health professionals, namely the scholarship program and special pay and bonus provisions.

During the hearings on H.R. 2 the Department of Defense stated:

At the present time we are retaining less than one percent of the two-year non-career physicians in the Armed Forces. Of those physicians who participate in our military residency programs, we are retaining between 25–30 percent.

It is clear then that exposure to military medical training programs increases the retention factor by 25 to 30 times. The Surgeon General of the Army, Lt. Gen. Hal B. Jennings, corroborated this in his testimony before the Senate committee, indicating it is reasonable to assume that the scholarship program will provide a retention rate of at least 25 to 30 percent. The Department of Defense indicated in an answer for the record that a 50-percent retention of scholarship students during the early years of the program—1980 to 1985—and 25 percent thereafter would probably meet their career needs. It is quite possible that the scholarship program will provide this kind of retention.

To solve the compensation problem for health professionals after a scholarship student has completed his payback time under the scholarship program the Department of Defense has asked the Congress to approve a generous special pay and bonus provision.

In a letter dated March 22, 1972, forwarding the "Uniformed Services Special Pay Act of 1972," (S. 3410 introduced by Senator ALLOTT) the General Counsel of the Department of Defense, J. Fred Buzhardt, stated in regard to the special pay and bonus provisions—in the proposed legislation—for officers in the health professions that—

The combined effect of special pay and the proposed bonus is expected to solve the health professions retention problem. This will permit a significant reduction in the number of these professionals required, a corresponding reduction in training investment, and improved health care for the armed forces.

The Department of Defense is on record as saying that its medical special pay and bonus provision proposal are expected to solve its problem in the retention of health professionals.

Let us not delude ourselves that solving the health professional retention problem can be done cheaply. It cannot. But we are trying to solve the problem in the wrong way by authorizing the USUHS. Further, it seems obvious to me that the Department of Defense is not unanimously behind the concept of a USUHS and is simultaneously pursuing its own separate course to solve the retention problem through the special pay and bonus proposals. Surely, we do not need nor can we afford both.

I think it is also worthwhile to point out that a good deal of the problem of retention of health professionals in the Armed Forces is the matter of their utilization or misutilization once they are in the armed services. The General Accounting Office—GAO—produced a study, dated December 16, 1971, entitled, "Improvements Needed in Establishing Requirements for, and Uses of, Medical Professional Personnel in the Military Services," concluded that there is some misutilization of medical manpower in the armed services.

The Department of Defense generally agreed with the findings of the GAO report. In fact, Dr. Richard S. Wilbur, Assistant Secretary of Defense—Health and Environment—in his testimony before the committee stated in regard to the recommendations of the GAO study:

Many of the suggestions they make are good ones; we are already engaged in implementing some of them.

Deputy Assistant Secretary of Defense for Health Resources and Programs, Mr. Vernon McKenzie, in a letter to the committee dated February 23, 1972, explained a statement made by Secretary Laird in his annual Defense Department report—fiscal year 1973 that the Department of Defense would be returning—

Some thousands of physicians, dentists and other medical personnel to civilian communities.

Secretary Laird's statement refers to planning now underway as part of our efforts to attain an all-volunteer medical force. Under our plans we would, through increased efficiency, be able to return large numbers of health professionals to civilian communities without replacement. Moreover, under our plans, as Secretary Laird pointed out, there would be no decrease in the high quality medical care which we provide for our beneficiaries. Our plans cover improvements in the number and quality of clerical help available, new equipment, new facilities with more treatment rooms per physician and more offices per dentist. They cover more and even better trained paramedical workers. They also involve the avoidance of duplication of effort within each service and between services. By the coordination of functions of adjacent health facilities of the same or different services, we believe we can improve physician and patient satisfaction.

The Department of Defense anticipates reduction from 15,587 physicians in the armed services in fiscal year 1971 to 12,800 in fiscal year 1974, and 11,000 in fiscal year 1975. Certainly the Department of Defense appears to be taking imaginative steps in overcoming the misutilization of health professionals in the armed services, thereby reducing their number, and thus eliminating one of the major disincentives to retention of these professionals.

In regard to the point of increasing retention of health professionals in the armed services by increasing their opportunities of being involved in an academic environment at certain points in their careers, the exchange in the Senate committee hearings between Dr. Wilbur and Senator BENTSEN is worth noting:

Dr. WILBUR. As I was saying earlier, we have lost many of our excellent men to academic institutions because they can't have academic status or have difficulty having academic status while they are in the military and because they wish to teach they leave us for civilian institutions.

Senator BENTSEN. Why don't you have a program like the State Department? The State Department, when you have a man who has been on tour for a period of time and you want to give him a sabbatical, they have a program where they can send him to a university and he doesn't lose his status with the State Department and he can choose a university almost of his choice and go down and teach for a period of 9 months and that is a real refresher.

Dr. WILBUR. That is my other package that I will be back with later—my retention package, Senator. I am very delighted you mentioned that because that will be of help to me. Yes, I propose to come up with just that sort of plan.

Secretary of Health, Education, and Welfare Elliot Richardson, in a letter to the committee, dated January 26, 1972, favored the scholarship program and strongly opposed the medical university. In regard to the retention of armed services health professionals, Secretary Richardson advocated:

> Expansion in a carefully planned manner of the relationships between major DOD medical facilities and adjacent centers of medical research and education. One promising result of these relationships might be the development of a series of research and training centers developed in conjunction with the related academic institutions to be devoted to problems of broad health significance but of special importance to the military; for example, tropical medicine, the management of trauma, environmental stress and disability, etc.

Mr. Richardson believes that there is room for a fruitful relationship between military medical services and private centers of medical research and education. Dr. Wilbur is evidently in full agreement with this approach as he is hoping to implement a plan by which he would give military health professionals an opportunity to be involved in an academic environment at certain points in their careers.

All of the above, in my opinion, clearly shows there is little enthusiasm for the establishment of a USUHS. In addition, a review of the hearings conducted by the Subcommittee on General Legislation of the Senate Committee on Armed Services will reveal the opposition to this institution by many distinguished organizations.

Mr. President, I ask unanimous consent that a list of the organizations be printed in the RECORD.

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

LIST OF ORGANIZATIONS

American Association of Dental Schools, Chicago, Illinois.
American Dental Association, Washington, D.C.
American Medical Association, Chicago, Illinois.
American Nurses Association, New York, New York.
American Public Health Association, Washington, D.C.
American Veterinary Medical Association, Washington, D.C.
Association of American Medical Colleges, Washington, D.C.
Federation of Associations of Schools of the Health Professions.
University of West Virginia School of Medicine, Morgantown, West Virginia.

Mr. DOMINICK. Mr. President, the retention problem for health professionals exists now and requires solutions that can be in force when the draft expires next year. All of the resources described by those who oppose establishment of the USUHS are available now, or could be available immediately through congressional or administrative action. Even under the most ideal conditions construction and beginning of operation of the USUHS is at least 5 years away.

It seems to me it is time we took advantage of the improvement in resources already provided by the American taxpayer. The facilities are available to provide the in-service training for medical personnel at appropriate times in their service careers. The Federal Government has been more than generous in assisting these civilian medical institutions in meeting the expanding demand for health professionals, and I foresee no major problem in these civilian institutions participating in this program.

Now, Mr. President, I would like to speak briefly about the scholarship provisions of H.R. 2.

The scholarship program approved in H.R. 2 is more generous than any previous public or private medical scholarship program. Under the scholarship program a student will receive not only full payment of tuition and fees but also a minimum of $5,200 per year. After a scholarship student completes his medical school education, he is then eligible for promotion to the pay grade of captain/lieutenant with the full pay and allowances of that grade. Currently, these pay and allowances are in excess of $14,000 for a married man not including tax advantages, medical, commissary and exchange privileges, and so forth. A scholarship student will earn, after medical school, in excess of $14,000 for perhaps 1 year of internship and 3 years of residency. This is considerably more, I am told, than he could expect to earn in civilian life while completing his intern and residency training. Thus, a scholarship student who begins his first year of medical school under the program could expect to receive substantially more than his civilian counterpart for the next 8 years—assuming 4 years of medical school and 4 years of intern and residency training. At the time he completes his mandatory service—payback time—his annual pay, at today's rates, would be $19,000. If he undergoes specialty training and incurs an additional obligation, his grade and annual pay at that time would be lieutenant colonel/commander and $30,000 respectively.

In conclusion, Mr. President, I strongly believe the problem can be solved without authorizing the USUHS, through the scholarship program and the special pay and bonus proposals, through administrative actions already being implemented or considered by the Department of Defense, and through programs already authorized by Congress for health manpower training assistance. Many authorities in the field of professional health services agree with my assessment and have so stated. I remain convinced the position adopted by the Senate was the proper one, and I regret we did not prevail in conference. It is my hope the Appropriations Committees of the Congress will also recognize the lack of need for this project and refuse to appropriate the necessary funds.

Mr. THURMOND. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to take this opportunity to commend the distinguished Senator from Virginia for his outstanding leadership in this matter. I do not know of any man in the Senate for whom I have higher respect than the able Senator from Virginia. He has gone into this question very deeply. He has given it great thought.

There is no question that we have in this country today a tremendous shortage of medical personnel. There is no question, in my mind, that we need more doctors, and that we need more dentists. By establishing this medical services university for the Armed Forces it will help to relieve that shortage.

I realize that it might be possible to get some medical personnel educated in a cheaper way and in some other manner but the trouble is, who will do it? Every medical university in this land is overcrowded.

The Medical University of South Carolina today has so many applications waiting that the number of applicants is far greater than the number of people they can accommodate. Many of them have to be turned back.

This measure will provide more medical staff for the people of America. I do not know what the situation will be. It might be that it will be extremely difficult for the armed services to obtain personnel. However, by having its own medical university, the armed services, in my opinion, will be able adequately to fill the medical positions in the armed services.

I can understand that there is great cost involved. I do not generally like to vote for any measure that involves great cost to the Government. I think that my record on economy shows that. However, I think that this is the best step for the armed services and for the country to take.

I commend the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator from South Carolina, and I now yield to the Senator from New Hampshire..

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I appreciate the work done by the Senator from South Carolina. And I also commend the Senator from Virginia for the work he has performed.

I do not think that many people realize, although many in the Senate realize, that through the years we have year after year in our subcommittee faced this medical school problem. When one establishes a new medical school, it is not merely a case of building the buildings. It is not a case even of adding a laboratory to an institution. Even to advance a 2-year medical school course, the premed course, to a full 4-year medical school course, as they are doing in Dartmouth in my State, costs many millions of dollars in investments in the facilities themselves, the highly technical facilities necessary to train physicians and surgeons.

I think that this new venture will result, if it is going to prove to be efficient, in a terrific outlay before we get through with it. And I think that it will not add nearly as many personnel to the reservoir of doctors available to the armed services as it would if we were more liberal in responding, and we have tried

to be as liberal as we could, to medical school after medical school all over this country which are seeking, even the 4-year ones, to expand their facilities.

I feel constrained to take the same position that my distinguished friend, the Senator from Colorado, takes. And while I will not ask for a rollcall vote, I feel that I must go on record as being opposed to the conference report.

Mr. HARRY F. BYRD, JR. Mr. President, I yield now to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia. With his indulgence and with the indulgence of the Senate, I want to go beyond merely asking questions.

The slight division that exists among us underscores the thoroughness with which the subject matter has been gone into here, the seriousness of the problem and of our efforts to find possible solutions.

I have been familiar with this problem, that the military has, with reference to doctors for a good number of years. Coming as I do from a rural State, and from a rural area of that State, I do not think that anyone here is more acutely aware than I am of the need for doctors for our rural people. They are suffering.

Frankly, I have urged the military to get along with fewer doctors. I want the number reduced in order that we could have more doctors for the civilians. However, I am fully convinced in the light of the times and today's trends that the only possibility for the military to retain a sufficient nucleus for their medical corps is to have a medical school of their own to which they can attract some talented young men and inspire them and instruct them along the lines of making a career of military medicine.

The services are now able to retain less than 1 percent of the doctors that are brought into service. These figures are alarming. The services are just not able to cope with the conditions existing in outside life for these physicians. Military medicine has had many of the most distinguished men in the medical profession. I think in terms of General Heaton, now retired, who was one of the most outstanding men I have known since I have been here. He served for several terms as Surgeon General of the Army. Walter Reed Hospital was under his command. He was the personal physician for General Eisenhower when he was President. General Heaton was a man of outstanding administrative ability as well as being a great surgeon. I have talked with him for years about these problems and have consulted with him about the bill.

I am convinced of the need for this. I wanted to resist the services having their own medical school. However, I became convinced of the need for this because of years of experience with the problem and particularly now when the services are able to keep less than 1 percent of the physicians and surgeons.

We resorted to the Selective Service System to augment the number of personnel that the services can keep. However, those procedures have now collapsed. We are going to drop the Selective Service. The President announced that there would be no more Selective Service after June 30, 1973. We already knew that would be so unless Congress were to pass another law, because the law expires by its own terms on June 30 of next year. So does the draft for the doctors, the medical men. We had a draft for them for awhile. However, it was merged into one selective service. And that will expire on June 30.

We are faced with a situation about which we have to do something. We have the scholarship program and it is tightened up considerably from that in the House bill, so as to put it on a down to earth basis. I think it will be helpful. However, that is not enough.

I am converted and fully convinced that in order to keep a nucleus of the medical corps within the Services we will have to go to the other plan.

The Selective Service will expire. That is the major point that was in the minds of the conferees—that we had to do something about this.

There is another factor that ought to be mentioned, I think. The location for a new medical school is limited to Washington and the surrounding area. This is not to try to favor this area, but because of the unusual situation here from which the medical school would benefit.

I briefly read from the report:

Within the environs of the Nation's Capital, for example, may be found the National Institutes of Health, the Armed Forces Institute of Pathology, the Armed Forces Radiobiology Research Institute, the National Library of Medicine, Walter Reed Army Institute of Research, Walter Reed Hospital, the Naval Medical School and Research Institute, the Naval Hospital at Bethesda, Andrews Air Force Base Hospital, the Walter Reed Army Institute of Nursing, and the Hospital of the Veterans' Administration.

Mr. President, there is an amazing background of medical resources that would be available to this service school here once it is established.

This is not an open-ended authorization. There is a limit of 1 year and they will have to come back every year. So I think we have put in every safeguard and restriction that was reasonable in connection with this entire project. If it were not felt to be a necessary step by those supporting it, this bill would not be before the Senate. I hope the Senate will see fit to adopt the conference report.

Mr. HARRY F. BYRD, JR. I thank the able Senator from Mississippi.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. FULBRIGHT. How much is authorized?

Mr. HARRY F. BYRD, JR. The first year authorization is $15 billion.

Mr. FULBRIGHT. For construction?

Mr. HARRY F. BYRD, JR. That is correct.

Mr. FULBRIGHT. What is the estimate for operation?

Mr. HARRY F. BYRD, JR. For design, planning, and construction the amount is $15 million.

Mr. FULBRIGHT. What is the estimate for operation after that?

Mr. HARRY F. BYRD, JR. Approximately $20 million a year is the estimate.

Mr. FULBRIGHT. Do I understand that the Senator from New Hampshire feels that if this money were distributed among existing institutions it would create a better result?

Mr. HARRY F. BYRD, JR. Perhaps the Senator from New Hampshire should answer that question. I understand his position is as the Senator has stated it.

My position is that I would prefer, instead of authorizing this university at the present time, to have a more detailed study and a feasibility study before the authorization is enacted. But, as I mentioned earlier, the House conferees were adamant on this point. The House conferees receded from their position on other matters at issue with the Senate, particularly the size of the scholarships, which many of us in the Senate thought were too liberal, and the Senate conferees thought in this regard it would have to make some compromise also.

Mr. FULBRIGHT. I do not know how much study has been given to it, but in my State I am sure our existing institutions could use a little assistance. We have had physical facilities for a number of years greater than we could finance in furnishing the operation. We had a very fine, large hospital but we were short of funds for operation and there was a good deal of complaint. It is true there was a demand by students to go there but we were short of funds for the operation, not for the building.

I thought the Senator from New Hampshire had a point. This could well serve the military and at the same time increase the facilities and the capacity of facilities in the overall view.

When we speak of this amount of money it should go far in helping those institutions in being, many of which are starved for funds.

Mr. STENNIS. Will the Senator yield on that point?

Mr. FULBRIGHT. I shall yield in just a moment.

I refer to the concentration. We already have this great concentration. The Senator from Mississippi mentioned the very large concentration of facilities here. I am sure it is true of many States. I think they would benefit by the scholarships and by an increase in funds for operation. I think it would be beneficial to the military and the country as a whole.

I sympathize and agree with the point of view of the Senator from New Hampshire. I regret this kind of money could not be made available for increasing the capacity of existing institutions in administering these services. It is too late to do anything about it but I am sympathetic to the point of view of the Senator from New Hampshire.

Mr. HARRY F. BYRD, JR. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I regret that I interrupted the Senator from Arkansas, but I thought he had concluded.

I was going to raise the point that even though we do not have the figures

available here, a great deal of Federal support already goes to most of the medical schools, whether they are State-owned or privately owned. It has become a very substantial part of their support, as I understand it.

I have the privilege of serving on the subcommittee with the Senator from New Hampshire, where he renders a very valuable service. I refer to the HEW Subcommittee on Appropriations, where we have this problem and where we have support for these medical schools.

In my judgment we would be taking very little away from all of the multitude of medical schools that receive Federal assistance, and they deserve it, by having this establishment here, for the purpose I already outlined.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Arkansas for his observations. The Senator from Washington (Mr. MAGNUSON) is the chairman of our subcommittee, and I serve as the ranking minority member. As most members of the Committee on Appropriations know, it is up to the chairman and the ranking minority member to really listen to most of the voluminous evidence that comes before us. For years now we have been straining everywhere with all of our resources, when there is competition for so many of these programs, to try to eke out assistance for medical schools in this country. Most of them have a somewhat different problem than I gather from the Senator from Arkansas exists in his institutions.

They need more room, they need more buildings, more dormitories, and laboratories, they need more equipment, and the students are just waiting for them if they could be accommodated. Now, they are turned away. I cannot help feel that dollar for dollar, not criticizing the military at all, my suggestion would be more beneficial. The civilian medical schools are attached to the best universities in this land. It has been my observation that these old schools are better equipped, and it would be beneficial if they were given the financial backing to extend their facilities. We have a number of them that have been struggling along and have only had 2-year courses and then students have had to seek admittance to other medical schools that extend 4-year courses.

With the moneys we have been able to eke out, we have followed the practice of furnishing to medical schools assistance contingent on the additional students they were able to take in and also a system of scholarships and fellowships.

I am not speaking disparagingly of his effort, which has been so well described by the Senator from Mississippi, but it seems to me that when we have going institutions with years of experience and with the valued faculty that has long been trained in training young medical students, that we have a dollar investment, and that it would be best and most effective to invest in that. It would not be a difficult matter at all to establish scholarships so that there would be an appropriate proportion of those students who had scholarships under contract—scholarships under which they agreed to furnish their services to the armed services.

But we are really talking about a situation where we are locking the door to the stable when the cows are out. It is a thing that has gone all the way through and gone through the final conference with the House and Senate. I know the Senator from Virginia exercised his usual careful judgment. There is no one who is more careful and more sparing in the use of Government funds.

My position is entirely in accord with that of the Senator from Colorado's. I just feel that in this new departure, we are departing from the best medical and best fiscal practice.

Mr. DOMINICK. Mr. President, if the Senator will yield, we still have one more feather to put on this chicken, and that is when it comes before the Appropriations Committee, because the scholarship programs we have in here are separate from funding for construction of universities. So we could still go ahead, in the appropriation process, give funds to medical schools under the agreement that students would go into the service for 5 years, and still not find enough money for construction.

I assure the Senator from New Hampshire that, if, as, and when, there are hearings, I will be up here in opposition to the construction funds and in favor of the scholarship funds.

Mr. COTTON. I am glad to hear that.

Mr. HARRY F. BYRD, JR. Mr. President, I want to say, in that connection, that when the appropriation comes before the Senate, I shall listen very carefully to the views of the distinguished ranking Republican member on the Appropriations Subcommittee, the Senator from New Hampshire (Mr. COTTON).

I want to make my position on this clear. I do not want to mislead the Senate in any way. I opposed one provision in the bill, namely a Uniformed Services University. I opposed it before the subcommittee which I chaired; I opposed it in the full Committee on Armed Services, which, by a closely divided vote, sustained the position I took. When we came into conference, we ran into an entirely different problem.

The house conferees were determined on this issue, and the Senate conferees felt that, if we were going to get any bill at all, and this is only part of the total legislation, the Senate conferees must be prepared to make some compromise, just as the House conferees compromised by accepting all other revisions written into the bill by the Senate and the Senate Committee on Armed Services.

So the total package—the conferees report—is not to my liking in every respect. Nevertheless, it was the best the Senate conferees could do in our negotiations with the House of Representatives. The purpose of the legislation is to obtain and retain qualified medical personnel for the armed services.

Mr. KENNEDY. Mr. President, this conference agreement reflects a conscientious effort by the House and Senate conferees to come to terms with the problem of recruiting physicians for the U.S. Armed Services. Given our changing military draft system, it will be increasingly difficult in months and years ahead to recruit a sufficient number of qualified physicians to fill these needs. Without the draft, the military services are not in a position to compete in the marketplace for health professionals. The number of physicians available is substantially below our Nation's need, and the incomes they make are considerably higher than are possible in the armed services.

The Senate Health Subcommittee, which I chair, has encountered this same recruitment problem with respect to the Public Health Service Commissioned Corps. The PHS Corps is also one of the Nation's uniformed services, and is available to young physicians as a means of fulfilling their draft obligation. The Commissioned Corps staffs the Indian Health Services, the Communicable Disease Center in Atlanta, Ga., the National Health Service Corps, the Public Health Service hospital and clinic system, and a variety of other important medical posts. The possibility of serving in these difficult posts as a means of satisfying military draft obligations has been a primary recruitment factor in bringing young physicians and other health professionals into the Public Health Service. Like the other uniformed services, the Public Health Service Commissioned Corps cannot effectively compete for health professionals without this incentive.

The Congress has already taken several steps to alleviate the shortage of physicians in our Nation. The Comprehensive Health Manpower Training Act of 1971 offered expanded Federal support to our Nation's medical schools in exchange for expanded enrollments. If funded at its full authorization levels, this law would eliminate our Nation's shortage of physicians by 1978.

Also the Congress is currently considering legislation that would adjust pay scales for military health service personnel to be more competitive with income levels of health professionals in the civilian sector. Ultimately, greater availability of physicians, plus more competitive salaries should help resolve the military's problems of recruitment.

The conference report before us, however, offers several additional recruitment advantages to the military. First, it establishes a substantial scholarship program for health professional students who will commit themselves to several years of military service. In addition to paying educational expenses, the program pays the student and his dependents a small but livable salary for up to 6 years of medical study. This scholarship program matches very closely the scholarship program established for the Public Health Service Commissioned Corps in S. 3858, which was reported by the Health Subcommittee, and passed by the Senate on August 18, 1972. It is important that these programs be comparable, and that the Public Health Service be given devices for attracting physicians and other health professionals

that are equally enticing to those used by the military.

H.R. 2 also establishes a uniformed services university of the health sciences. The intent is to enhance medical careers in the military service by creating teaching posts in this institution, as well as to attract young students to obligate themselves to a period of military service in exchange for a medical education. Given the current national shortage of medical school capacity, the availability of 100 or more additional places should certainly serve as an effective recruitment device. Every year, thousands of qualified students are turned away from medical and other health professional schools in this country simply because there is not room. Many of these students will undoubtedly be attracted to exchange military service for medical education. In addition, of course, a quality institution will be able to attract students who are inclined to a military way of life.

However, a military medical school raises a number of important questions. First, it raises the possibility of a special and separate health educational system being established in the country which is not compatible with institutions in the civilian sector.

Second, it assumes a Federal responsibility for the direct training of future Federal/military personnel which is without precedent.

I have long been convinced that the health educational institutions in our Nation must be reformed in order to respond to the challenges that face us in our country. I have also been convinced that these institutions are capable of producing the personnel we need, given adequate Federal support, and incentives and opportunities for change. Because of these misgivings, I am pleased that the Senate insisted on establishing an annual line item authorization for this new university. This will allow a close annual review by both the authorizing and appropriation committees of the progress in planning and implementing the university.

Overall, I believe H.R. 2 offers some important mechanisms for the training and recruitment of physicians, and I congratulate the committees on their work. The Health Subcommittee will watch progress on both these programs very closely for their applicability in other areas.

Mr. HARRY F. BYRD, JR. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. ROBERT C. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana, No. 1434, to Senate Joint Resolution 241.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. 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. BUCKLEY. Mr. President, I rise to speak in support of the amendment to Senate Joint Resolution 241 which has been offered by the Senator from Washington. This amendment simply expresses the reasonable understanding of the Congress about the future relationship on strategic matters between the United States and the Soviet Union. This is an entirely appropriate moment for the Congress to share the responsibility with the President for the making of an important component of our foreign policy.

As I understand it, the Jackson amendment would simply state three understandings of what U.S. policy should be with respect to the forthcoming second round of negotiations with regard to strategic arms limitation.

First, the amendment provides that the failure of the United States and the U.S.S.R. to achieve a permanent treaty on offensive arms which would have the effect of limiting the threat to the ability of our land-based strategic deterrent forces to survive a Soviet first strike would jeopardize our "supreme national interests."

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BUCKLEY. Certainly.

Mr. FULBRIGHT. I was under the impression that we were going to vote on the pending amendment. The amendment the Senator is addressing his remarks to has not been offered, is that correct? Is it correct that the Jackson amendment has not been offered?

Mr. BUCKLEY. It certainly has been the subject of widespread speculation and discussion.

Mr. FULBRIGHT. I mean it has not been called up. It is not before the Senate; is that correct?

Mr. BUCKLEY. It has not been offered; no.

Mr. FULBRIGHT. I would like to try to clarify the situation before us, if I could. The Senator from Montana has offered his amendment as the pending business. Is it the purpose of the Senator from New York not to allow a vote on the Mansfield amendment today?

Mr. BUCKLEY. No. I believe, with all due respect to the distinguished chairman, that in considering the Mansfield amendment one must also keep in mind the alternative, which we all know will be offered in due course, namely, the Jackson amendment. Therefore, by speaking in favor of the Jackson amendment, I impliedly am speaking against the Mansfield amendment.

Mr. FULBRIGHT. I do not want to be misunderstood. The Senator has a perfect right to speak about it. I am trying to understand what the parliamentary situation is.

The request has been made for a package unanimous-consent agreement on all amendments. I and some other Senators interested in this matter have declined to make that agreement. However, we are—I am, and I think all of those interested in my point of view are—perfectly willing to proceed to vote on all of these amendments as they arise. That is, we are not disposed to delay consideration of the resolution or any amendments thereto, and I have thought we would be able to proceed to consideration of all amendments, and disposition of this matter today or possibly tomorrow.

What I am trying to understand is whether or not it is the position of Senators who support the position of Senator Jackson that they will not allow a vote on any amendments unless they get an overall agreement on all amendments. I am only inquiring what the situation is; that is all.

Mr. BUCKLEY. I regret that I am not in a position to speak for the Senator from Washington. I am sure he could clarify his position.

Mr. FULBRIGHT. I would like, if the Senator will allow me, to make my position very clear that I am prepared to proceed to a vote on the pending amendment and all subsequent amendments in order, and without any undue delay whatever. There is no disposition on my part or that of anyone associated with me and interested in this matter to delay any vote at all. We can dispose of this amendment today if the Senate will permit, or certainly tomorrow, because I think it requires a matter of only a few minutes. According to Senator MANSFIELD's statement that he made yesterday, he will use only a few minutes. I certainly would not take more than 5 minutes on it. But we do object to tying down all amendments and all freedom of debate in the Senate.

As the Senator knows, the rules of the Senate, absent unanimous consent, provide for debate. Rule XXII was a matter of debate here in the Senate for many years, and many of us fought very hard and long to prevent its emasculation. I object to, by unanimous consent, emasculating freedom of debate.

I am opposed to delay. I am more than willing, as a matter of fact anxious, to dispose of this matter. I want to make my position clear that I am not anxious to delay any vote at all. I am prepared to move rapidly to dispose of all amendments and the resolution itself.

I think it would be very useful if those supporting the Jackson amendment would make their position clear on the parliamentary matters. I am not arguing about the substance of it at this time.

Mr. BUCKLEY. I thank the Senator from Arkansas for his observations, but as I say, I do believe that we have before us one of the very critical matters involving not only foreign relations but the future security of the United States. I believe it is of such critical importance that it is necessary that we fully understand the implications of each amendment that comes before us.

As I say, I personally feel that the way to analyze the merits of the Mansfield amendment is really to talk about the Jackson amendment. It is for that reason that I would like to proceed with my remarks about the Jackson amendment, in the hope that those who might be inclined to vote in favor of the Mansfield amendment would reserve judgment until they consider the alternatives which will be presented to them.

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

Mr. BUCKLEY. Certainly.

Mr. MANSFIELD. Just as a matter of information, could the Senate have the benefit of knowing how long the Senator intends to address it?

Mr. BUCKLEY. About 15 or 20 minutes.

Mr. President, as I understand it, the Jackson amendment would simply state three understandings of what U.S. policy should be with respect to the forthcoming second round of negotiations with regard to strategic arms limitation.

As I mentioned earlier, the first of these understandings would provide that the failure of the United States and the U.S.S.R. to achieve a permanent treaty on offensive arms which have the effect of limiting the threat to the ability of our land-based strategic deterrent forces to survive a Soviet first strike would jeopardize our "supreme national interests."

This aspect no more than restates the obvious. It is well understood that the terms of the interim agreement provide for a significant quantitative advantage in favor of the Soviet Union in both intercontinental and submarine launched ballistic missiles. Moreover, because of the very large size of some Soviet missiles, the interim agreement provides a 4- or 5-to-1 advantage for the Soviet Union in terms of the most important long-term measure of the capacity of a ballistic missile force, namely its payload capacity or "throw weight."

It is important to appreciate that if the Soviet Union were to achieve the same level of warhead design sophistication which the United States now enjoys on a production line basis, they could deploy up to five times as many independently targeted warheads on their ballistic missiles as could the United States.

The United States will be able to accept the quantitative inferiority embodied in the interim agreement only if the agreement is truly "interim." At the present time, the United States enjoys a 2-to-1 margin in the number of deployed warheads over the Soviet Union. This advantage is one which is certain to disappear over the next few years as the Soviet Union deploys its own multiple warheads.

It has been argued that the Soviet Union would require 5 or more years to deploy multiple warheads, and thus there is ground for complacency for the duration of the interim agreement. The record on the subject suggests that there is no such ground.

It took the United States 7 years to go from fission bomb development to thermonuclear bomb development—from 1945 when the first A-bomb was detonated to 1952 when the first H-bomb was detonated. The Soviet Union detonated their first A-bomb in 1949, but detonated their first H-bomb only 5 years later. They developed the technique for artificial earth satellites—Sputnik—ahead of the United States, and have shown a willingness to expend resources for strategic nuclear forces far beyond the requirements of simple deterrence. It took the United States only 3 years to develop the hardware for its own multiple warheads. It would be highly imprudent for the Congress to assume that the Soviet Union would be so technologically retarded that it would be incapable of developing and deploying multiple warheads within a 5-year period.

It seems to me most likely that if we allow the imbalance in the interim agreement to remain beyond the 5-year term of the agreement, the threat to our land-based deterrent would become stark.

Mr. President, it is important that we understand that the language of the Jackson amendment is not substantially different from language used by administration witnesses in hearings on the interim agreement before the Committee on Foreign Relations and the Committee on Armed Services. These witnesses made it clear that the development by the Soviets of the ability to threaten the survivability of our land-based deterrent forces would in fact prove an unacceptable threat to our national security. While they did not necessarily agree as to precisely when the Soviet Union would be able to threaten the survival of our deterrent forces, none doubted that the Soviet Union had the basic elements with which to do so if the life to the agreement were extended beyond its 5-year-term.

By accepting the amendment under consideration, Congress simply reinforces the idea that it correctly understands the interim agreement to be in fact "interim" in effect and in no way a permanent solution to the problem of appropriate strategic nuclear force levels with respect to either ICBM's or SLBM's.

The second element of the Jackson amendment represents nothing more than commonsense. No negotiated agreement can be considered "stable" if it fails to insure that there will be no disadvantage for either side. All the amendment does is to apply to a permanent agreement limiting offensive strategic weapons the logic of the ABM treaty which places equal limits on each side with respect to the number of ABM interceptors which can be deployed by either side. If an ABM treaty were offered which provided the Soviet Union with a permanent 4- or 5-to-1 advantage in the critical parameter of ABM capacity, such a treaty would undoubtedly be overwhelmingly rejected by Congress as well as by the American people, and with good reason.

The Jackson amendment would apply the commonsense principle of "no disadvantage" by requesting that any future treaty "not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

It is difficult to see how any exception can be taken to such a proposition. As mentioned earlier, the United States can "live with" temporary inequality, but permanent inequality can only be a source of conflict.

The third element of the Jackson amendment places the Congress squarely on record as supporting those research and development and procurement efforts which will assure the maintenance of a strategic force which will leave no doubt as to the United States intent to preserve a position of nuclear parity. The Senate has wisely approved the funding for the current effort for the B–1 bomber and the Trident submarine and missile program. The Jackson amendment would emphasize the fact that Congress will not permit the deterrent capacity of any element of our strategic forces to degrade over time.

There is no more important effort Congress can make than to assure a continuing high level of research and development for it is our only reliable hedge against technological surprise, and our only insurance policy against Soviet evasion. Research must be pressed far more vigorously than it has in the past because of the risks inherent in any arms limitation agreement—more so because the pending agreement is merely "interim" in nature.

Finally—and this is another area in which I believe that the Mansfield amendment is defective, because the Jackson amendment describes the fundamental understandings of the Senate which are in accord with those who negotiated the SALT accords—this statement of the Senate's position will provide the President with the maximum in bargaining strength in the second round of SALT, while placing Congress squarely on record as supporting a sensible permanent agreement limiting offensive weapons on a basis which will yield neither nation any long-term advantage.

Mr. President, it is for these reasons that I urge that the Mansfield amendment not be adopted and that, instead, the Senate regard favorably the proposals which are incorporated in the amendments which will be submitted by the Senator from Washington.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I submit a report of the committee of conference on S. 3323, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. STEVENSON). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 16, 1972, at pp. 28358–28360.)

Mr. MANSFIELD. Mr. President, I understand that this has been cleared on all sides.

Mr. JAVITS. Mr. President, I am honored to have been referred to as the "father" of the National Heart Institute—having introduced on June 9, 1947, H.R. 3762, joined by then Senator, now Representative, PEPPER, of Florida, which provided for the establishment of the Heart Institute within NIH—I am particularly pleased to endorse strongly and to encourage my colleagues to support the conference report on the National Heart, Blood Vessel, Lung, and Blood Act of 1972 (S. 3323), which I cosponsored with the Senator from Massachusetts (Mr. KENNEDY).

This legislation would establish a national commitment to combat heart disease—the Nation's No. 1 killer, killing more than 1 million persons annually, and leading health problem—and other major causes of death and disability.

This legislation will permit us to launch a more effective effort against heart, blood vessel, lung, and blood diseases in accordance with the President's commitment to give, and I quote from his state of the Union address:

increased attention to the fight against diseases of the heart, blood vessels and lungs, which presently account for more than half of all the deaths in this country.

The major differences between the Senate- and House-passed bills were that the Senate bill contained provisions relating to emergency medical services; established prevention programs—in accordance with a most worthwhile amendment offered by the ranking minority member of the Health Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER); and authorized $1.470 billion over a 3-year period, while the bill passed by the House authorized appropriations of $1.290 billion. In essence, the conference agreement retained the emergency medical service and prevention programs provisions and split the money figures, authorizing $1.380 billion.

Mr. KENNEDY. Mr. President, all of the differences between the respective versions of the bill have been resolved, and this resulting bill contains all of the essential elements of an effective program to combat these major diseases. The essence of the Senate-passed bill is contained in the conference report.

Last year, Mr. President, the Congress enacted sweeping legislation in respect to the conquest of cancer. Heart disease claims twice as many victims as does cancer. And the bill the Senate has before it now is designed to do all that is necessary in order to advance the attack against these diseases.

The bill calls for the Director of the National Heart and Lung Institute of the NIH to carry out a comprehensive program for, first, research into the cause and the prevention of all forms of heart, lung, and blood diseases; and second, research into basic biological processes in respect to the heart and lung; third, research into techniques, drugs, and devices used in the diagnosis and treatment of persons suffering from these diseases; fourth, establishment of programs for field studies and large-scale testing and demonstration of preventive therapeutic and rehabilitative approaches, including emergency medical services for persons suffering from heart and lung diseases; fifth, public and professional education relating to all aspects of these diseases.

The bill, Mr. President, also includes special prevention and control programs for these diseases. These prevention and control programs have been modeled after similar programs which were included in last year's cancer legislation. For this special program, the bill authorizes a total of $105 million for 3 years.

The bill also authorizes the Director of the Heart and Lung Institute to provide for the development of 15 new centers for basic and clinical research into the diseases of the heart, blood vessels, and blood. In addition, the bill authorizes the development of 15 additional new centers for basic and clinical research into lung diseases, including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children.

As a result of the conference, Mr. President, the bill now requires that the 15 centers in respect to heart and blood diseases shall also be utilized for prevention programs, including programs to develop improved methods of detecting individuals with a high risk of developing heart disease, programs to develop improved methods to eliminate those factors which cause those individuals to be vulnerable to heart diseases, and programs to develop more skilled health professional manpower in the area of prevention.

In addition to the funds which are authorized for the special prevention and control program, the bill authorizes a total of $1.275 billion over the next 3 years. This fund level is a compromise between the Senate and House bills.

Mr. President, the Senate Health Subcommittee has worked very hard on this legislation, and I believe that the conference report we bring to the Senate is an excellent one. Without question, the Heart and Lung Institute at the NIH along with the other research institutes at the NIH need to get on with the effort envisioned by the legislation. I am convinced that with a sustained effort on their part, we will increase the likelihood of making significant advances against these diseases which claim such a heavy toll in death and disability.

I urge the adoption of the conference report.

Mr. MANSFIELD. I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. MANSFIELD. Mr. President, I have listened with interest to the remarks of the distinguished Senator from New York (Mr. BUCKLEY) in his opposition to the so-called Mansfield amendment to the interim aid agreement on offensive weapons, which is now the pending business.

It distresses me to find that he takes issue with the remarks of the President of the United States as contained in the declaration of principles issued by the President of the United States and the General Secretary of the Central Committee of the CPSU.

For example, let me point out that the second declaration of the declaration of principles signed by Richard Nixon, President of the United States of America, at Moscow, on May 29, 1972, is the exact equivalent of the amendment offered by the Senator from Montana, now speaking—an amendment, incidentally, cosponsored by the distinguished ranking Member of this body, the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOPER), the Senator from New York (Mr. JAVITS), and the Senator from Idaho (Mr. CHURCH).

It is difficult for me to understand how anyone can be for what the President of the United States has agreed to in Moscow and to stand up on the floor of the Senate and argue against the proposal which is now before the Senate.

Mr. President, the stabilization that is sought under phase I of SALT means that each side will be assured of the total validity of the other's deterrent capacity. The importance of such assurance is not diminished, I think, by the approval of new weapons development such as those contained in the military procurement authorization bill. But the im-

portance of SALT would, indeed, be diminished, if not obliterated, if it were suggested that the agreement, rather than stemming the tide of arms development, should be construed as a signal to increase this Nation's might unilaterally to a point beyond that of sufficiency or that of providing sufficient retaliation as a deterrent.

The issue before the Senate, therefore, is whether this Nation is prepared to take a first step toward some limitation or whether it will, instead, continue the saber-rattling so long a part of the arms race in which we have now been engaged for nearly three decades. Either we begin now to end the arms race or we do not. Either we take this step—and do so in good faith—or we do not.

The SALT Treaty ratified so overwhelmingly on August 3 set out the framework for this important initiative. It is within that framework—limiting defensive weapons—that the idea of strategic weapons is made valid and totally creditable. This is the great breakthrough occasioned by phase I of SALT. With it, this Nation need not continue in the arms race and its lack of participation need not impair its security in the least. With it this Nation can determine the sufficiency of its deterrence on its own and without comparison to the offensive deterrence of the Soviet Union. Phase I, in effect, codifies the concept of sufficiency; a doctrine that permits an independent and autonomous judgment as to how much of a deterrent force is enough. If what we have is sufficient, we need no more. That we can eliminate an enemy 10 times over with existing force is enough; it is all we need. That another party's force can eliminate us 20 times over is of no concern. Redundance is not and should not be a part of our national policy.

In that light, I might ask, what does the pending amendment do to enhance the resolution before the Senate?

It makes it clear beyond question, I believe, that we endorse expressly the declaration signed by the President which is designed to ease and avoid military confrontations to the greatest extent possible. Most important, I think, is that part of the declaration which would deny advantage to one side or the other. As it is stated: "both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent."

They are inconsistent. That is what the President signed. And it is to affirm that endorsement that this amendment is proposed.

With it, and with the underlying SALT agreement, this Nation is not denied its obligation to remain strong and to maintain a sufficient deterrent force. That national goal remains totally secure.

What we do say, however, is that this small step away from arms escalation should not be twisted into an augmentation of the arms buildup. Let us use SALT as a signal for further and more comprehensive agreements, and not as a signal to obtain a new defense posture, one which is unilateral and could only add to the danger of military confrontation.

Mr. President, I am prepared to vote on this. I am prepared to enter into a reasonable agreement on this amendment and I do so because of the fact that, on yesterday, it was made crystal clear—if I may use a well known phrase—that there would be no unanimous consent agreements entered into for a package for any bill which may come before the Senate.

So, Mr. President, if there is no chance of getting a reasonable agreement, it is my intention to move to table the pending amendment. I shall vote against the tabling motion but I think we should have a little movement.

Therefore, Mr. President, I move to table my own amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for just a moment? Will he withhold his request?

The PRESIDING OFFICER (Mr. BENTSEN). The motion is not debatable.

Mr. FULBRIGHT. I thought the Senator from Montana said if he could get a reasonable amendment?

Mr. MANSFIELD. A reasonable amount of time.

Mr. FULBRIGHT. I suggested yesterday that he would take 20 minutes. Has the Senator reason to believe that we cannot get an agreement to vote in 20 minutes?

Mr. MANSFIELD. That is correct.

Mr. President, I move to table the pending amendment and suggest the absence of a quorum so that I may ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the motion of the Senator from Montana to table his amendment No. 1434.

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 Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is detained on official business.

On this vote the Senator from Kentucky (Mr. COOK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 31, nays 52, as follows:

[No. 393 Leg.]

YEAS—31

Allen	Dole	Roth
Allott	Dominick	Saxbe
Baker	Fannin	Scott
Beall	Gurney	Smith
Bellmon	Hansen	Sparkman
Bennett	Hollings	Taft
Boggs	Hruska	Thurmond
Brock	Jordan, N.C.	Tower
Buckley	Jordan, Idaho	Weicker
Cotton	Miller	
Curtis	Packwood	

NAYS—52

Aiken	Fulbright	Pastore
Anderson	Gambrell	Pearson
Bayh	Gravel	Percy
Bentsen	Hart	Proxmire
Bible	Hartke	Randolph
Brooke	Humphrey	Ribicoff
Burdick	Inouye	Schweiker
Byrd, Harry F., Jr.	Jackson	Spong
Byrd, Robert C.	Javits	Stafford
Case	Kennedy	Stennis
Chiles	Long	Stevens
Church	Mansfield	Stevenson
Cooper	McClellan	Symington
Cranston	Mondale	Talmadge
Eagleton	Montoya	Tunney
Eastland	Moss	Williams
Edwards	Muskie	Young
	Nelson	

NOT VOTING—17

Cannon	Harris	McGovern
Cook	Hatfield	McIntyre
Ervin	Hughes	Metcalf
Fong	Magnuson	Mundt
Goldwater	Mathias	Pell
Griffin	McGee	

So the motion to lay the Mansfield amendment on the table was rejected.

Mr. MANSFIELD. Mr. President, once again I will make an effort——

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senate will not proceed with its business until there is order. Those Senators who are conversing will please take their seats.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, I wonder if it would be possible to reach a time limitation just on the pending amendment. Efforts have been made but so far they have been unsuccessful. I would point out to the membership on the basis of statements made yesterday that the Senate has been told that agreements covering a package would be objected to. That is every Senator's right, just as it is to object to a unanimous-consent agreement on a pending amendment. But I would point out that not later than the hour of 2 p.m. the Senate on the second track turns to the revenue-sharing bill. I would point out this is a most important Interim Agreement on Offensive Weapons which the President of the United States consummated.

I would point out that the language of the pending amendment quotes in toto the second declaration of the declaration of principles issued in Moscow and signed by President Richard Nixon and the General Secretary of the Communist Party, Leonid Brezhnev.

So, in an attempt to achieve a little movement, I made a motion to table, which I voted against as I stated I would. Now, in an attempt to get something beyond motion—a little action—I would like to request of the distinguished Senator from Washington if he would consider the possibility of a brief limitation on the pending amendment so that we could at least get that far along the road to consideration.

Mr. SCOTT. Mr. President, will the distinguished Senator yield to me first, very briefly?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would just like to underscore the request of the distinguished majority leader. The calendar is running against us, and we are all much aware of the passage of time and of the overhanging burden of legislation. I hope we can come to some agreement.

Mr. MANSFIELD. I appreciate the comments of the distinguished Republican leader.

I yield to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, as the Senate knows, I have made very clear my willingness to reach a unanimous-consent agreement affecting all the amendments. Realistically, the amendment that the Senate must face up to is the amendment that I cosponsored with 30 colleagues, and it is in this area where the problem of consent has been encountered. I think if we are going to be realistic, we must face up to that issue, and I am ready and willing, as I have been from the very first day, to enter into a unanimous-consent agreement on all the amendments and final action on the pending resolution, but I cannot turn around and approve a hit and miss approach. If we do that, then we run into the problem of motions to table, among other things, on which no notice need be given. Given that approach, Senators, of course, will not have an opportunity to be advised in advance when the vote is going to take place. But I am ready and willing, as I have been from the very beginning, the very first day, to reach a unanimous-consent agreement on all amendments and on final action on the resolution.

Mr. MANSFIELD. What the Senator from Washington has said is correct, but the leadership, apart from the amendment of the Senator from Montana which is now pending, is faced with a dilemma. We were told by two Senators on yesterday that they would object to any package unanimous-consent agreements. Now we are told by the distinguished Senator from Washington—and he has been most consistent—that he will agree to nothing but a package unanimous-consent agreement. If we continue to operate on that basis, the Senate will face an impasse which it will not be able to bypass unless the preference of individual Senators will give way to the desires of the Senate as a whole.

Mr. BAKER. Mr. President, will the Senator yield briefly on that point?

Mr. MANSFIELD. Yes.

Mr. BAKER. Mr. President, on yesterday I was one of the two Senators who indicated that he would object to any unanimous-consent request that included a prohibition against nongermane amendments. I did not mean to say on that occasion, and I thought I did not say, that I would object to all unanimous-consent agreements otherwise employed.

As far as I am concerned, a package is fine as long as it does not include a prohibition against nongermane amendments or unless there is first an opportunity for me to examine such a unanimous-consent agreement.

In this particular case I have no objection to a provision in the proposed unanimous-consent agreement against nongermane amendments. I believe I have never so objected, but I want to preserve my right to object to any such proposal for the remainder of this term. In this case I have no such objection. I certainly do not want to stand in the way of an agreement that will expedite action.

Mr. MANSFIELD. I appreciate that statement. The Senator was aware that the leadership was trying to protect his right on the basis of statements made not only on yesterday but on previous times.

What is the attitude of the distinguished Senator from New York, who indicated he might have some reservations to unanimous-consent agreements under certain circumstances?

Mr. JAVITS. Mr. President, if the Senator will yield, the Senator from New York wished to provide against unanimous consents which allowed nongermane amendments. If, as the Senator from Tennessee (Mr. BAKER) says, he is not going to raise that objection with respect to this matter, I certainly do not, because it does exactly what I want, to wit, permits only amendments that are germane.

Mr. MANSFIELD. Then, Mr. President, it appears the two objections which I had assumed would come from the other side have now been laid aside temporarily.

I would like at this time to ask the distinguished chairman of the committee if he would give consideration, along with his interested colleagues—and he has to talk with them—to a package agreement for a time limitation on each amendment, a time limitation on the measure itself, and perhaps a time certain on which a final vote could be taken.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, we did discuss this question. I have discussed it with a number of my colleagues, some of whom have amendments at the desk. We were reminded that the Senate used to pride itself on freedom of debate. This is a proposed limitation on all aspects of the measure, including all amendments, even those which have not yet developed and which could develop. This kind of limitation is unusual and inappropriate for important measures. We are quite willing to agree to a time limitation on the Senator's amendment and on every amendment as it comes up, reserving the right, on new amendments that may come up, to have additional time.

There is no disposition on my part, or on the part of any of those associated with me in this matter, to delay action. I personally believe we could dispose of the matter today—not, of course, by 2 o'clock, but in the course of a few hours—if we could proceed under the traditional rules of the Senate, and not by unanimous consent.

All of those who have amendments say they will not agree to the requirement of the Senator from Washington that there be a limitation on every amendment and that that must be agreed to—in other words, the package.

It is true that the Senator has taken this position from the beginning. I only point out that it is not the traditional way for the Senate. It operates under rule XXII, among others, which used to be considered important in the Senate, and I still consider it important. I would personally not be disposed to agree to the Senator from Washington's proposal lest we put ourselves in a straitjacket on all amendments and the final disposition of the bill.

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

Mr. MANSFIELD. I yield.

Mr. JACKSON. I would point out to the Senator that, in connection with the treaty that was submitted to this body by the President covering agreement with the Soviet Union on antiballistic missiles, we entered into a unanimous-consent agreement, and I agreed to that at the outset, and made clear then that I would do the same on the interim agreement. So, speaking of precedent, there have been many, and there is the one just before this one in which we agreed to a stipulated time of debate and vote by unanimous consent. That is not unusual in this body.

Certainly, with a number of Senators being away, I cannot agree to a situation in which, if I bring my amendment up, a motion to table can be offered at any time. I want to cooperate, and I have from the very beginning, as the Senate knows, because I made it clear, when both of these Moscow accords were submitted by the President, that I would agree to a unanimous consent. That worked out well on the ABM debate, and I do not see why we cannot apply that same principle to the interim agreement.

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

Mr. MANSFIELD. Yes, indeed.

Mr. PASTORE. It strikes the Senator from Rhode Island that the crucial amendment which we have to face up to is the so-called Jackson amendment, of which I am a cosponsor.

I was wondering if we could not consider, as a minipackage, not only that the Mansfield amendment be voted on at a time certain, but that it be followed by the so-called Jackson amendment, to be voted on at a time certain, without a motion to lay the amendment on the table.

Mr. MANSFIELD. That would be agreeable to me, if it could be done.

Mr. FULBRIGHT. May I inquire of the Senator, what about amendments to the Jackson amendment? Would they be subject to motions to table?

Mr. PASTORE. Well, the agreement would have to cover the amendments to the Jackson amendment.

Mr. FULBRIGHT. I would be perfectly willing to vote on this amendment. As I understand, the Jackson amendment has not been offered yet.

Mr. PASTORE. That is true, but everybody knows he is going to offer it.

Mr. FULBRIGHT. When he offers the Jackson amendment, I think we could get agreements on each one as they are offered, but there may be some additional ones. We do not know what is going to happen either on the Mansfield amendment or on amendments to the Jackson amendment.

Mr. PASTORE. Well, if amendments and bids for agreement are to multiply, it strikes the Senator from Rhode Island we are going to be here until Christmas.

Mr. FULBRIGHT. Does not the Senator from Rhode Island agree that the Senate rules provide for freedom of debate, and that this business of unanimous consent has grown up largely on routine legislation?

Mr. PASTORE. I know, but that is for freedom of debate, not frustration; and it is not limitless. I mean there comes a point where the will of the Senate has to be expressed. I do not know how the Jackson amendment is going to fare, but I do know it is a crucial amendment, and if it is defeated, that is the end.

On the other hand, if it is to prevail, I do not think any attempt to dilute it would carry. If it is the will of the Senate to accept the Jackson amendment in an unadulterated form, I do not think any attempts to weaken it will succeed, and the need here is to bring about a decisive test. The Senator from Montana moved to lay his own amendment on the table in order to exercise some kind of a test. The will of the Senate has been expressed, and we have refused to lay it on the table. Therefore, it is the active, pending business. All I am suggesting is that we vote on the Mansfield amendment, and I shall vote for it, and then, if the Jackson amendment comes up, I shall vote for it, too.

Mr. FULBRIGHT. I agree with the Senator. I am willing to vote on the Mansfield amendment immediately, and then consider the Jackson amendment.

Mr. PASTORE. Yes.

Mr. FULBRIGHT. Why does not the Senate do that? Why does the Senator say now we have got to agree to a limitation on all possible amendments to the Jackson amendment?

Mr. PASTORE. Because I have a pretty good idea just what they are, and the Senator from Arkansas knows what they are.

Mr. FULBRIGHT. I do not see why we do not proceed to vote on them.

Mr. PASTORE. The point is, we keep talking and do not vote on anything.

Mr. FULBRIGHT. I will stop talking. Let us vote.

Mr. MANSFIELD. Mr. President, there is a lot of sparring going on on this bill. It has been going on for some time. I would hope that a time would come when Senators would subordinate their personal feelings and personal desires and consider the position in which the Senate finds itself during these particular days covering the beginning of a political campaign and covering the matters which confront us in these weeks and maybe months ahead, keeping in mind the fact that this is a presidential proposal which was consummated at great length by men in whom we all have confidence—I refer to Ambassador Smith and his colleagues, and I certainly refer to the President of the United States, who signed this in behalf of all of us.

To go on like this, I do not know where it is going to end, but I would hope, in view of the fact that there is no possibility at this moment of achieving an agreement, that the Chair would put the pending amendment to the Senate for a vote.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment of the Senator from Montana.

Mr. JACKSON. Mr. President, I just want to say to the Senator from Montana that I am willing to sit down again and see if we can find some area of agreement here much along the lines suggested by the Senator from Rhode Island, and that is to get an agreement for a time certain to vote on the Mansfield amendment and my amendment, together with the amendments thereto. I am willing, certainly, to make another try at it. But I believe that we are not going down the right road here to bring this to an early and final solution unless we face up to the main controversy, which is the amendment that I along with some 30 Senators have cosponsored. I think the sooner we face up to that, the sooner we can bring this to a final conclusion. I am willing to explore, this afternoon, other alternatives to those we have discussed as a possible means of trying to resolve it. But I want to again emphasize that the unanimous-consent approach has just been applied to a treaty, which is a permanent obligation unless terminated by either party, and when we apply unanimous-consent procedures in that kind of situation, it seems to me that we ought to at least be willing to treat the pending matter, which is not a treaty, on the basis of some reality, and that is that we can dispose of this matter very rapidly if we reach a unanimous agreement.

The facts are, I think, that we have the votes to carry my amendment. That is the reason for the delay. If the parties agree that they are willing to have a vote, why can we not agree to it under proper stipulation, so that Senators, many of whom, on both sides of the aisle, are in and out, will know when that vote is going to occur? That is all.

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

Mr. JACKKSON. Without a unanimous-consent agreement, you cannot do it. I am not going to fall into the trap of having someone make a motion to table without warning, and without being able to advise other Senators who want to be heard and to vote.

Mr. MANSFIELD. Will the Senator yield?

Mr. JACKSON. I yield.

Mr. MANSFIELD. Mr. President, going back to the SALT Treaty, there were no reservations or understandings offerred. It came in clean, and it was disposed of clean. Therefore, there was no need, really, for a unanimous-consent agreement in the sense that one would be desirable for the present legislation.

The Senator is against a piecemeal time limitation on amendments. He has a point of view, but would he be against a vote on the pending amendment at this time, without any time limitation being tied to it?

Mr. JACKSON. I do not want to agree at this time——

Mr. MANSFIELD. I am not asking for a time limitation now. This is just a vote.

Mr. JACKSON. No; as I say, I do not want to agree on this one amendment at this time.

Mr. MANSFIELD. No; I am not asking for an agreement. Is the Senator prepared to vote on this amendment at this time without any agreement?

Mr. JACKSON. No. No; not at this time. I want to see if we can make another try, to see if we can reach an agreement, because we need to know what amendments are going to be offered. I have an idea as to some, and I think we ought to be able to be in a position to have an understanding about when these amendments are going to be offered and when we are going to get some votes. Otherwise, there will be no order. If a Senator does not want to bring up an amendment at a given time and there is no unanimous-consent agreement, he can go on talking indefinitely.

Mr. MANSFIELD. Yes; but——

Mr. JACKSON. And I understand the problem. It is my amendment that the time is being consumed on. I have been ready from the very first day, and I made it clear over and over again——

Mr. MANSFIELD. Mr. President, the Senator's amendment has not been offered. It has just been talked about. All we are doing—and this includes all of us—is tilting at windmills. We are getting nowhere. We might be satisfying our own ego, our own sense of well-being, but as far as the Senate is concerned, we are not subordinating our personal desires to what the institution itself should be doing, and we are all going to pay for the machinations which are going on, and nobody is going to benefit—nobody—but all of us will lose because of it.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. JACKSON. I will just make one final statement on this.

If the vote on the Mansfield amendment would solve the problem, I would agree, but it would not solve the problem. Why delude the Senate? Whom are we kidding?

For some reason, the moment my amendment was offered, it caused the pending business to be set aside for a whole week. Since when do we get into a

situation in this body that, when a Senator offers an amendment, the pending business is set aside for a whole week? These are the facts. And a special meeting of the Committee on Foreign Relations was held to discuss my amendment. Does not a Senator have a right to offer amendments to a pending bill? What is unusual about it? Who delayed? Not the Senator from Washington. I made it clear right from the beginning, and I have tried my very best to work with the leadership on both sides to reach a unanimous agreement to vote. In fairness, I think these facts ought to be pointed out.

If the vote on the Mansfield amendment would solve the problem right now, I would agree immediately. But I am not going to indulge in fictions and try to delude the people of this country that by agreeing to vote on the Mansfield amendment, we have agreed to go right ahead and act on this whole matter. I think we have to face up to the real issue, and the real issue is our simple amendment that stipulates, in effect, that in any follow-on agreement on strategic arms limitation with the Soviet Union, it should be the policy of the United States to achieve equality. That is the issue before the Senate, and I believe that the sooner we face up to that issue, the sooner we will be able to get a final vote.

Mr. MANSFIELD. Mr. President, the issue is not equality. Everybody believes in equality.

The suggestion was made to the distinguished Senator from Washington that the word "overall" be inserted for "equality." That was turned down. It is equality in specific fields.

I do not know what we are trying to seek when we have enough TNT in this country and in the world to account for 15 tons applicable to every man, woman, and child on the face of the globe.

I would hope that we would get away from this sparring and this moving for advantage and get down to the business which confronts the Senate and this country, which is far more important than the business of any individual Senator. The sooner we can reach an accommodation of our divergent views, the better off the Senate is going to be.

So far as I am concerned, I am willing to agree to any kind of time limitation to bring this matter to a head and to trust the judgment of the Senate as a whole.

I certainly am disappointed, when the Mansfield amendment, so-called, is given the prestige and the credibility it has received this afternoon; because it is not that important—it is just an affirmation, word for word, of the second declaration in the declaration of principles issued by the President of the United States and the Chairman of the Communist Party in the Soviet Union, a declaration to which they affixed their signatures. It is a simple statement of what they stand for. Either they believed in what they did or they did not.

Unfortunately, the administration is against its own language. It is hard to understand. It is simple language to which the President affixed his signature. What are they for? What they did? Or are they for an amendment which they say is fine, but they do not believe in its interpretation? The administration is trying to have it both ways. If they have ever got themselves in a box—and it is their own fault—they got themselves in a box on the Jackson amendment. They are for it, but they are not for its interpretation. What are they for? We would like to know.

Mr. SYMINGTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, in support of the position just taken by the majority leader, on the first of June, at the joint session, the President of the United States stated:

> I ask from this Congress and I ask from the Nation the fullest scrutiny of these accords. I am confident such examination will underscore the truth of what I told the Soviet people on television just a few nights ago, that this is an agreement in the interest of both nations.

What the majority leader has said about the position of the administration in this matter is of special interest. It has been my understanding they are for this amendment. It has also been my understanding that they are against it in any case an interpretation of it.

I would present to the Senate that this extended discussion and delay is putting us all in an increasingly difficult position if we are sincere in wanting to work out a meaningful arms control agreement; because pretty soon the leaders of the Soviet hardliners in that nation, comparable to the hardliners in this Nation, are going to be able to go to the Soviet people, under their controlled system, and say, "The President of the United States now admits that when he spoke to you about the fairness of this agreement, he was not telling you the facts."

To me, it is regrettable indeed that we are placing ourselves in such a position.

Mr. FULBRIGHT. Mr. President, in order at least to clarify the air, I had said in prior debates that I would move to table Senator JACKSON'S amendment. I have no desire to table it if we can get to a vote on the merits and the opportunity to amend it. I can say without any reservation that I would not move to table it—certainly not without prior notice and without an agreement. At the same time, I would make no agreement and I would not make a motion to table it without agreement with the Senator.

I have said that more or less in the same spirit in which the Senator from Montana has moved simply to get some action, to get some kind of test on it. But I would not make a motion to table the Jackson amendment without prior notice.

Next, I wanted to clarify the fact that there is no need for further negotiations about a package agreement. If no one else wishes to object, I shall object to a package agreement; but in that connection, I would take very limited time on any amendment, including the pending business or the Jackson amendment.

The point is that the practice of the Senate always has been, prior to recent times, to proceed under the rules of the Senate, without unanimous consent. To do otherwise was quite unusual. I do not object to the unanimous consent procedure on routine matters or on matters of lesser importance than this. I consider this an extremely important matter. The Committee on Foreign Relations voted unanimously to approve it. The President and his spokesmen submitted it to the country, both in the joint session and at the White House, without any reservations. The House has approved it without any reservations, with an overwhelming vote—I think there were only seven votes against it in the House of Representatives—328 in favor of it, without any amendments.

As a Member of the Senate and as a member of the Committee on Foreign Relations, I am not going to agree to put the Senate in a straitjacket on these votes. I am perfectly prepared to vote now, immediately, on this matter, and within a very brief time on any amendments to the Jackson amendment; but I insist upon abiding by the rules as I think the traditions of the Senate have interpreted them.

I submit that the Senator from Washington is endangering the entire measure. His action raises very serious questions as to whether his purpose is to kill the agreement itself because in his view it does not provide for equality. Of course, I join the views of the Senator from Montana completely, that the agreement does provide equality, overall equality. That was the thrust of the President's view as he made his views known at the joint session and through Dr. Kissinger and others. So I would regret very much if this agreement is killed but, at the same time, I am not going to agree to a package deal. It is up to the Senator from Washington. He must take the responsibility of holding this up, as he has held it up now, as he says, because he wants a package deal. There will be no package deal as long as I am able to stand on the floor of the Senate. I am not going to agree to a package deal. I want to make that clear so that we do not delay it any longer. It is entirely up to the Senator from Washington whether we vote now on this amendment and on succeeding ones.

For my part, I am unable to see why, if he has the votes as he says he has—and I do not disagree, because I do not know—but if he has them, the Mansfield amendment can be disposed of before 2 o'clock, so far as I am concerned, if he wants us to go ahead and allow us to vote on it. But I am not going to agree at this time to a unanimous-consent agreement.

Mr. JACKSON. Mr. President, the way to bring debate of this kind to a conclusion, of course, as the Senator from Arkansas well knows, is to enter into a unanimous-consent agreement. I must say that the business of the Senate would come to a complete halt if we did not have unanimous-consent agreements at each session of Congress. We have a long series of them. I see no reason in the world why, if they want to vote on it, we cannot agree to vote at a specific time.

I point out in this whole business—I cannot find out how many amendments

to my amendment there really are—that any reasonable person would want to enter into an agreement and understand when those amendments will take place so that Senators can be here at that time.

I am amazed it would be said that the unanimous-consent process has not been used in connection with important legislation. We do it at every session of Congress. I am ready and willing to cooperate with the leadership in expediting this matter, as I have from the outset when we brought up the ABM treaty.

One other word, Mr. President, and I am not going to get into the substance of this debate at this moment—I will have some remarks to make in just a moment—but there seems to be the impression going around that we are trying to modify or change what was agreed to in Moscow. That is not what is before the Senate. What is before the Senate is an effort on the part of the junior Senator from Washington to implement the Fulbright doctrine. Senators will recall that the Fulbright doctrine suggested that the Senate give its advice—and not just its consent—on these matters, and that not all policy be made downtown. The Senator from Washington is trying to implement the Fulbright doctrine.

All we are doing here, Mr. President, is offering an amendment that suggests certain policy guidelines that represent the views of the body that will have to pass on the follow-on treaty.

What is wrong with that?

The objective is to achieve strategic parity or equality in the follow-on treaty. That is the thrust of our amendment. We are not trying to modify the interim agreement. Our amendment is not a modification of the interim agreement. Some people have sown confusion on this point. The administration itself has made it clear they would never have agreed to the interim agreement as a final treaty because it provides for a substantial disparity of forces vis-a-vis ours and the Soviet Union's.

The whole objective of our amendment is to provide for advice by the Senate relating to negotiations of the follow-on treaty on strategic offensive forces. I shall speak in a moment on that in some detail.

I would point out further, Mr. President, that there is a great opportunity here for the Soviets to roll back their strategic forces. We hear so much talk about how to save money. Of course we all want to do that in defense. But, would it not be wonderful and sensible if the Soviet Union would announce that it will cut back its forces, its ICBM forces from 1,618 land-based to 1,000, and that they will hold their submarine building program to 42, where it is right now, one ahead of ours?

We cut back our ABM missile sites from four to two, and our negotiators knew full well that it would end up being just one—and the conferees in connection with the military procurement bill have already set that at one.

Mr. AIKEN. Mr. President, will the Senator from Washington yield for one or two questions?

Mr. JACKSON. I yield.

Mr. AIKEN. May I ask the distinguished Senator from Washington whether he is opposed to the position of the President in regard to the interim agreement as stated on June 15 of this year?

Mr. JACKSON. Well——

Mr. AIKEN. Is he opposed to the position of the President?

Mr. JACKSON. On June 15 the President spoke at some length about the Moscow accords. Nothing he said then detracts from the need for my amendment, which, I might add, the White House supports.

Mr. AIKEN. Then he opposes the position taken by the President on June 15 of this year——

Mr. JACKSON. That is not what I said.

Mr. AIKEN (continuing). And which would be approved on the part of the Senate by the Mansfield amendment.

Mr. JACKSON. As the Senator knows, I voted for the ABM treaty. I did not concur and I do not concur in this interim agreement without some understanding as to what the policy of the government will be in connection with the negotiations for a follow-on treaty that is to take place pursuant to this interim agreement.

Mr. AIKEN. Then the Senator from Washington is opposed to the position taken by the President on June 15?

Mr. JACKSON. I hope to be able to support the interim agreement, with the Jackson amendment. I think there are many other Senators who feel the same way.

Mr. AIKEN. Would approval of the Mansfield amendment nullify the Jackson amendment if that were also approved later? Would that not solve the problem so far as the Senator from Washington is concerned?

Mr. JACKSON. The Mansfield amendment is not related at all to my amendment.

Mr. AIKEN. But the Senator's amendment is not before the Senate.

Mr. JACKSON. Of course not. I was not born yesterday. I am not offering an amendment at this time since, without a unanimous agreement, a motion to table could be offered at any time at any hour. I want to get an agreement here so that we can vote under orderly procedures.

Mr. AIKEN. In opposing the Mansfield amendment, one has to oppose the position of the President as stated after the treaty and the Interim Agreement had been signed.

Mr. JACKSON. I do not believe that follows. In fact, the White House has endorsed my amendment.

Mr. AIKEN. There is no other interpretation in the minds of the people of this country. One either approves the position of the President or he does not. Personally, I think that the President has done everything within his power to bring war to an end and restore peace to this world. But what is going on here is convincing millions of people in this country that he is not doing that. I believe that he is. But there are so many others that are using this almost farcical situation here in the Senate to say that he did not mean it at all.

Mr. JACKSON. Mr. President——

Mr. AIKEN. The attitude of the Senator from Washington in opposing the President gives greater credence to that belief.

Mr. JACKSON. I am not opposing the President. Let me comment on something that is very clear to the American people. I hope the Senator will stay on the floor just for a moment. I believe that the American people—and the great majority, I think, of the Members of this body—understand the objective of trying to achieve strategic parity with the Soviet Union. That is what my amendment suggests as a matter of policy, and my amendment is supported by the White House.

How in the world can a Senator go to his constituents and say, "Well, I voted against the amendment that had as its objective a negotiation to achieve parity and equality with the Soviet Union in strategic arms"?

Parity is what our politicians on both sides of the political aisle in this country have been insisting upon for years—as a minimum.

I am suggesting that if the Senate adopts the barebones agreement that is before us without some policy statement to make it clear that we want to achieve strategic equality in the ongoing negotiations, it can only result in trouble.

Mr. MANSFIELD. Mr. President, if the Senator will yield, he has made the assertion that that is what the politicians on both sides are in favor of, what the Senator is advocating. I think that the Senator is correct. The politicians are.

Mr. JACKSON. I will let each Senator decide that question.

Mr. AIKEN. Mr. President, the American people have been told repeatedly that we have not only equality with the Russians in this field, but that we have superiority in many fields.

Mr. JACKSON. We are talking about the future. As the Senator knows, my amendment is a policy statement relative to strategic arms negotiations that will get underway this fall.

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

Mr. JACKSON. I yield.

Mr. TOWER. Mr. President, does the Senator from Washington agree that given their present momentum in advancing their military technology, both qualitatively and quantitatively, and given our current lack of momentum, the Soviets would, in the absence of an equitable agreement, in a short period of time achieve or exceed superiority?

Mr. JACKSON. I do not think there is any doubt about that. This is what the argument is all about. For the life of me, I cannot understand how the Senate would deny this Nation a policy guideline which stipulates to our SALT II negotiators that when they proceed to meet with the Russians in Geneva in October, next month, it shall be their objective to adhere, for offensive strategic weapons, to the principle of equality that obtains in the ABM treaty. What in the world is wrong with that?

I know of the other extraneous arguments that are brought up—that we have a lot of warheads in Europe. Those war-

heads are under the enormous nuclear threat posed by comparable Soviet forces, and those comparable forces cannot be ignored.

The Senator has talked about a situation where we are not trying to compare apples and oranges, but are trying to compare oranges and oranges—and that is, their ICBM's with our ICBM's and their land-based forces with our land-based forces. And I think our amendment is a reasonable proposal for the Senate to adopt as a guideline for our negotiators.

Mr. TOWER. Mr. President, if the Senator will yield further, does the Senator believe that if the Soviet Union could achieve or did achieve absolute superiority and if we allowed ourselves to be in a position of inferiority, they would not be somewhat more reluctant to negotiate an agreement on trade tariffs?

Mr. JACKSON. The Senator is correct. And not only would that be true, but I would say that Soviet strategic superiority would be the most destabilizing development that could take place on this planet. The risktaking that Moscow would engage in and the adventurism that the Soviets are prone to undertake from time to time would increase manyfold. And the increasing effects on the problems of world diplomacy would be enormous—if the Soviets achieved superiority. I do not think there is any doubt whatever of that. It is the political implications that could be the most serious. There has been a tendency, I think, to interpret the relative strategic posture of the two countries in terms of a nuclear race. I think Soviet strategic superiority would have its greatest impact on the diplomatic and political situation and the future chances of individual liberty.

Mr. TOWER. Does not it sometimes appear that we profess too much our innocence of any desire to engage in military confrontation? Does not the historical record show that the United States has always acted with vigorous restraint? In the period since World War II, we could have at one time or another fought a preemptive war and won it and won it decisively. We have been provoked many times.

Does the Senator think that the United States actually chooses war as a matter of policy and that the United States would try to impose its will on the rest of the world because of the superiority of our military establishment? I do not think that anyone believes that is so.

Mr. JACKSON. I cannot believe it. No other country in the history of the world had available to it the destructive capability that was a monopoly and that was held by the United States. We then exercised a great degree of restraint in the post-World War II period.

Mr. TOWER. Mr. President, in 1948, for example, when we were severely provoked and when it was apparent that the Soviets were treating our post-war agreement as a scrap of paper and backing up their actions with a blatant show of force, did we not show great restraint? We could have indeed fought a preemptive war and won it.

Mr. JACKSON. The Senator is correct. In 1948 the Soviet Union took over Czechoslovakia by a show of military force and directed the subversion from within. We had a nuclear monopoly at that time. At that time the Soviet Union did not have any nuclear weapons. It was not until August or September of 1949 that they were able to achieve their first nuclear capability.

In Korea and in other situations we could have, if we had made it a matter of national policy, reserved the right to use nuclear force. However, we made it very clear that we would not do so. Not only that, but at the end of World War II, as the Senator will recall, we offered the Acheson-Lilienthal proposal involving on our part a turning over of the nuclear arms to an international body under the U.N., and the Soviet Union vetoed that proposal.

Mr. TOWER. The Senator is absolutely correct. That would lead me to believe that the Soviet Union does not have any fear of the United States being an aggressor nation that chooses to use war as a national policy.

It appears to me that the Soviet Union does want national superiority for one reason, and that is so that it can impose its will on the rest of the world.

Some people say, "What difference does it make if the Soviet Union has superiority?" I think it makes this difference. If they are superior, it is unlikely that we will ever fight a war. However, what is likely is that they will be able to achieve their goals through their nuclear force.

Mr. JACKSON. Nuclear blackmail.

Mr. TOWER. The Senator is correct, nuclear blackmail.

Mr. JACKSON. Ballistic blackmail. Some people have warned about that. I warned about it in a speech in 1956.

The tendency has been to treat strategic arms as an action-reaction type of thing, particularly in terms of a nuclear war. Too many people overlook the fact that it is the diplomatic and foreign policy implications of this power in the hands of the Soviet Union that we have to be thinking about, and how they will be using that power to achieve their foreign policy objectives without fighting a war, so to speak. I believe that is what the Senator is referring to.

Mr. TOWER. The Senator is correct. I concur. Does it not follow that we must then necessarily negotiate from a position of present military strength if we are to achieve a limitation of strategic arms that will continue to lead the people of the world to feel reasonably sure in their aspirations toward self-determination.

Does it not occur to the Senator from Washington that actually the adoption of his amendment would strengthen the hand of the President in these negotiations and actually perhaps result in a better agreement in the final analysis than if we failed to serve notice that we will not accept inferiority? It occurs to me they would be much more willing to negotiate and that it would strengthen the hand of the President.

Mr. JACKSON. I agree with the Senator from Texas. The objective we all seek is to bring about a stabilization of forces in the world so there will be less of a threat to the peace of the world. Secondly, in time there can actually be a reduction of the money that has to be spent on all sides in connection with the armament program of the countries that are involved. This is what we are trying to do.

As I said a moment ago, I would like to see the Soviet Union follow the example we set when we rolled back on our ABM forces. We had four sites authorized, we cut back and agreed to two in the ABM treaty—which in effect was really one, and the Soviets did no cutting back.

There is the greatest opportunity now that I have ever experienced in my lifetime, with the two nations going to Geneva, for the Russians to agree to cut back their intercontinental ballistic missile forces, land based and sea based, to a point of equality or parity with the United States. This would save money for the Soviet Union and it would save money for the United States. If we want to make headway, as we all do, in trying to limit and control arms, I think the amendment I will offer at the appropriate time will help our Government achieve that objective. This is the kind of objective we all seek in order to bring about the kind of stabilization we want for all mankind in this troubled world.

Mr. TOWER. I completely concur with the remarks of the Senator. This is extremely constructive and I believe it is necessary. I hope that at such time as the Senator offers the amendment the Senate will adopt it.

Mr. JACKSON. I thank the Senator.

Mr. President, I shall be brief in my remarks today as the Senate continues its consideration of the interim agreement on strategic offensive weapons. I have already spoken several times on this important matter and I shall have more to say as the debate progresses and as the arguments of those who oppose my effort to offer guidance for future SALT negotiations are brought before us. Today I wish to dwell for a moment on my belief that the adoption of my amendment to the SALT authorizing resolution could be a great step toward a winding down of United States-Soviet strategic arms competition and toward the achievement of a stable strategic balance.

Let me say, first, that I share the view of the administration and, I believe, a majority of the Senate, that the interim agreement is not the basis for and is unacceptable as a permanent treaty. Such a treaty must provide for United States-Soviet equality. The present U.S. advantage in strategic weapons technology, which now offsets Soviet numerical superiority, cannot be assured in a long term treaty. What may be a tolerable basis for an interim agreement, therefore, would be intolerable as the basis for a treaty. It is for this reason that I have sought, along with 30 of my colleagues, an amendment that would place the Senate on record in support of a future SALT agreement that adheres, for offensive weapons, to the principle of equality that obtains in the agreement signed in Moscow on defensive weapons.

I must say, Mr. President, that I am

puzzled at the continuing refusal of the severest critics of U.S. strategic weapons procurement and deployment programs to join with me in calling upon the Soviet Union to reverse its weapons build-up and content itself with equality with the United States in strategic offensive weapons.

Senators opposing our amendment have often called for restraint in strategic weapons programs, urging that we "take risks for peace." I would like to hear those same Senators urge the Soviet Union to refrain, for example, from proceeding beyond the 42 nuclear submarines they now have either operational or under construction.

Mr. President, the Soviets are permitted but certainly not obligated to build 62 nuclear submarines of the Polaris type under the interim agreement. The United States, as Senators know, is limited to 44 such boats although, in reality, we will have only 41 during the life time of the 5-year interim agreement. I find this disparity disquieting as I have said before and I would very much like to see it narrowed. I am certain that many Senators share my view on this point.

Why, then, should the Soviet Union not stop building submarines at their current level—which is reliably reported by our intelligence sources to be 42 Y-class submarines? Alternatively, why should the Soviet Union not halt its construction program after it places its 44th Y-class submarine under construction thereby limiting itself to the number to which we, on an interim basis, are limited? Either formula, in my view, would be very much preferable to the further expansion of Soviet submarine forces beyond 42 to, in the extreme, as many as 62 submarines. Surely all Senators can agree that it would be a most desirable result of the follow-on SALT negotiations if some formula along these lines could be arranged. I propose that a leveling on the basis of equality such as this should be the central objective of the SALT II deliberations when they resume later this autumn. And I have offered my amendment advising the President that he ought to seek such a treaty to enable the U.S. Senate, which must ratify any treaty to emerge from these continuing talks, to express itself along these lines in advance of the negotiations.

Of course, the sort of eventual submarine balance outlined here is merely one example of the way in which I believe that the principle of equality can contribute to a reversal of the trend of the last several years in which we have seen the unrelenting growth of Soviet strategic forces. Such a result would greatly increase the security of our own nuclear deterrent, possibly enabling the United States to avoid future strategic programs that might otherwise be required to meet our strategic objectives.

One could easily multiply the examples of the stabilizing effects of the equality principle. Under the limits agreed to on an interim basis and now before the Senate, the Soviets have an advantage in missile throw weight that, while already very large, is subject to still further increases. As things now stand, the overall Soviet intercontinental missile throw weight is approximately four times our own. Now, as many Senators know, the overall throw weight of a nation's missile force determines, in the final analysis, the nature and size of the attack that it can deliver. Assuming that technology tends to equalize out in the long run—and it always has in the past—it is generally true that the greater the throw weight, the greater the capability of the force and the greater the number of warheads that can be delivered by it. It is, by the way, because of these considerations that we cannot assume that the central U.S. advantage in the present strategic situation—our superior number of warheads—would continue, under any long-term SALT II treaty, to offset the considerable Soviet throw weight advantage.

Part of this enormous Soviet throw weight advantage is made up of their older, liquid-fueled SS–7 and SS–8 ICBM's. Would it be unreasonable to propose that, as part of a SALT II agreement, the Soviets dismantle these weapons and thereby bring their ICBM throw weight down—and closer to our own? This would be a move in the direction of fairness. And it would be a move in the direction of slowing the arms buildup by beginning to narrow the now considerable disparity between the larger Soviet force and our own smaller one.

There is an added reason why the dismantling of the Soviet SS–7 and SS–8 missiles would be a step in the right direction. These weapons are obsolete. The United States, which once possessed a substantial force of equivalent weapons, abandoned them long ago. Senators doubtless recall the Atlas and Titan I missiles that used to be a significant part of the U.S. inventory. Under the interim agreement the Soviets are permitted to exchange the obsolete SS–7 and SS–8 missiles for new submarine launched missiles on a one-for-one basis. But the United States, which has already retired its equivalent Atlas and Titan I missiles, is granted no such trade-in privilege. So the dismantling of the SS–7 and SS–8 missiles, of which there are over 200, would be a move in the direction of equality in terms both of throw weight and the trade-in provisions of the interim agreement.

Again, Mr. President, the Soviets presently have under development new ICBM's which, in the view of our experts, would enable them to increase still further their missile throw weight without going beyond the 1,618 ICBM's permitted under the interim agreement. The actual deployment of these new weapons would widen rather than narrow the current disparity by increasing the present four to one Soviet advantage still further. Should we not propose, as the basis for a SALT II agreement, that the overall effect should be a narrowing of the gap between our respective forces? If the Soviets are intent on deploying new and bigger missiles, should there not be, as a basis for SALT II, some compensating reductions in other Soviet systems so that we move closer to, rather than further from, United States-Soviet equality? Or better yet, perhaps they can be persuaded to refrain from deploying bigger missiles in the first place. Surely such a result would increase our security and enable us both to forego new strategic programs and make it possible for both countries to have more funds available for important domestic programs.

Mr. President, I pointed out earlier that the Soviets are free but not obligated to build the full complement of 62 submarines, and I suggested that the principle of equality in my amendment points to the wisdom of their stopping with a smaller number. As Senators know, under the ABM treaty the United States is free but not obligated to build a missile-defense site around Washington, D.C. We have, for good reasons, elected not to exercise our right and option to deploy an ABM to defend our capital. I would urge that the Soviets consider the wisdom of likewise refraining from exercising their option with respect to deploying additional nuclear submarines.

Mr. President, the world would be very much safer if SALT II were to result in an agreement which, because it was based on the principle of equality, brought Soviet force levels into line with our own. Costly arms programs could be obviated. The foundation would be laid for reductions on both sides leading to smaller and more secure strategic forces requiring lower budgets and reducing present uncertainties.

Now, some Senators might argue that the Soviets would never agree to a SALT II treaty based on the principle of equality agreed to in the ABM treaty. Such a decision on the part of the Soviets would be regrettable and, let me add, it would be indefensible. The United States cannot and should not be forced to accept a SALT treaty on offensive weapons that departs from that principle.

Mr. President, I urge my colleagues to join with me and the other cosponsors in supporting an amendment that could lead to a turning around of the strategic build-up that has, with intensity increasing since 1965, threatened to upset the strategic balance. Many of my colleagues have frequently come to this Senate chamber to urge, to argue, to implore the United States not to develop or deploy strategic weapons. Where are they now when the subject is to get the Soviets to reduce their strategic forces to achieve an equalization and a stabilization that would serve the cause of peace? If ever there was a time for the Senate to advise both the President and the Presidium, this is it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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 the following bills, in which

it requested the concurrence of the Senate:

H.R. 5416. An act for the relief of Ossie Emmons and others;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins;

H.R. 11631. An act for the relief of Robert Gibbons;

H.R. 11814. An act for the relief of Claude V. Alcorn and 21 others;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 12903. An act for the relief of Anne M. Sack; and

H.R. 15865. An act for the relief of Richard L. Krzyzanowski.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 5416. An act for the relief of Ossie Emmons and others;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins;

H.R. 11631. An act for the relief of Robert Gibbons;

H.R. 11814. An act for the relief of Claude V. Alcorn and 21 others;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 12903. An act for the relief of Anne N. Sack; and

H.R. 15865. An act for the relief of Richard L. Krzyzanowski.

REVENUE SHARING ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 14370, the Revenue Sharing Act, be laid before the Senate and made the pending business, in accordance with the previous agreement.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

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.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. LONG. Mr. President, those of us in favor of the measure have explained the bill to the extent we think is appropriate at this time. We hope that any Senators who desire to offer amendments would confine themselves to amendments germane to the bill, that they would offer their amendments or at least explain them, and offer the Senate an opportunity to vote on them.

Those of us in favor of the bill brought it to the Senate before the recess. We explained the committee's position, on behalf of both the Democrats and the Republicans on the Committee on Finance. We were ready to vote and to debate amendments yesterday; we had none of our own to offer. The leadership twice suggested the absence of a quorum to prevent the bill from going to third reading.

We would hope that if Senators do not want the bill passed without amendments—which would be perfectly fine with the committee—they would present themselves and explain their amendments. Otherwise, we would suggest that the bill be advanced to third reading.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOWER). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1468

Mr. RIBICOFF. Mr. President, I call up my amendment No. 1468 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 38, line 15, strike out everything after the word "States" through line 23 and insert:

"(1) 40 percent of the funds available under subsection (a) of this Act, shall be allocated to the States for such entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the sum of the population of that State and its urbanized population bears to

"(B) the sum of the populations determined under paragraph (A) for all the States.

"(2) 60 percent of the funds available under subsection (a) of this Act shall be allocated to the States for such entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the general tax effort factor of that State multiplied by the relative income factor of that State bears to

"(B) the sum of all the products determined under paragraph (A) of all the States."

On page 56, line 6, add a new subsection:

"(f) For purposes of this subtitle, the term 'urbanized population', when used in reference to any State, means (A) the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes, or, if greater, (B) 30 percent of the population of such State (determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes). The data used for determining population and urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations."

On page 64, strike lines 13 through 20 and insert:

"(a) IN GENERAL.—The Secretary shall allocate to each State, for each entitlement period beginning on or after January 1, 1973, the following amounts (but not exceeding $500,000,000, in the case of the entitlement period beginning January 1, 1973):

"(1) 40 percent of the funds available under section 121 of this Act, shall be allocated to the States for entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the sum of the population of that State and its urbanized population and bears to

"(B) the sum of the population determined under paragraph (A) for all the States.

"(2) 60 percent of the funds available under section 121 of this Act, shall be allocated to the States for such entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the general tax effort of that State multiplied by the relative income factor of that State bears to

"(B) the sum of all the products determined under paragraph (A) of all the States.

On page 66, strike lines 5 through 23 and insert:

"SEC. 123. DEFINITIONS AND SPECIAL RULES FOR APPLICATION OF ALLOCATION FORMULAS.

"(a) IN GENERAL.—For purposes of this subtitle—

"(1) POPULATION.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

"(2) INCOME.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

"(3) PERSONAL INCOME.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

"(4) DATES FOR DETERMINING ALLOCATIONS AND ENTITLEMENTS.—Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the April 1 immediately preceding the beginning of such period.

"(5) INTERGOVERNMENTAL TRANSFERS.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

"(6) DATA USED; UNIFORMITY OF DATA.—

"(A) GENERL RULE.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

"(B) USE OF ESTIMATES, ETC.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

"(b) GENERAL TAX EFFORT FACTOR OF STATES.—For purposes of this subtitle—

"(1) IN GENERAL.—The general tax effort factor of any State for any entitlement period is (A) the net amount collected from the

State and local taxes of such State during the most recent reporting year, divided by (B) the aggregate personal income (as defined in paragraph (3) of subsection (a)) attributed to such State for the same period.

"(2) STATE AND LOCAL TAXES.—

"(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes taken into account under paragraph (1) are the compulsory contributions exacted by the State (or by any political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

"(B) MOST RECENT REPORTING YEAR.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of such period.

"(c) GENERAL TAX EFFORT FACTOR OF COUNTY AREA.—For purposes of this subtitle, the general tax effort factor of any county area for any entitlement period is—

"(1) the adjusted taxes of the county government plus the adjusted taxes of each unit of local government within that county area, divided by

"(2) the aggregate income (as defined in paragraph (2) of subsection (a)) attributed to that county area.

"(d) GENERAL TAX EFFORT OF UNIT OF LOCAL GOVERNMENT.—For purposes of this subtitle.—

"(1) IN GENERAL.—The general tax effort factor of any unit of local government for any entitlement period is—

"(A) the adjusted taxes of that unit of local government, divided by

"(B) the aggregate income (as defined in paragraph (2) of subsection (a)) attributed to that unit of local government.

"(2) ADJUSTED TAXES.—

"(A) IN GENERAL.—The adjusted taxes of any unit of government are—

"(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes,

"(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

"(B) CERTAIN SALES TAXES COLLECTED BY COUNTIES.—In any case where—

"(i) a county government exacts sales taxes within a unit of local government and transfers part of all of such taxes to such unit without specifying the purposes for which such unit may spend the revenues, and

"(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes, then the taxes so transferred shall be treated as the taxes of the unit of local government (and not the taxes of the county government).

"(e) RELATIVE INCOME FACTOR.—For purposes of this subtitle, the relative income factor is a fraction—

"(1) in the case of a State, the numerator of which is the per capita income of the United States and the denominator of which is the per capita income of that State;

"(2) in the case of a county area, the numerator of which is the per capita income of the State in which it is located and the denominator of which is the per capita income of that county area; and

"(3) in the case of a unit of local government, the numerator of which is the per capita income of the county area in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government.

For purposes of this subsection, per capita income shall be determined on the basis of income as defined in paragraph (2) of subsection (a).

"(f) For purposes of this subtitle, the term 'urbanized population,' when used in reference to any State, means (A) the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes, or, if greater, (B) 30 percent of the population of such State (determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes). The data used for determining population and urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations."

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Mr. Theodore Leary of my staff be permitted the privilege of the floor during the consideration of the pending bill.

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

Mr. RIBICOFF. Mr. President, I support the basic concept of revenue sharing. Many of our State and local governments are faced with a growing fiscal crisis as the demand for governmental services outpaces their ability to raise revenues.

Between the fiscal years 1955 and 1970 State and local general expenditures rose almost three times in current dollar terms—from $33.7 billion to $131.3 billion. During the same period State and local revenues rose from $31.1 billion to $130.8 billion. In order for these State and local governments to keep pace with costs, they have been forced to raise their taxes dramatically. Many of them, however, have reached the saturation point and can no longer maintain their effort.

Regrettably the Federal categorical grant programs designed to aid State and local governments have failed to alleviate their problems and in some instances have even aggravated them. The proliferation of these programs, each with their own regulations and narrow purpose, is confusing beyond belief. Catalogs now have to be published to guide State and local officials through the bewildering inventory of rules and requirements.

Even the process of applying for a grant may represent a distortion of local priorities. In winning Federal funds, State and local authorities effectively tie their own hands because of the matching funds principle behind most grant-in-aid programs. A State or locality which is successful in obtaining Federal grants soon finds that dollars from Washington can limit the scope and number of projects they would like to initiate on their own.

It is time to return some of the money this Nation's citizens send each year to Washington back to their own State and local governments without the usual restrictive conditions attached. It is time to let the people themselves determine how their hard-earned tax dollars should be put to work at the State and local level.

How this new money will be distributed to the States and localities is the critical element in the consideration of the legislation now before us and the issue which demands the Senate's most careful scrutiny.

I do not believe that anyone will argue against the fact that the rejuvenation of our deteriorating cities was one of the prime considerations in the development of the revenue-sharing concept. Yet the Senate Finance Committee has approved a bill which is only partly responsive to our urban problems. The committee's formula for making the initial allocation of the $5.3 billion pure revenue-sharing fund to the States—one-third State population, one-third State relative income, and one-third State general tax effort—is a conscious attempt to penalize those areas with the most explosive and expensive problems.

Even the most casual examination reveals that the committee's formula gives more of the $5.3 billion to those States which need it least and less to those States most in need.

Even more dramatic evidence of the inequities contained in the committee's formula can be found by studying the per capita amounts local governments receive of the $5.3 billion and the relative role the $5.3 billion will play in each local government's budget.

For example, the average per capita grant to all the local governments in Oakland County, Mich., will be $5.67. In Hartford County, Conn., it will be higher, $14.61, but nowhere near the $30.37 and $32.12 received in Jackson County, Ark., and Acadia Parish, La., respectively.

These same revenue-sharing funds will account for 8.3 percent of the total local government income in Oakland County. Again, Hartford's share is slightly higher, 8.9 percent, but far from the 50-percent level found in the Arkansas and Louisiana localities.

It is true that the formula adopted by the committee for determining each locality's share of its State's allotment does aid cities relatively more than the House bill. That, however, does not compensate for the fact that in the total distribution of the $5.3 billion, urban States and their State governments get far less than their fair share. While the greatest burden of urbanization is obviously borne by municipal governments, we must also recognize that many urban-oriented services are provided by State governments.

The committee has made an attempt to rectify this situation by distributing the $1 billion supplemental social service grant program fund on the basis of urbanized population.

Mr. President, I want to take this opportunity to thank our distinguished chairman for the gracious comments he made in opening the discussion of this

bill. At that time he kindly commented on the contributions that I and other Senators had made. I thank the Senator from Louisiana and also the Senator from Utah (Mr. BENNETT) for trying to work out a formula that would add additional sums of money for those States that would receive lesser amounts than those provided in the House bill.

Mr. President, by adding this money the committee can correctly claim that all but four States and the District of Columbia fare better under its bill than under the House version. It is easy to see why most States get more—the total fund has been increased by $1 billion. The committee's claim ignores the fact that while most State's total rises, the urban States do not receive as large a percentage of the entire fund as they would have under the House bill. For example, while Connecticut's total rises from $72.6 million to $75 million, its percentage of the total drops from 1.4 to 1.2 percent. The impact can be seen in other States as California's percentage drops from 11.5 to 10.2 percent, Ohio's from 4.3 to 3.8 percent, and Michigan's from 4.6 to 4.1 percent.

More important is the fact that there is no way the Finance Committee can guarantee that the final social service formula will be based solely on urbanization or that this new $1 billion fund will even be in the bill. By basing the distribution of the social service funds solely on urbanization the committee has admitted that its original formula was incomplete and unfair. It is however asking the urban States to now place all their eggs—or funds—in one basket.

I do not believe the Senators from the urban States can accept that logic for the risk is too great.

During his opening remarks on this bill the distinguished chairman of the Senate Finance Committee argued that the committee had significantly improved the House bill by eliminating the complex dual formula used for determining the distribution of funds to the States and localities and replacing it with a single formula. This was a step in the right direction. We should, however, take it one step further and eliminate the special social service formula and combine all four factors—population, relative income, tax effort, and urbanized population—into one formula for the entire $6.3 billion fund. We must guarantee that no matter what the final size of the fund each State will receive the same relative share.

My amendment distributes the entire amount authorized by the bill on the following schedule: 30 percent tax effort, 30 percent relative income, 20 percent population, and 20 percent urbanized population. This formula would give the appropriate recognition to the many problems which led to the development of revenue-sharing legislation and would not penalize any single State or group of States.

No formula for apportioning revenue-sharing funds will satisfy everyone, but the formula I propose today would fairly allocate money to the States on the combined basis of relative populations, income, general tax effort, and degree of urbanization. I urge the Senate to adopt this amendment.

Mr. President, I ask unanimous consent that a table detailing each State's allocation under my amendment, the House bill, and the committee bill be inserted in the RECORD at this point.

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

STATE ALLOCATIONS IN MILLIONS OF DOLLARS FOR THE HOUSE, FINANCE COMMITTEE, AND RIBICOFF FORMULAS

	House bill	Finance Committee	Finance Committee increase over House	Ribicoff	Ribicoff over House	Ribicoff over committee
Alabama	80.2	138.2	58.0	103.9	23.7	−24.3
Alaska	6.6	6.3	−.3	6.9	.3	.6
Arizona	46.1	64.7	18.6	58.0	11.9	−6.7
Arkansas	38.3	65.2	26.9	51.7	13.4	−13.5
California	610.8	644.4	33.6	723.2	112.4	78.8
Colorado	59.4	71.8	12.4	68.7	9.3	−3.1
Connecticut	72.6	75.0	2.4	91.4	18.8	16.4
Delaware	17.3	15.8	−1.5	17.0	−.3	1.2
District of Columbia	26.0	20.4	−5.6	25.2	−.8	4.8
Florida	150.0	194.6	44.6	192.2	42.2	−2.4
Georgia	103.4	136.4	33.0	124.1	20.7	−12.3
Hawaii	25.9	26.4	.5	27.1	1.2	.7
Idaho	15.4	23.6	8.2	19.5	4.1	−4.1
Illinois	301.8	316.2	14.4	355.3	53.5	39.1
Indiana	113.8	134.5	20.7	138.6	24.4	4.1
Iowa	67.8	91.6	23.8	81.9	14.1	−9.5
Kansas	47.7	64.5	16.8	61.7	14.0	−2.8
Kentucky	71.8	105.2	33.4	87.6	15.8	−17.6
Louisiana	83.2	138.9	55.7	110.3	27.1	−28.6
Maine	19.9	36.7	16.8	29.0	9.2	−7.7
Maryland	117.5	116.3	−1.2	112.8	−4.7	−6.5
Massachusetts	179.0	179.5	.5	203.5	24.5	24.0
Michigan	243.7	257.9	14.2	275.3	31.6	17.4
Minnesota	114.1	124.0	9.9	116.6	2.5	−2.6
Mississippi	46.0	105.1	59.1	68.0	22.0	−37.1
Missouri	107.6	129.9	22.3	129.1	21.5	−.2
Montana	16.7	24.3	7.6	20.2	3.5	−4.1
Nebraska	34.5	52.0	17.5	44.1	9.6	−7.9
Nevada	12.4	14.7	2.3	15.8	3.4	1.1
New Hampshire	13.5	18.1	4.6	17.7	5.2	−.4
New Jersey	179.7	193.0	13.3	224.3	34.6	31.3
New Mexico	22.5	39.0	16.5	29.6	7.1	−9.4
New York	649.6	625.1	−24.5	723.2	73.6	99.1
North Carolina	113.0	161.5	48.5	135.5	22.5	−26.0
North Dakota	12.0	23.2	11.2	18.3	6.3	−4.9
Ohio	227.4	241.1	13.7	279.7	52.3	38.6
Oklahoma	52.9	74.0	21.1	67.4	14.5	−6.6
Oregon	60.1	70.0	9.9	63.0	2.9	−7.0
Pennsylvania	300.9	347.6	46.7	348.4	47.5	.8
Rhode Island	25.9	29.3	3.4	30.2	4.3	.9
South Carolina	57.9	95.9	38.0	73.7	15.8	−22.2
South Dakota	13.5	29.3	15.8	21.4	7.9	−7.9
Tennessee	79.3	120.4	41.1	104.6	25.3	−15.8
Texas	248.3	326.0	77.7	316.9	68.6	−9.1
Utah	29.0	40.6	11.6	34.7	5.7	−5.9
Vermont	11.0	17.4	6.4	14.5	3.5	−2.9
Virginia	115.6	129.6	14.0	127.3	11.7	−2.3
Washington	79.1	107.8	28.7	105.8	26.7	−2.0
West Virginia	36.4	61.8	25.4	47.9	11.5	−13.9
Wisconsin	137.0	164.3	27.3	150.6	13.6	−13.7
Wyoming	6.1	11.5	5.4	9.5	3.4	−2.0

Mr. LONG. Mr. President, the House of Representatives received from the administration a formula that would distribute revenue-sharing funds by taking into account the population of a State and the relative tax effort that the people of that State were making to help themselves.

Looking at it from the Senate point of view, it is very difficult to justify the type of thing that was done from that point forward.

The reason I say that, Mr. President, is that by the time the House got through changing the formula, not only had the House added $300 million to the amount of funds in the bill, but they had also proceeded to reduce the money available to 29 States. The House Ways and Means Committee worked out a far more complicated formula than was suggested to them by the administration, and that committee, supported by the House under a closed rule whereby the bill could not be amended, not only increased the total amount by $300 million but it proceeded to reduce the funds to 29 States—more than half of all the States.

Oddly enough, the States that got the biggest slash in the help they would receive are the poorer States of the Union. That is very difficult to justify. For example, Mr. President, we in Louisiana apparently had the dubious fortune of leading the list. Louisiana is one of the lowest income States in the United States.

It is a State that has about the average population. It is one of those States that is making the greatest tax effort to help itself. Under the House measure, Louisiana would take the biggest cut, the largest of any State under the House proposal. The reduction would be $18 million.

Then the House turned to the largest and wealthiest States of the Union—give them an increase over the amount of funds they would be provided in the administration bill.

Let us take California. California, being one of the largest and wealthiest States, is most able to take care of itself. Under the House formula, California would receive an increase of $20 million.

Let us take New York. New York is one of the wealthy States of this Nation and one of the most populous. New York would receive an increase of $115 million.

Connecticut is not one of the largest, but it is clearly one of the wealthiest and one of the most affluent States in the

Union, enjoying the overflow from the New York metropolitan area. It is a State in such good shape that it strongly resisted the income tax because it has a very high percentage of affluent people, which is one of the conditions that one would look for in judging the need for revenue sharing. Connecticut received an increase of $13 million under the House formula.

Mr. RIBICOFF. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I will yield in a moment if the Senator will permit me a moment or two more.

Let us take Mississippi, the lowest income State in the United States. Compared to what Mr. Nixon recommended, the House proceeded to give Mississippi a cut of $15 million.

And so it goes. Oklahoma is one of the low income States. It had one of the biggest cuts. Washington, a relatively low income State, numbered fourth highest among the States which had their funds cut under the House formula.

States such as Iowa, New Mexico, Arkansas, and Tennessee would lose money under the House proposal as compared to the recommendations made by the administration.

Mr. President, those of us in the Senate looked at the same problem, and we concluded that it was fair to consider the tax effort people are making by taxing themselves.

Having done that, the members on the Committee on Finance felt it would be appropriate to add one other factor and that was the relative income of the people of that State. So we multiplied the population by two things: One, the tax effort the people are making to help themselves, and, two, to then multiply the first product by the inverse of per capita income so that the poorer the people in the State are, the more they get. In other words, the more they do to help themselves out of their means, the more they get. In doing it that way we came up with a formula that the spokesman for the administration said he thought was an improvement on what the House had done and what the administration had recommended.

The recommendation that the Senator from Connecticut makes moves back in the direction of the mistake I think was made in the House to begin with, where 29 States—more than the majority of the States of the Union—received less help. The Senator goes beyond that, since under his formula only 15 States would receive more, and they are the more wealthy and affluent States.

I have no apology for the fact that we added $1 billion to the bill as a tradeoff to end this 3 for 1, open-ended matching for social services of an undefined nature, which is an expense rising to levels that no one ever anticipated and which is threatening to bankrupt the Federal Government.

We suggested as part of that package that this $1 billion should be distributed on the basis that would take into account urbanization. There is support for this formula because it is in the urban areas where the Federal Government sustained the greatest expenditure of funds for those purposes. This is the argument the Senator made in the committee, and considering the fact that it is in those States that the spending for those social service programs would be implemented, it was fair to add an urbanization formula.

I can understand the cities have their problems, but cities have problems because they have people. Rural areas also have problems because they have people. We are seeking to help millions and improve city services. I would be the first to agree that there are inadequate services—inadequate garbage collection, inadequate trash collection, inadequate law enforcement. The same formula we apply in distributing money among the States to help to meet those problems takes these poor people into account and causes them to get a lot more money compared to the House bill—it causes them to get a lot more money in Watts and central Los Angeles than in Beverly Hills. All of that makes good sense, but it does not make much sense to reduce the amount of money that goes to rural areas and the poor people there in the effort to asssit people who live in the large metropolitan areas where perhaps sanitary services are not everything that is desired. In some respects you would be taking funds away from rural people who cannot afford even a flush toilet.

It would make better sense to retain the benefits that the committee provided to try to help finance these 35 poorer States and to retain the bill in its present position. When we go to conference we may well have to concede some or part of what the Senator is advocating. The House will insist on its figures and we will insist on our figures. The House provided more money for affluent States than the Senate did. We may have to compromise and yield to some degree to their position. I am certain they will be compelled to yield to ours. What the Senate sees here is not the final result, and one should keep in mind that when we go to conference we are looking at House figures as they appear on page 4 of the committee report. These large and more populous States and more affluent States that would receive more benefits in the House bill would find the Senator's amendment more to their advantage. I think it would be best that the Senate should not agree to the amendment.

I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I would like to point out to the distinguished Senator that the idea of the revenue sharing came into being because of the great problems the cities of America suddenly found themselves confronted with in the mid-1960's. The pressure arose as it became self-evident that the cost of running the cities had become so high it was becoming impossible for cities to provide services. This was further compounded by the fact that the cost of supplying services in the big cities exceeded the cost of supplying the same services in the small towns of America. So we find the big cities, whether they are in New York or California, with their backs against the wall, losing industries and services and being confronted with one problem after another.

For this reason I have tried to work out a formula that I think is equitable to every section of the Nation. I am realistic enough to know that the formula the chairman worked out with the overwhelming majority of the Committee on Finance does favor numerically in dollars more States than my formula. But by adding an urbanization factor I think we strike an equitable relationship between all States.

Let us take the State of Louisiana, the distinguished Senator's State. May I say that no other State is better represented in the Senate than the State of Louisiana. Whenever a formula comes up before the Committee on Finance the State of Louisiana never comes out second best to any State in the Union. I take my hat off to the Senator for protecting his State, but those from urban States are so outvoted in the Committee on Finance that urban problems are overlooked and bypassed.

Under the House bill Louisiana receives $83.2 million; under the proposal of the Committee on Finance Louisiana would receive $138.9 million, a fantastic increase. Under my proposal the amount would be $110.3 million, which is still $27.1 million over the House bill.

I am trying to point out we have a nation with problems in the 50 States and we should try to work out formulas whereby each State does not just look after its own interests. I recognize that rural areas have problems that are similar to problems of the big cities. I have tried to strike a balance by taking the three factors the Senator from Louisiana mentioned and adding in urbanization, which recognizes the special problems of the American cities.

In this way practically every State gets a fair share instead of setting 35 States against 15.

Mr. LONG. With all due deference to the able Senator—and he does a magnificent job; I am very proud to serve on the same committee with the distinguished Senator from Connecticut—it is not the State of Louisiana that does best as compared with the House bill; it is the State of Mississippi. The reason for that is that Mississippi has more poor people and also because Mississippi suffered somewhat the same fate as did Louisiana—because they took a big cut on the House side.

In any event, the Senator's argument would assume that it made good sense to do what the House of Representatives did when it took a recommendation that sought to take into account the fact that many poor people were doing the best they could to help themselves with their problems, whether they lived in a city or a rural area, and shifted away from that formula toward one which favored the relatively wealthy States, in ways which nobody could defend under any stretch of the imagination, and gave favored treatment to areas like Beverly Hills and Scarsdale over the poorest city areas—an utterly indefensible result.

We on the Finance Committee proposed only one formula. We proposed

that the same formula would apply not only to a State, but also to the subdivisions within that State. The formula works by taking the relative per capita income, and the relative tax effort of those people, and multiplies those two factors by the State's population.

It amused me to see what the metropolitan area papers said when it was assumed that, since large States like New York and California received less as a result of the committee action, it was rural oriented. When the formula was put in the computer to work out the allocation of funds, it could be seen that cities in New York and California, like cities in Illinois and Michigan, which needed help the most would get lots of help. And at whose expense? At the expense of the very wealthy suburbs, which really did not need any assistance at all.

Every one of us on the committee—I know I can speak for myself, and I think I speak for everyone on the Finance Committee—made a breakdown of how this proposal would work, community by community, and concluded that it did the most poetic justice that the mind and logic of man could suggest, because those who were trying to help themselves with their problems were given the most help, and those who were given the least help were those with the most income and the least need for help. Those which had high incomes and were able to help themselves, but did not do much about it, did not make out as well.

We on the committee were consistent. We advocated the same distribution formula for distributing funds within the States that we advocated for distributing among the 50 States.

I found it somewhat amusing this morning to read an editorial in the great metropolitan Washington Post, which said that the formula that we applied within the States made good sense, and we were to be applauded for that, but it did not like the idea of applying that same formula insofar as distributing funds among the States is concerned.

I might say that by applying the same formula among the States as within the States, makes sense and provides justice. We have provided statistics for every State. Senators will find it works out fairly and justly.

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

Mr. LONG. I yield.

Mr. BENNETT. While my colleagues have been discussing the problem of the big cities, I have been provided with a list of eight of our largest cities to show Senators how the Finance Committee version takes care of them as compared with the House version.

Under the House version, New York would have had $20.12 per capita. Under the committee version, it will receive $33.13, which is more than a 50-percent increase.

Chicago would have received $17.49 under the House version. Under the committee version it will get $23.75.

Philadelphia would have received $21.21. Under the Senate committee version, it will receive $28.49.

Detroit would have received $17 under the House version. It will get $28.09 under the Senate committee version.

Los Angeles would have received $10.55. The Finance Committee raised that to $14.58.

San Francisco, instead of $19.59, will get $31.21.

St. Louis, instead of getting $21.39, will get $26.84.

And Newark, which is held up to us as a city with probably the greatest ghetto problem in the country, would have its share raised from $15.89 to $26.03.

Under the Ribicoff proposal there would be an additional increase for all of these cities except for St. Louis, and there might be a slight drop for St. Louis.

I submit that the differences which I have read, which range as high as a 50-percent increase in the Senate committee's version over the House version, are great enough, and I do not think we need to add additional funds for those metropolitan, urbanized areas, when we consider how well we have treated them in the Finance Committee.

Mr. RIBICOFF. Mr. President, will the Senator yield for a short comment?

Mr. BENNETT. I yield.

Mr. RIBICOFF. I think it should be pointed out to my distinguished colleague from Utah that in urban-oriented States, many of the city and urban services are provided by the States, and, therefore, the urban State governments have additional burdens and costs which predominantly rural States do not have. So, by providing additional funds for those States, it enables those States to give services to the cities and enables the States themselves to continue as viable organizations.

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

Mr. RIBICOFF. I yield.

Mr. HARTKE. I would like to commend the Senator from Connecticut (Mr. RIBICOFF) for proposing to do something about one of the severest problems we have, and that is how to straighten out our cities, and not permit them to sink into their own mud and mire.

There is no question but that the proposal in the Finance Committee bill does provide more money for the cities, but, as the Senator from Connecticut has pointed out, the reason is that we added a billion dollars. If we add a billion dollars to a $5 billion program, we are going to provide more money for more people. As long as the people in the cities have to look exclusively to the city governments for the solution of their problems, serious problems will continue to grow. We are going to have to do something about the cities very soon.

In the process of providing revenue, I think we at least recognize that some of the problems can be solved if we can provide some financial assistance to the cities. The difficulty with the arguments made by those defending the Finance Committee proposal is that they are still not cognizant of the problems of city life.

I happen to be the only member of that committee who ever served as a city mayor. I came from a rural area originally, and later served as mayor of a city, and I can say quite honestly that poverty in rural areas is not the same as poverty in the cities. It is not as demeaning to the personality. Some may argue that poverty is poverty, but that is not true. As a young boy on the farm, I understood what it was to be poor, but I did not understand what it was not to be able to have open air, not to have recreational opportunities of any kind, or to be able to have your own garden or milk your own cow.

Today the cities are not even as they were when I was a youth, or even as they were when I was a mayor. They are piled up with garbage, they are piled up with crime, they are piled up with sewage, they are piled up with increasing debt, and they have no relief in sight. I think the Senator from Connecticut would agree that the total amount of money in this bill, if all the money were given to the cities, would not even begin to touch the problems of the cities.

Mr. RIBICOFF. I think the Senator is absolutely correct. The cities keep going downhill. Unfortunately, I cannot name a single city that is really getting better, because the financial problems of the cities keep getting worse and their populations keep increasing. I cannot think of a worse job than that of Mayor of a middle-sized or large city in this country. Populations keep shifting, the middle classes keep going to the suburbs, industries keep going to the suburbs, the income-producing property deteriorates and, taxes get higher. Every mayor in every city is caught in the vicious cycle of being a consistent loser. That situation does not prevail in either the rural areas or the suburbs of America.

We should be anxious about saving the fabric of American society, because once our cities fall apart, the fallout will affect the rural areas and the suburbs.

Mr. HARTKE. The Senator from Connecticut occupies a rather unusual position in this body because of his background and experience, which are probably without equal. He is a former Governor of his State and a former member of the President's Cabinet. In his own words he left the Cabinet to go where the action is. I share his frustration in seeing action that fails to result in performance.

We are constantly faced with the problem that the cities themselves, in looking for a solution, must turn to the Federal Government. For example, I talked with the mayor of Logansport yesterday. He said, "I am operating under a mandate from the Environmental Protection Agency to clean up the sewage of the city of Logansport. I have an application in for Federal funds. The State of Indiana is not willing to make its contribution; it does not have the funds to do so. So the difficulty is that I am faced with the proposition where I do not have enough funds. I do not have enough assistance to take advantage of funds available from the Federal Government and yet the Federal Government is telling me that our sewage problem is clouding the future of the city of Logansport, Ind."

That is just one place; its experience can be multiplied over and over again. I am certain that the Senator from Con-

necticut is well aware of the fact that the welfare load is such that if we ever expect to be able to break the welfare cycle, and I hope to goodness we can, we are going to have to give the cities some help with a part of that burden. As long as we are going forward with a program which recognizes only a part of the cities' problems the end result is going to be deterioration of the cities and a gradual slowing down of the whole course of the U.S. Government.

The difficulty is that those of us who take this stand, perhaps including the Senator from Connecticut, may be jeopardizing our seats. I commend the Senator from Connecticut for his effort, and will do everything I can to support him, and congratulate him for making this move forward.

Mr. RIBICOFF. I commend the Senator from Indiana for his deep knowledge and concern with all the problems that come before the Finance Committee. There are few Members of this body who understand the problems of economics and finance as does the Senator from Indiana.

Mr. LONG. 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. LONG. 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. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut. 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 Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. SCOTT. I announce the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 24, nays 61, as follows:

[No. 394 Leg.]

YEAS—24

Bayh	Hart	Saxbe
Bible	Hartke	Schweiker
Boggs	Inouye	Scott
Brooke	Javits	Stevens
Buckley	Kennedy	Stevenson
Case	Pastore	Tunney
Cranston	Ribicoff	Weicker
Gravel	Roth	Williams

NAYS—61

Aiken	Dominick	Miller
Allen	Eagleton	Mondale
Allott	Eastland	Montoya
Anderson	Edwards	Moss
Baker	Ervin	Muskie
Beall	Fannin	Nelson
Bellmon	Fulbright	Packwood
Bennett	Gambrell	Pearson
Bentsen	Goldwater	Percy
Brock	Gurney	Proxmire
Burdick	Hansen	Randolph
Byrd, Harry F., Jr.	Hollings	Smith
Byrd, Robert C.	Hruska	Sparkman
Chiles	Humphrey	Spong
Church	Jackson	Stafford
Cook	Jordan, N.C.	Symington
Cooper	Jordan, Idaho	Talmadge
Cotton	Long	Thurmond
Curtis	Mansfield	Tower
Dole	Mathias	Young
	McClellan	

NOT VOTING—15

Cannon	Hughes	Metcalf
Fong	Magnuson	Mundt
Griffin	McGee	Pell
Harris	McGovern	Stennis
Hatfield	McIntyre	Taft

So Mr. RIBICOFF's amendment (No. 1468) was rejected.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to 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.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. PUCINSKI, Mr. HAWKINS, Mr. MEEDS, Mr. QUIE, Mr. ASHBROOK, and Mr. RUTH were appointed managers on the part of the House at the conference.

QUORUM CALL

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REVERNUE SHARING ACT OF 1972

The Senate continued with the consideration of 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.

Mr. HARTKE. Mr. President, I call up my amendment No. 1461 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 61, beginning with line 21, strike out through line 2 on page 62, and insert in lieu thereof the following:

"(5) individuals employed in jobs financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer."

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senator from Minnesota (Mr. HUMPHREY) be listed as a cosponsor of my amendment.

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

Mr. HARTKE. Mr. President, the amendment which I have called up deals with the question of the general revenue sharing bill.

The PRESIDING OFFICER. Would the Senator suspend for a moment?

The Senate will please be in order so that the Senator from Indiana can be heard?

The Senator may proceed.

Mr. HARTKE. Mr. President, the general revenue sharing bill, as reported by the Senate Finance Committee, provides that $30 billion in Federal funds be dis-

tributed to States and localities over the next 5 years. Unfortunately, the legislation omits any provision that fair and adequate labor standards shall be observed in the spending of this money. The pending Hartke amendment makes it clear that States and localities must spend revenue-sharing funds under the prevailing wage concept.

It is true that the law as presently drafted carries a "no strings" label on the funds. It is not true, however, that in order to insure that States and local communities will be able to decide how to get the most for the money, the basic rights of workers must be abandoned.

Various kinds of wage protection have been incorporated in Federal and State labor legislation to insure that contracts would not be awarded to employers whose idea of competitive bidding is to undercut prevailing wages. Obviously, it is not the intent of this Congress that persons employed in jobs financed wholly or in part by funds allocated under this statute shall be paid wages which are lower than the prevailing rates of pay for persons employed in similar occupations in the same locality. Nor is it the intent of this Congress that revenue-sharing funds be used by those who would destroy the basic rights of labor to pirate business away from fairminded employers.

Prevailing wage legislation is needed as a protective corollary to the practice of awarding Government contracts to the lowest bidder. Unless all bidders are required to pay prevailing wages to their employees, the lowest bidder would become the one who paid the workers the least. Government contracts would then become the vehicle for exploiting workers. Prevailing wage laws offset this tendency by requiring that all bidders abide by existing community wage standards for the type of work being contracted out by the Government. Such laws do not raise or lower wages in the community. They merely assure that the existing community wage standards for such work are to be paid when work is done for the Government and paid for with Government money.

Prevailing wage laws have been in existence for nearly a century. First they applied only as a criterion for establishing wage rates for blue-collar Federal employees. Later this standard was extended to Federal Government contractors. In recent years, Congress attempted to close loopholes in prevailing wage legislation so that the principle would apply to all types of Government contracts—whether for construction, manufactured goods, or services. Now that Federal funds are to be turned over to the States and localities to spend, these wage protections must be extended as well. Otherwise, Congress will just be enacting a new loophole.

Mr. President, the pending Hartke amendment includes a clearly defined statement in terms of the obligation of the States and localities to guarantee that the money is spent under a "prevailing wage concept." In no case should any worker paid with general revenue-sharing funds be paid less than the minimum wage incorporated in the Fair Labor Standards Act which has been approved by Congress.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that George Krumbhaar, counsel to the Joint Economic Committee, be granted the privilege of the floor during the consideration of the bill.

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

Mr. RIBICOFF. Mr. President, I commend the Senator from Indiana for his amendment.

The Federal Government should not be giving away millions of dollars without some requirement that the States and localities pay wages in revenue sharing assisted programs similar to those prevailing in their own areas for similar work.

I fully support this amendment offered by the Senator from Indiana and the next one he intends to offer which would reinstate the Davis-Bacon provisions which the Senate Finance Committee regrettably eliminated.

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

Mr. HARTKE. I yield.

Mr. RIBICOFF. I yield.

Mr. PASTORE. Mr. President, did I understand the Senator from Connecticut correctly when he said that the Davis-Bacon provision inserted in the House bill was deleted by the committee?

Mr. RIBICOFF. The Senator is correct. Davis-Bacon Act protection was accorded in the House bill, but the Finance Committee eliminated it. But that is the subject of the Senator from Indiana's next amendment.

Mr. PASTORE. And this one provides, as I understand it, for the prevailing wage.

Mr. HARTKE. This provides for the prevailing wage.

Mr. PASTORE. In the particular community.

Mr. HARTKE. The Senator is right, in the particular community. The difference is that the Davis-Bacon protection was provided in the House bill. I have a series of formats which will cover this idea which has been basic in Congress for a long time.

Mr. PASTORE. I understand.

Mr. FANNIN. Mr. President, would the Senator yield?

Mr. HARTKE. I yield.

Mr. FANNIN. To answer the question of the distinguished Senator from Rhode Island, I think we should have clarification of this matter. This goes farther than I think the Senator from Indiana seeks to go, because it requires that individuals employed in jobs financed in whole or in part by revenue sharing must be paid the higher rate, the Federal minimum wage that is applicable to the job or State or local minimum wage.

For the most part, in comparable Federal employment the prevailing wage is higher. So it really is not paying the local wage rate for a comparable job. It is paying a higher rate.

So there is a vast difference. We are getting back to the Davis-Bacon Act when we do that. And of course the Davis-Bacon Act was in the House bill. We have illustrations of why the Davis-Bacon Act would be very detrimental to a local employer as compared to the rate that is now in existence in the local communities. To give an example, in the city of Page, Ariz., the minimum wage rate for common labor was about $2.50 an hour. However, it would be under the Davis-Bacon Act because the Government had a plant there. So, it would be $7.90 an hour under the amendment now offered by the distinguished Senator from Indiana.

There is a vast difference in paying $2 50 which is the wage rate paid in the local community, and going into a job that pays $7.90 an hour.

Mr. HARTKE. I do not disagree with the statement of the Senator, but the Emergency Employment Act is identical with this language. I have discussed it with the Secretary of Labor and the Secretary of the Treasury and they have indicated they support this type of legislation.

Mr. FANNIN. I do not want anybody to be misled into thinking they are going to have the local wage rate because it is not the local wage rate. This is the highest of all these wage rates. Does the Senator agree that is what the language states?

Mr. HARTKE. It is the highest of the, prevailing wage rate in the community. The Federal minimum wage or the State minimum wage. This is exactly what we did in the Emergency Employment Act. The Senator may complain about what it does and the Senator may complain about what Congress has done in the past. However, I am saying that if you are going to take Federal funds and distribute them the same standards should apply for specific contracts by the Government.

Mr. FANNIN. There is a vast difference because if a local community has a small job and they are going to do it with their own facilities they would be forced to pay these rates and to bring in a contractor doing work under a union contract. In the case to which I referred they would have to pay three times as much for this work.

It was brought out during the hearings that many times it is less costly for a community not to use Federal funds, such as Hill-Burton funds for hospitals, or funds for work of that nature, because they are forced to pay wages that sometimes are three times as high. In Utah some communities have turned down funds of this nature because if they utilize them they would have to pay an average of three times as much as they would otherwise.

Mr. HARTKE. Yes; the Senator may be a little confused on what we are trying to do. In the first place, if the Federal minimum wage is higher, that would apply. If the prevailing wage is higher, that would apply.

Mr. FANNIN. I think it is clear that when the Senator says the highest, they would have to pay three times as much.

Mr. HARTKE. If the prevailing rate is higher they would get that, but if the minimum wage is higher they would get the national rate. That is all we are saying.

Mr. FANNIN. For instance, in Maryland, in a small community, under the Senator's provision, they would not be paying the wage rate that was prevailing there; that would be the Federal con-

tract in operation at the time, and if that contract called for a wage rate under Davis-Bacon, they would come in and establish the wage rate not from the standpoint of that small town, but from the working contract.

Mr. HARTKE. All of this is handled by the Department of Labor.

Mr. FANNIN. Yes, it is. Of course it is. It forces the payment of a wage rate that is totally unrealistic. There is no problem as far as many jobs are concerned where they must pay a wage rate, not in the area but in that community.

Mr. HARTKE. Let me say that the Senator may be pointing to a specific case but over the years the Labor Department has testified on this before the committee that as far as they are concerned, when they establish a prevailing rate in the area, that prevailing rate is neither inflationary nor excessive in that area. This is being administered properly and if it is being administered properly it is not a problem.

Mr. FANNIN. We can give many illustrations where it is applied by the Department of Labor, and it has been so excessive that they have not been able to utilize Federal funds.

Mr. HARTKE. Let me say to the Senator that this is a procedure which has been administered by the Department of Labor. They have stated it does not provide inequities and that it is being done properly.

I am trying to provide the same basic rights that would apply if this were a Federal project under the Emergency Employment Act.

Mr. FANNIN. When the Senator talks about Federal contracts it is different than Federal funds being utilized by local communities.

Mr. HARTKE. That is correct.

Mr. FANNIN. I realize as far as States are concerned the Davis-Bacon Act applies on Federal projects. But why apply it to a local community project where it will cost them two or three times as much?

Mr. HARTKE. Because if you appropriate this money for a project identically the same procedure would result.

Mr. FANNIN. You could not say it is a Federal project like building a plant or some large facility. We are talking about local community projects.

Mr. HARTKE. I understand what the Senator is saying. The Senator does not approve of the standard wage concept. I cannot argue with the Senator if he does not accept the standard wage concept. I cannot make him accept it. But this is what it does. It is well established in law and it has been affirmed repeatedly by Congress. We are only trying to put something back in this bill that has been previously approved by Congress, something that has been recognized by the House, something that has been recognized by the Treasury as a proper approach and by the Department of Labor as a proper approach. The administration is prepared to support it.

I find it difficult at this time to go ahead and try to contradict anyone who is opposed to the prevailing wage concept. If it is good for Federal projects it is good for projects funded with Federal money.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. COTTON. The Senator is talking about the prevailing wage and the minimum wage. I want to be clear in my mind as to what the amendment means. It means that the Davis-Bacon Act shall apply to all wages expended under the funds in this act. Is that correct?

Mr. HARTKE. There are two amendments I am presenting. This is the prevailing wage concept. The Davis-Bacon Act uses the same concept but it is applied to construction workers alone. The Davis-Bacon Act has been on the books for a long time and that same basic rate applies to all employees. This deals with nonconstruction employees. If the prevailing wage is in that area, an area established by the Department of Labor, those wages shall be paid to any project funded under these funds. In addition, there is a provision that if a minimum Federal wage is higher than a prevailing wage, then it would apply. If the prevailing wage is higher, then it would apply.

Mr. COTTON. I am cognizant of the provisions of the Davis-Bacon Act. The only weakness of it was that the Secretary of Labor could declare any part of the United States he saw fit as one community so that in one fell swoop he put Boston, Mass., wages into effect in every remote community in my State and throughout New England.

When the Senator talks about prevailing wages in this amendment, he is applying the Davis-Bacon principle to nonconstruction workers. That is what the amendment does, does it not?

Mr. HARTKE. I am willing to accept that. That is a fair interpretation. Really, we are proposing the prevailing wage concept. What the Senator is saying is correct. I do not dispute for a moment that the area is designated by the Department of Labor.

Mr. COTTON. I have never complained about the principle of the Davis-Bacon Act except for the fact it has been enforced and because of the authority of the Labor Department, the Labor Department can declare all of the area east of the Mississippi as a locality if it so chooses, and it means we have that standard set. That is exactly what happened in New England.

Mr. HARTKE. The Senator is exactly right in his assessment and analysis of how the Davis-Bacon Act works. As a practical matter, it will not do that. If the Senator from New Hampshire would like to change the authority of the Secretary of Labor to designate the areas to be covered, that should be done in a separate amendment. All I am saying is that the concept, of which the Senator approves, should be involved in this legislation because this involves Federal funds. If the Senator from New Hampshire wants to change the Secretary of Labor's authority to designate areas, that is entirely different. All I am desiring here is equity of treatment, equity in the assessment of workers. If we are going to use Federal funds, then the same basic principle should apply.

Mr. COTTON. I thank the Senator for his clarification. The Senator from New Hampshire recognizes that he is powerless, and has been for 18 years, to revise the Davis-Bacon Act, and does not intend to try. But what the Senator's amendment really means is that if the Davis-Bacon Act applies, which in our locality, for instance, means that the prevailing wage of Greater Boston and Massachusetts shall prevail, every time we construct something in a little community in northern New Hampshire, where living conditions and living costs, and everything else, are different, it will make sure that funds that the Government borrows and pays interest on to distribute under the guise of revenue sharing—though it is not revenue; it is borrowed money—in every center in every remote locality in this country shall be used under the standard of the Davis-Bacon Act, or, if it is not a construction job, it shall be spent on a basis similar to the standard under the Davis-Bacon Act—in other words, you pay metropolitan wages in "Bingtown."

Mr. HARTKE. Let me comment for just a moment on what the Senator from New Hampshire has said. Let me read the language from the amendment. It says the Fair Labor Standards Act shall apply. That is an old law. It says the minimum wage law, which we passed in this Congress, shall apply. Subsection (C) reads:

> The prevailing rates of pay for persons employed in similar public occupations by the same employer.

That is a provision of the amendment. It is certainly very limited in scope.

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

Mr. HARTKE. I yield.

Mr. PASTORE. Does the Senator's amendment mean that if a mayor of a city who received that money augmented his police department, all additional policemen who come aboard shall be paid the same wages as those who were there already?

Mr. HARTKE. The Senator helps make it very clear.

Mr. PASTORE. Let me take this a step further so that there will be no misunderstanding. Let us assume that in that city there are certain Federal employees and municipal employees, and a secretary working on the Federal payroll gets $10,000 a year, but a secretary working under the municipal payroll gets $6,000 a year. Under the Senator's amendment, a new secretary engaged by the city will be paid how much?

Mr. HARTKE. Her salary would be the salary being paid by the city, unless the Federal minimum wage was in excess of that.

Mr. PASTORE. It would be in my particular case.

Mr. HARTKE. Yes.

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

Mr. HARTKE. I yield.

Mr. LONG. I do not understand the amendment, and I must beg the Senator's indugence while I try to get it straight in my mind. As I understand it, under the amendment, subsection (B) provides that a person must be paid the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of

pay for persons employed in similar public occupations by the same employer.

This subsection (C) is already in the committee bill, I believe. Is it not?

Mr. HARTKE. Yes.

Mr. LONG. So what we are really talking about, then, are subsections (A) and (B), "individuals employed in jobs financed in whole or in part out of its trust fund will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such act applied to the participant and if he were not exempt under section 13 thereof."

Then, am I to understand that if this is a category that is not subject to the minimum wage, the minimum wage shall nevertheless be applied to that category?

Mr. HARTKE. That is right.

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

Mr. HARTKE. I yield.

Mr. BROCK. Let me cite a case. Some of our communities are making an effort to get people off the welfare rolls, and they are taking them off and leaving their welfare payments intact, but they are paying them additional amounts for training type of work in order to give them a job skill and an opportunity to acquire meaningful employment later on. Would this proposal force the authorities to pay them at the Federal minimum wage?

Mr. HARTKE. Is the Senator speaking about trainees?

Mr. BROCK. I am speaking about people who are not clearly defined as either trainees or employees. Maybe they are both, but there are plenty of programs in which they are in training categories, whether they are trainees or not. The fact is that they are given low skill jobs at low pay which is supplementary to the subsistence pay which they normally receive as unemployed, in order to give them an opportunity to acquire a step up on the productivity ladder.

It looks to me like the Senator is pretty well eliminating the underemployed and the unemployed and the poor from participation in this program, because he is pricing them out of the market.

Mr. HARTKE. The Emergency Employment Act would apply there. What the Senator is saying is that if they are trainees they are going to receive trainee's assistance. I want to make sure they receive income which comes within the minimum wage standard established in the State.

Mr. BROCK. If the trainee was receiving $1.20 an hour, would he not be required to have his wage raised to the Federal minimum wage, under the Senator's amendment?

Mr. HARTKE. Not unless the provisions of the Fair Labor Standards Act applied. I go back to the Fair Labor Standards Act, as amended and passed recently. All we are saying, in substance, is that all these provisions of law which have heretofore applied under the Fair Labor Standards Act, the Emergency Employment Act, and the Minimum Wage Act shall apply if we are going to provide money under the revenue sharing concept, and not permit the Government to be a participant in cutting down wages. The Senator from Rhode Island put it correctly. If there are going to be trainees, they are to be paid trainees' wages, but if a person is going to be put on the payroll, he should be paid the same as those already there.

Mr. BROCK. The Senator is talking as though these were Federal projects. He says they should be paid the same. These are not Federal projects. The whole purpose is to give some flexibility to local government to respond to its own problems and the problems of its constituents.

If we are going to establish this kind of a criterion, without any flexibility at all, it seems to me we would inhibit their ability to respond to those needs.

Mr. HARTKE. No, I cannot agree with that analysis at all. The truth of it is that what we are doing here is providing Federal funds to local communities with no strings attached. All I am saying is that the gift shall not be one which goes in and undermines the prevailing local wages of the State and the minimum wage scales of the Federal Government. That is what we are saying. What we are saying is that this measure, cannot be used to prevent paying these employees the same rate as the same employers pays to other similar employees. In other words, it cannot be used to promote wage discrimination.

Mr. BROCK. I have seen some unions claim that every training program that is devised is an effort to cut the wages of their membership below the prevailing wage, though I think that is a ridiculous argument.

Mr. COTTON. Mr. President, will the Senator yield to me for just one remark?

Mr. HARTKE. I would be glad to yield.

Mr. COTTON. The Senator from Indiana, with his usual clarity, who has a faculty for getting down to brass tacks and presenting a question so that everyone can understand it, put a question to the distinguished Senator from Indiana asking if, in a city, secretaries working on a Federal payroll were receiving $10,000 a year, and secretaries working on the payroll of the city were receiving $8,000, and the amendment of the distinguished Senator from Indiana were adopted, what would the secretaries receive under this amendment, and the Senator's reply was $8,000.

Since the Senator's answer to that question, I have read his amendment again very carefully, and if that is what they would receive, then I cannot read plain English, because the amendment says distinctly differently. It says:

> whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act . . . . (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer."

It says "whichever is the highest."

Mr. HARTKE. Will the Senator permit me to try to explain that?

Mr. COTTON. That is what I want.

Mr. HARTKE. No. 1, that secretary—and I understand that is what the Senator is concerned about——

Mr. COTTON. Yes.

Mr. HARTKE. If the Federal minimum wage were the highest wage, the hypothetical secretary would receive that wage. If the State law provides a higher minimum wage, then she would get the minimum State wage.

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

Mr. HARTKE. I yield.

Mr. PASTORE. In order to clarify this, what the Senator is actually saying is this, that in no case will anybody be paid less than the minimum wage. That is what it amounts to, is it not?

Mr. HARTKE. The employee will be paid the minimum Federal wage or the minimum State wage, or, in other words, what everybody else gets from the same employer for employment in the same category. He will be paid whatever minimum other employees receive who are working for the city.

Mr. PASTORE. It strikes the Senator from Rhode Island that even without inserting this provision in the law, one would expect the particular mayor to do exactly what the Senator is trying to have him do by inserting it in the law.

Mr. HARTKE. That is right.

Mr. PASTORE. Because all the Senator from Indiana is trying to do is to make sure that they will not use this money to undercut prevailing wages. That is all he is trying to say. In other words, all he is saying is that for the comparable job already being performed, if they add to it new personnel, they have got to pay that new personnel the same amount of money.

Mr. HARTKE. Yes.

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

Mr. HARTKE. I am glad to yield to the Senator from Louisiana.

Mr. LONG. The more I read this amendment, the more it seems to me the Senator is not saying what the Senator from Rhode Island says he is saying. The more I read this, the more it looks to me like they have to pay whichever is the highest of three levels. The first is the prevailing wage they pay their own employees. This point was in the House bill, and the committee has left it in this bill, and that point we are not arguing. But in addition, they have to pay whichever is the highest of two other amounts. They would have to pay whichever is the higher, the Federal minimum wage, even though that does not apply to them, or if they have a State or local minimum wage which is higher than the Federal minimum, they would have to pay that wage, even though that does not apply to that particular employment.

The committee found no objection if you have to pay at least as much as you are paying your own policemen. But the amendment would provide that even though the Federal minimum wage law does not apply to city policemen, you still have to pay at least the Federal minimum wage. Even though it does not apply to city police, you have to pay that, unless you have a State minimum wage

law which is higher than the Federal minimum wage, then you must pay that.

So, you take a three-way deal, and whichever one is highest of the three is what you are going to pay. Is that not correct?

Mr. HARTKE. Surely. The Senator——

Mr. LONG. Even though right now none of them apply to you?

Mr. HARTKE. Will the Senator permit me to comment?

Mr. LONG. Yes; I am asking the Senator to.

Mr. HARTKE. The Senator is correct. But that is the way it is in the Emergency Employment Act. All I am saying is, if they are going to use Federal money, they are going to pay the Federal minimum wage. That is all the Senator from Indiana is saying.

Mr. LONG. I hope the Senator from Rhode Island heard the answer of the Senator from Indiana that what I said is correct, and here are three minimum wage principles, and you have to pay the highest of those three, even though none of them is applicable to you as the law stands now.

The Senator in effect says, "Yes, the reason they ought to do that is because the Federal Government is paying 90 percent of the costs or 50 percent of the costs and, therefore, they ought to pay the highest of those three." Whether the Federal Government is paying 90 percent of the expense or whether it is paying 50 percent, they will pay the highest of the three.

In this case, however, the Federal share might not be 90 percent. It might not be 50 percent. It might be just 1 percent, and the increased cost of applying this minimum wage rule might be more than the value revenue sharing would bring to the city. So it could be a very heavy burden.

We in the committee found no objection at all to saying that they will pay people the wage rate which persons employed in similar public occupations by the same employer are paid. As a result if they hire a policeman, they will pay him the same as they are paying other policemen. We found no objection to that. But if you take two other rules, neither of which otherwise would apply, and say, "You will pay the second if that is the higher," and then add a third, and say "You will pay that if that is the higher," that may be a reasonable requirement where the Federal Government is putting up 90 percent of the cost of a project, but where the Federal contribution may be only 1 percent or less than 1 percent, that is a very strained requirement to put on the payment of Federal aid.

A lot of the mayors want to take this revenue-sharing money and put it right into their operating budgets. That would mean everything they have added through revenue sharing, which might be only 2 to 5 percent of their operating budgets, might be consumed with this wage increase, so there is a question as to whether they are going to show a net gain at all, or whether they will have to levy a tax on their people to take advantage of the revenue sharing.

Mr. President, the majority of the committee felt that we should not put that unnecessary strain on this effort to help State and local governments, and every move that the Senate Finance Committee made to change this bill that had anything to do with requirements was not to put requirements on, but to take requirements off. We did feel that the provision that would require the payment of the same prevailing wage that they are paying other employees in the same type employment was reasonable, and that it should be in the bill. But in view of the fact that the Federal funds might only be 2 percent or 5 percent of a budget of the city or community we were seeking to aid, it occurred to us that the other strings might exceed the value of the revenue sharing.

Frankly, that is one reason why the cities are so concerned about the prospect of having revenue sharing subject to annual appropriations. They fear that every time a revenue-sharing bill goes through the Senate just for the regular annual amount, they might get an amendment such as this, which might cost them more than the revenue sharing would be worth to that community. That was the point made by many of them.

I must say that the AFL–CIO and its various groups have been consistent. In the first place, they were against revenue sharing completely. They felt that it ought to be handled like any other Federal program, with every condition attached to it that conscience and good judgment and logic could suggest, and that many of those amendments should be on there to provide an employer every opportunity to give the employee better pay and working conditions and shorter hours. But it was also their position that if you are going to pass this bill the Federal Government should put the hammer hold on the community and make them do what the AFL–CIO thought should be done.

That is, after all, the one big fear about revenue sharing—that we would attach strings to revenue sharing that would become so burdensome that by the time the communities met all requirements, they might have been better off to have forgotten about the whole idea.

While I think the Bacon-Davis concept is properly applied where the Federal contribution is sufficient and substantial so that a community can undertake the burden placed on it by having to pay a much higher wage rate, I can recognize the possibility that in many communities this requirement might prove to be a trap, because a board of county commissioners or a local community might make the mistake of taking the revenue-sharing money and putting it in their operating budget, so that revenue sharing would be a part of their total expenditures.

I would commend section (C) of this amendment, but I do have reservations about sections (A) and (B), in view of the fact that for some communities this is not going to be a large share of their budget.

Mr. BENNETT. Mr. President, will the Senator yield for the purpose of a unanimous-consent request?

Mr. HARTKE. I yield.

Mr. BENNETT. Mr. President, at the request of the Senator from Illinois (Mr. PERCY), I ask unanimous consent that Robert Vastine, a member of his staff, have the privilege of the floor during the consideration of this measure.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of amendments 1461, 1462, 1463, and 1466.

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

Mr. HARTKE. I yield to the distinguished Senator from Idaho.

Mr. CHURCH. Mr. President, I think I shall support the amendment offered by the distinguished Senator from Indiana, but it does point up the internal contradiction that lies at the heart of the proposed legislation.

As I recall, when President Nixon first proposed revenue sharing, his argument was that it would strengthen the State and local governments. None of us could dsagree that both State and local government in this country need additional revenue. But when it comes from Congress, it is very likely to come with strings attached. Even though the President, in his original proposal, said that he would insist upon no conditions except the basic constitutional requirement relating to nondiscrimination between races, already we are adding new conditions.

The particular condition that the Senator from Indiana seeks to add is one that I think is praiseworthy. Therefore, I shall vote for it.

I do not know how you get away from imposing conditions that seem to be reasonable when you are doling out Federal money. Therein lies the internal contradiction. It is not possible to have it both ways. It is not possible to have a revenue-sharing program without strings attached.

This is just the beginning of a series of knots that will be tied in this, and subsequent Congresses, which will restrict and regulate the use of revenue-sharing funds by State and local governments. Therein lies the internal contradiction.

As we increase the Federal allotment to State and local governments, we will also enlarge upon the degree of Federal control over the use of the funds. In the end, instead of strengthening State and local governments, we will weaken them still further. As they become more dependent upon Federal funds, we will erode away the independence of State and local governments. In the name of giving them additional strength, we will in fact impose further Federal limits on their freedom of action. Thus, our federalism is fed more and more out of the Federal Treasury, and State and local governments continue to decline. That is why I doubt that I can support this legislation on final passage. At the very least, it is my intention to vote against this bill, unless Congress and the President are willing to raise the money to pay for it.

At the moment, we do not have any revenue to share. Faced with a $38 billion deficit this year, the Federal Government is much worse off than most of the State and local governments the bill

purports to help. Unless we have the gumption to raise the money we propose to share, instead of adding still further to the enormous national debt, I shall vote against this bill on final passage.

But I do want the Senator to understand that I appreciate the fact that we should not extend Federal funds, without laying down certain conditions that we feel are fair and proper. Because the particular conditions contained in this amendment seem to me to be praiseworthy, and because they are consistent with previous policy adopted by Congress as it relates to the disposition of other Federal moneys. I am constrained to support the amendment that the Senator offers.

Mr. HARTKE. I thank the Senator. I think he points up exactly what the difficulty is with the whole problem.

This is something which has been discussed in the Committee on Finance The whole idea of taking Federal money and doling it out could have been obviated if we had some type of tax credit scheme. Unless we do this, we are going to have to proceed with the idea that we are taking the taxpayers' money and are putting it into the Treasury. If we do not adopt this amendment, we will have two separate standards. One of them will be applied where the appropriation process is gone through. In this case, they will not go through the appropriations process, which I find rather peculiar, but I will support the committee's position on it. In good conscience, I never did think it was a position which was defensible.

If you are going to appropriate money, the Appropriations Committee should be the appropriating body. But ultimately that issue too will be settled on the floor of the Senate.

If we do not apply this standard in the revenue-sharing bill, then we ought to repeal it in such legislation as the emergency employment legislation. There is no difference. If Federal money is being given to the States to be used on local projects, we should not use two standards.

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

Mr. HARTKE. I yield.

Mr. LONG. The Senator is aware that even if we tried to help the States by way of a tax credit, there is nothing to keep any Senator from offering an amendment on any revenue bill to put any conditions he desires on that tax credit, including the ones the Senator from Indiana has in his amendment. If the Senator wants to help the local communities and the States with the problem of the increasing restrictions on Federal aid, the only way we can do this is through restraint, by keeping the strings off in our actions on the floor of the Senate or in the House. That is the problem, whether we go by way of the tax credit, the tax deduction, or an appropriation, it makes no difference. It is a problem of restraint right here. It is the courage to say, "Yes, I would like to see them get more money in a way they can really use it." If you want to help them you should be saying, "I do not think I should be putting strings on this appropriation, this tax credit, or this tax deduction, because if I do, it will undermine the independence of the government and the ability of the local people and the local officials to do what they are trying to achieve."

In any event, the same problem remains. If the Federal Government wants to help the communities, it has the power, whether it goes the tax credit, tax deduction, or the appropriation route, to put on the strings. The restraint has to be the restraint of the individual elected representative not to put the strings on.

Many more types of strings can be suggested for the cities if we want to further restrict their benefits from revenue sharing. Many ideas have occurred to me that would be good conditions, but I dropped them, because I was persuaded meritorious though I thought they were, that if we put all the strings on, it would defeat the purpose of the bill.

Mr. HARTKE. Let me say to the Senator from Louisiana that I think the issue is clear. Under the Emergency Employment Act if we hire someone, he receives the highest of the Federal minimum wage, the State minimum wage, or the prevailing wage rate for similar employees. Failure to adopt the Hartke amendment would put the city in the ridiculous position of paying an Emergency Employment Act employee, at one rate, and a revenue sharing employee at a different rate. Both would be financed by Federal money.

Mr. LONG. It is a question of whether we are paying 100 percent Federal money, 90 percent Federal money, 50 percent Federal money, or one-half of 1 percent Federal money. The Senator would apply the concept to them even though the Federal contribution is less than 1 percent.

Mr. HARTKE. The Federal Revenue Sharing Act is a 100-percent contribution from the Federal Government and from the deficit, as Senator CHURCH said. We are taking 100 percent Federal money. Not one penny is being required to be donated by the State or collected by the State.

Mr. LONG. By the time the revenue-sharing money gets to the city employee, it might represent one-half of 1 percent Federal revenue sharing. What the Senator is proposing here might require the community to pay 20 or 50 percent for additional wages. In that situation, it would be well advised to take the revenue-sharing money and put it over into one isolated area of expenditure which would not be subject to the Davis-Bacon Act, because it has a high wage rate attached to it, where this requirement would not give them any problem rather than using it in something else which is far more needed. That would create a severe problem, in my judgment.

Mr. HARTKE. All the Senator is saying is, "I do not like the prevailing wage concept." Those who vote against this amendment will be voting against the wage concept embodied in the Emergency Employment Act. Some people may want to do that. I do not think that Congress would like to find itself in that anomolous position.

Mr. LONG. If we are talking about 100-percent Federal money, I would be willing to go along with the amendment, or even 50 percent and I would go along with that, but when the Federal contribution is 1 percent that, I think, Senator, is going a little bit too far.

Mr. HARTKE. All I can say is that this is a 100-percent contribution from the Federal Government. The State does not make one assessment. The local community does not make one assessment. This is 100-percent Federal money—$30 billion in the next 5 years.

Mr. FANNIN. Mr. President, the Senator says this is 100-percent Federal money. Does not the Senator agree that an employee can work 1 day for a city or a local community on a job and the next day he would be, perhaps, working on a job financed by revenue sharing. So that he would have two different wage scales and they would be forced to employ that person on a different basis. As the bill now stands, the worker must be paid no more than the prevailing rate for persons employed in a similar job. Is that not true?

Mr. HARTKE. That is right, but, really, I cannot conceive of anyone here doing it differently. Maybe the Senator from Arizona would like to.

Mr. FANNIN. Does not the Senator agree that the bill now requires that a worker must be paid no lower than the prevailing rate for persons employed in a similar job by a local government?

Mr. HARTKE. That is right, a policeman and another policeman would get the same salary no matter whether it is this Government or a local government.

Mr. FANNIN. They would be paid a fair wage by the State or local government, so that then they would get Federal funds. When they have a person that comes under revenue sharing, then they have to raise the wage rate as much as three times the amount.

Mr. HARTKE. The Senator can point to examples, of course, but all I am saying is that if we use Federal funds, Federal laws, and fair labor standards will apply.

Mr. FANNIN. The language was discussed in committee and, on the basis on which it is now proposed to the Senate, was overwhelmingly voted. It was a vote, I think, something like 8 to 2. So it is something that was thoroughly considered. If the Senator applies his principle that he is talking about here in his amendment, it would preclude a local government in many instances from taking advantage of revenue sharing. It would be precluded, because it would be more advantageous not to pay two or three times the wage rate for a construction job or some particular service. It would be better off not to accept the funds.

Mr. HARTKE. All I can say to the Senator from Arizona is that he does not like the prevailing wage standard. He also does not like the minimum standards. His record is consistent on that score. He has opposed every minimum wage to come before the Senate. That is all right with me. If he is not for the Fair Labor Standards Act, that is his privilege. But I say again that if we use

Federal money, then the Federal wage standards should apply to the workers.

Mr. FANNIN. It is not the prevailing wage rate the Senator would apply but a wage rate inconsistent and not intended by the revenue-sharing program.

Mr. HARTKE. I am perfectly willing to concede to the Senator that he can vote against this amendment, but I cannot conceive of the rationale that makes a distinction between the Emergency Employment Act, which this Congress adopted, and the revenue-sharing bill.

Mr. FANNIN. We have great unemployment in this country today, and we are trying to provide employment for as many people as we can who, perhaps, are not skilled to the extent that they can justify the construction wage rate or a high wage rate in the construction industry. Here we are saying that if a worker comes to work, we will pay him this amount, but if he goes to another job, in a local community, we will pay him one-third that much. This is just not consistent. It will work a hardship on the community. It is also a very unrealistic way to handle the wage earner. I cannot understand why the Senator is not satisfied with the provision that we now have in the bill that does require a minimum wage rate to be paid. That is very inconsistent, to my way of thinking, not to provide for this, as on page 61, section 5, it does specifically spell out that the person is protected. This would increase the prevailing wage rates being paid in the community. I hope that the Senator's amendment is rejected. It would be very detrimental to the revenue-sharing bill. It will probably mean that many communities in this Nation will not be in a position to use these funds. In fact, it would be more advantageous for them to do the work themselves than to go to the Federal Government for the revenue-sharing funds.

Mr. HARTKE. Mr. President, if the Federal Government is going to try to afford some type of relief to the local communities, I do not think it should contribute to the destruction of the local minimum wages. I do not think it should contribute to the destruction of the minimum wage standards set by the State. I do not think it should contribute to the destruction of the prevailing rates being paid.

The end result of a failure to agree to the amendment would be a steady deterioration in the Davis-Bacon law that has long been adopted and approved by Congress. This would be a step backward for the working people.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. COOPER. Mr. President, may I ask the Senator from Indiana whether his amendment would authorize payment prescribed under the Fair Labor Standards Act to an individual who otherwise would be exempt?

Mr. HARTKE. Yes; it would.

Mr. COOPER. Would the Senator from Indiana tell me how his amendment would accomplish that? If one reads the amendment, it would not seem to do that. It says:

> Individuals employed in jobs financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, * * *

If the Fair Labor Standards Act does not apply to an individual, he is exempt. Would the Senator's amendment then cause him to be covered by the Fair Labor Standards Act? Would the act be applicable? Is the Senator, in effect, writing an amendment to the Fair Labor Standards Act rather than talking about revenue sharing?

Mr. HARTKE. The fact is that the minimum wage would be applicable to that individual. In other words, it would apply to all those individuals and others who are presently exempt.

Mr. COOPER. Mr. President, I will give an illustration. Assume Mr. Smith is unemployed, and he secures employment in a job which is partly financed by revenue-sharing funds. It is a position which is at present or at the time this measure becomes law is exempt from the Fair Labor Standards Act. Would the amendment require the minimum wage to be paid to him?

Does the Senator's amendment amend the Fair Labor Standards Act so as to provide that the minimum wage be paid to an individual who would otherwise be exempt? That is an easy question to answer.

Mr. HARTKE. Yes, it would.

Mr. COOPER. Then, the Senator's amendment in effect amends the Fair Labor Standards Act?

Mr. HARTKE. Insofar as those funds were used, the Senator is correct.

Mr. COOPER. Is that not a change? I want to vote for the Senator's amendment. However, if it is correct that the Senator is seeking to amend the Fair Labor Standards Act indirectly. I want to know that, and I would not vote for the amendment.

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

Mr. HARTKE. I yield.

Mr. HUMPHREY. It is my interpretation—and I think we ought to get this clear from the language that is here—that what we are really saying is that there are really three or four options which apply for the wage standard under this particular amendment.

The first is:

> Will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938 . . .

Mr. COOPER. I understand that.

Mr. HUMPHREY. Then it also says that those that are exempt continue to be exempt. That is what it says here. It says that those that are exempt under the Fair Labor Standards Act of 1938, as amended, would continue to be exempt.

Mr. COOPER. That is what I thought.

Mr. HUMPHREY. That is what I thought as a cosponsor. But if it is not, I do not want to be a cosponsor.

Mr. COOPER. The Senator from Indiana just said the opposite.

Mr. HUMPHREY. Mr. President, I think there is a misunderstanding here. The next option is the State or local minimum wage for the most nearly comparable covered employment, and the other is the prevailing rates of pay for persons employed in similar public occupations by the same employer.

In other words, what we are really saying here is that the wages to be paid will be the highest of those three possibilities, the possibilities under the Fair Labor Standards Act, as amended, with the exemptions that are presently in the law. That is my understanding.

Mr. COOPER. That is the way I understood it.

The language confuses me. I do not think the amendment is necessary, because, if the Fair Labor Standards Act applies, we are simply saying in this amendment that it does apply. And if it says further that it does not apply, it does not add anything to it. I wonder what its purpose is. If it is an attempt to amend the Fair Labor Standards Act, then I want to know.

Mr. HARTKE. Mr. President, I have discussed this matter with the chairman of the Labor Committee, the Senator from New Jersey (Mr. WILLIAMS). I do not think a lot of harm could be done by interpreting the amendment along the lines suggested by the Senator from Minnesota because, as I understand it, the law passed by the Senate leaves practically no exemptions anyway.

As far as I am concerned, if the Senator wants to make that clear and make sure that those who are presently exempt would continue their exemption, I would be willing to accept that change in the Hartke amendment.

Mr. COOPER. Mr. President, I would like to know if the Senator from Indiana agrees with the interpretation of his cosponsor the Senator from Minnesota (Mr. HUMPHREY).

Mr. HARTKE. I will agree to that.

Mr. HUMPHREY. Mr. President, I would like to ask one other point here.

I think the Senator from Louisiana has made a very valid point in reference to funds under revenue sharing coming to the local treasury—municipality, county, or State. Let us say that only about 5 percent or 3 percent of those funds actually go for the payment of services. This amendment would require that Federal standards such as we apply under Davis-Bacon, mass housing, or urban transit and so forth would be used. I think we ought to change this amendment to read as follows: "individuals employed in jobs financed in whole or in which more than 50 percent of such funds comes out of its trust funds . . ."

Then, we have not changed the basic standards which we have today in categorical grants and public construction. Then, we meet what I consider to be a very persuasive argument on the part of the Senator from Louisiana. I am not the main author of this amendment, but

I do try to be informed. I sat here and I listened to the debate. While I am strongly in favor of the general thrust of the Hartke amendment, and I join him in it, so far as I am personally concerned I believe it would be better legislation and sounder practice if we add these provisions to the bill, to state: "Individuals employed in jobs financed in whole or in which 50 percent of the funds come out of the trust funds under paragraph 1."

Mr. LONG. While I do not like the idea of any strings to money we are going to make available to the cities and communities, I have felt that something may be said for them where the Federal contribution is substantial. I voted to apply the Davis-Bacon Act, I would vote to apply it again where the Federal contribution is 50 percent, 75 percent, or 90 percent. But frankly, I did not vote for the first Hartke amendment and if I did not vote for one I would not expect to vote for the second. Number 1461 relates to the minimum wage and number 1462 applies to the Davis-Bacon Act. If I voted for one I would expect to vote for the other.

If you are looking at the situation of a city such as San Francisco, which has a very fine and able mayor who testified before us, where revenue sharing will be about 5 percent of his overall budget, it might be wages are very high there, but there are many other cities where wages are not high and it could be that by applying the Davis-Bacon concept to other city employees they would be barred from using this money unless they made wage increases larger than the shared revenue.

Admittedly, there are ways that people could get around this Hartke amendment, such as using the money to buy only fire trucks and other equipment, so that the provision would not apply.

Frankly, I would say that it would not be a bad compromise to say that this rule shall apply to situations where expenditures of funds from the local revenue sharing trust fund represents 50 percent or more of the wages which are paid to employees on a project.

Mr. HARTKE. I understand the Senator to say that if the amendment along the lines of the suggestion of the Senator from Minnesota were adopted in this amendment—does he anticipate he would expect to amend the amendment applying the Davis-Bacon Act, in the same fashion?

Mr. LONG. Yes.

Mr. HARTKE. That the Senator would want the same limitation?

Mr. LONG. Yes.

Mr. HARTKE. The Davis-Bacon Act deals with construction contracts on Federal projects. All we are saying is that the Davis-Bacon Act shall be applied to revenue-sharing funds used by local communities.

Mr. HUMPHREY. But that is almost all Federal funds, or 75 percent of Federal funds. There is a lot of difference in that and having county or municipal funds from a local district.

Mr. HARTKE. I cannot argue the fact that there may be some local money used, but I can find no one who would disagree with me that there is no local tax and no State tax and that it is 100 percent Federal funds.

I wish to point out this is not the end; this is just the beginning. This is just a foot in the door. Next year, they will be back for $20 billion. This is just the beginning and we had better get principles fixed in our minds.

The benefits of revenue sharing should not come at the expense of the working people.

Mr. HUMPHREY. The problem is that in many areas there is not a sufficient amount of money. In many major communities, the teachers are highly organized. In my State, the problem of the teachers is that there is no money. You cannot get money from an empty treasury. The purpose of revenue sharing is to put money in the treasury. It will permit hospital workers, teachers, and other workers to get a fair wage. We should be careful here that we do not destroy what we are trying to get. I am for revenue sharing. I know that some are not. But I am not going to adopt amendments that will destroy revenue sharing. But I do want to see standards to make it what we hope it will be and not destroy certain standards that already are established.

That is why I am saying we should accept the language I have proposed, which does not upset the apple cart and does not destroy the standards and it may reenforce the measure. My proposal was to include:

Individuals employed in jobs financed in whole or in which 50 percent of the funds come from trust funds.

Then, you have applied Davis-Bacon because the Davis-Bacon standard applies where there are Federal contracts in construction and not where some little local school district that does not get Federal funds is going to build a schoolhouse. It is where you have Federal contracts and Federal standards. If we were to modify it, it would improve the language.

I know there are those who believe there should not be any modification. I appeal to the author of the amendment to take what I consider to be a major step. Maybe it is not all he wants, but it gets at what we hope to accomplish here and it does not overly extend the matter.

Mr. HARTKE. First, this is not Davis-Bacon.

I just want to make clear it is not. This is the prevailing wage concept which is embodied in the Davis-Bacon Act. As the Senator says, it does not weaken it. This is a revolutionary concept, if we take the wording the Senator from Minnesota is talking about.

Mr. HUMPHREY. All it really says is as follows. Here is revenue sharing, shall we say, in the city of Marshall, Minn., of $125,000. That goes into the community treasury. That is what it is for. It goes in there. If that represents 3 to 4 percent of the amount of money that is available for the prevailing wage in that community so that we can have somebody working in the park or somebody working in a hospital, is the Senator going to tell me that we have to apply all Federal standards for that 3 percent?

Mr. HARTKE. Does the Senator want to do away with the Federal minimum wage?

Mr. HUMPHREY. May I say to the Senator that is included in his amendment. Where we do have standards in present Federal law—and those that are the highest in this instance—they prevail. That is right here.

Mr. HARTKE. I understand that, but how does the Senator get to the 50 percent?

Mr. HUMPHREY. That is for the areas where we do not have Federal standards that apply. For example, if we have Federal standards for minimum wages for hospital workers—it does not make any difference whether they are in Isanti County or in Westchester—it means they are to be paid the minimum wages. The hospital worker in this instance is covered by the Federal Labor Standards Act.

Mr. HARTKE. That is what the amendment says now.

Mr. HUMPHREY. That is correct. Let us take an instance where they are not presently covered, such as working in a park.

Mr. HARTKE. If it is exempt today, it stays exempt.

Mr. HUMPHREY. That is right.

Mr. HARTKE. Where does the 50 percent come in?

Mr. HUMPHREY. That is protection so the amendment would not be interpreted as meaning that if 2 percent of the revenues goes to pay for a park program, they are going to be able to impose Federal standards on the park worker.

Mr. HARTKE. 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. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The call of the roll was resumed.

Mr. HARTKE. 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. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Does the Senator from Indiana withhold his request for a quorum call?

Mr. HARTKE. Mr. President, I ask unanimous consent that the request for the quorum call be suspended, if ordered.

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

Mr. LONG. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. LONG. Mr. President, it seems to

me that if we are going to apply the minimum wage concept we ought to include the Davis-Bacon provision in the same motion. I do not believe it should be applied, but I do not think we should vote on a part of this concept without knowing the full implications of it. I therefore send to the desk an amendment, which is the next numbered amendment of Senator HARTKE and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The assistant legislative clerk read Mr. LONG's amendment to the amendment, as follows:

On page 1 at the beginning of the amendment insert the following:

"(5) that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and that with respect to the labor standards specified in this paragraph the Secretary of Labor shall act in accordance with Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and".

On page 61, line 21, strike "(5)" and insert "(6)".

Mr. LONG. Mr. President, this was the next numbered amendment of the Senator from Indiana (Mr. HARTKE). It is at the desk. This amendment would seek to apply the Davis-Bacon Act, as well as the minimum wage concept, in order to make complete the Senator's proposal.

It would seem to me we might as well face this issue as one proposition. Basically that is what it is. I do not see any point in the Senate's voting on part of a theory and then, having become committed to a part, being asked to go along with the rest of it. If the Senate is going to vote for the proposal, it should not vote for just a part of it.

Frankly, Mr. President, if this is to be done, it ought to be done across the board. I would hope the sponsor of the previous amendment, being the same Senator, would be willing to agree to this amendment.

Mr. HARTKE. Mr. President, I would prefer that this not be done, because we are dealing with two separate items.

In the first place, the Senator from Louisiana is exactly right. Amendment 1462 was intended to be called up. But the history of the Davis-Bacon Act is just a little bit different than the history of the Prevailing Wage Act, which I talked about previously. The Davis-Bacon Act provision was included in the House-passed bill and was dropped by the Senate committee in reporting the bill to the floor.

In other words, what we have is two different ideas. The previous amendment, without this second amendment, was not in the original House-passed bill, and I would hope that we could deal with these matters separately.

Mr. LONG. It would seem to me, Mr. President, that it is all the same idea, all the same concept, that as a condition of some mayor getting revenue sharing, even though it might be only 1 percent of the overall budget, that if this money finds its way into any of his activities where he is paying for the services for the people, it implies a wage increase. Of course, some of us fear that by the time we got through voting for a revenue-sharing bill, the whole thing would be used up in wage increases. Some fear that the mayors might just take all the money and give themselves a pay raise, so that revenue sharing would be of no benefit to anyone else.

This is a danger one has to confront, if he is willing to trust local governments. I believe that in the long run they have a way of serving the public interest, even though in the short run they sometimes develop defects which we necessarily complain about.

Certainly the principle is the same in this amendment as in the Senator's previous amendment—that implicit in getting the revenue-sharing money is a requirement that if any of this money finds its way into your services, you must have the burden of paying a higher scale of wages in a greater number of situations than you would otherwise pay. This, in many cases, might well mean that the increased cost would then exceed what was being received through revenue sharing, a strain which might place a burden so heavy that it would completely negate all the benefits of the more than $6 billion.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. HARTKE. Will the Senator yield a moment?

Mr. LONG. I yield to the Senator from Colorado.

Mr. ALLOTT. I would like to ask him, first of all, referring to the first amendment offered by the Senator from Indiana, if the reference there to the exemption under section 13 thereof refers to exemption for city, State, and county employment?

Mr. HARTKE. Yes, it does.

Mr. ALLOTT. I thank the Senator from Indiana. I hope I can get the floor in a little while and make a few remarks about this bill.

Mr. LONG. If the Senator desires to speak to it, I am willing to yield.

Mr. HARTKE. Let me make a comment first. I would hope the Senator from Louisiana would permit us to vote on these matters separately. After all, we have a 40-year history on the Davis-Bacon Act. It was born in the depths of the depression, under President Hoover. At that time, the idea was that there was a need to protect the wage earner from being victimized by contractors who might otherwise take advantage of situations where the Federal Government was trying to provide money for local items. That bill was passed in 1931. Since that time we have repeatedly adopted the provisions of that act. Some people have objected to it, but generally speaking, the whole idea has never been seriously open to question.

The fact still remains that the House of Representatives did include this provision in its bill, and for that reason I would hope that we could deal with these matters in an organized fashion, rather than lumping them all together.

Mr. LONG. In any event the Senator will have two separate votes, if the Senate resists the amendment.

Mr. HARTKE. I would like to have them considered separately, if I could.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARTKE. If the amendment as offered by the Senator from Louisiana as an amendment to the amendment of the Senator from Indiana is voted on in this fashion, would it preclude a vote on the amendment No. 1461, which is amended by the present amendment of the Senator from Louisiana?

The PRESIDING OFFICER. If amendment 1462 were adopted, then the vote would occur on amendment No. 1461 as amended by the adoption of amendment No. 1462. In other words, 1462 and 1461 together.

Mr. HARTKE. I understand that. What I asked is a different question. I am trying to find out the effect of the vote.

If there is a vote upon the amendment of the Senator from Louisiana as an amendment to amendment 1461, which was the original amendment offerred, and in the event that amendment fails, would that preclude the separate introduction of that amendment at a later date, to be considered by itself and not as a part of amendment No. 1461?

The PRESIDING OFFICER. No, it would not.

Mr. HARTKE. In other words, I want to make this very clear: The parliamentary situation is that a vote upon the amendment of the Senator from Louisiana would not constitute a prior vote upon the merits of that proposition, even though the words are identical?

The PRESIDING OFFICER. It would not. The reason it would not is that the Senator from Louisiana has slightly changed the language, so that they are not identical.

Mr. HARTKE. Oh, he has changed the language?

The PRESIDING OFFICER. He has changed the language to make it conform as an amendment to amendment No. 1461.

Mr. HARTKE. Then, as I understand, the parliamentary situation is that no matter what the results of the action on amendment 1462 as it now appears as an amendment to 1461, it could still be considered as an amendment in the first degree?

The PRESIDING OFFICER. That is correct.

Mr. HARTKE. And the reason for that is that as an amendment in the second degree it could only be considered as an amendment to the amendment already introduced?

The PRESIDING OFFICER. That is correct.

Mr. HARTKE. Could I further clarify this? If amendment 1462, which is of-

fered now as an amendment by the Senator from Louisiana, but was originally introduced by the Senator from Indiana, is adopted as an amendment to amendment 1461, and then the amended amendment were to fail, would it preclude the second introduction of either of these amendments, to be considered and voted on separately?

The PRESIDING OFFICER. No, it would not.

Mr. HARTKE. I thank the Chair.

Mr. LONG. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Am I correct in my understanding that if the amendment is agreed to, it would remain subject to further amendment, either by language added at the end or by language added to the portion of the amendment that had not yet been amended?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROCK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROCK. Was the amendment of the Senator from Louisiana offered as an amendment in the nature of a substitute or additional language to 1461?

The PRESIDING OFFICER. It was a perfecting amendment.

Mr. BROCK. As additional language?

The PRESIDING OFFICER. Adding language.

Mr. BROCK. I thank the Chair.

Mr. TOWER. Mr. President, the net effect of the two amendments being offered by the Senator from Indiana will be, I think, to place the worst possible strain on this revenue sharing money that we could cook up here.

The whole idea is to give this money to State and local governments so that they can spend it at their discretion. One of the principal motivations behind this is to supplement the incomes of State and local governments that have reached perhaps the limits of expendable resources.

Actually, I think that most people who support the idea of revenue sharing look at it as pretty much of a temporary or transient thing, that many of us would prefer to see the sources of money now preempted by the Federal Government returned to State and local governments so that they would not have to receive the money back down through the bureaucracy again.

I think we take a great deal away from the local decisionmaking process when we insist upon placing strings of this kind. The net effect will be to drive up the cost of programs that are funded under this revenue sharing proposal. The net effect will be that State and local governments will have less in terms of real money to spend for their projects that are funded partially or wholly by these revenue sharing funds, because they will be compelled to pay inflated wages. This is going to punish small towns, because wage rates are going to be calculated as being those of the next biggest metropolitan area nearby.

For example, the small town of Athens, Tex., would have to pay the highest union negotiated rates in Dallas, and this perhaps would make the use of revenue sharing money uneconomical for small towns.

The effect of Davis-Bacon is to punish small contractors and, again, to punish rural areas and to stifle and inhibit development in small towns and rural areas.

The Senator from Indiana mentioned some 40 years of experience with Davis-Bacon. That experience has led us to believe that we should consider very seriously the repeal of Davis-Bacon as it applies to federally funded housing projects, because the experience is that it has made low-income housing more costly and has tended to keep these projects out of the smaller towns in the rural areas.

We have already had 3 days of testimony on this subject in the Committee on Housing, Banking, and Urban Affairs, and it has made a voluminous record that shows conclusively that Davis-Bacon is an inhibition on the prohibition of standard housing for low-income families and for elderly people.

We should not keep perpetuating this evil, particularly in a revenue-sharing proposal that is designed to leave as much to the local decisionmaking process as possible.

Regardless of whether the amendment of the Senator from Louisiana to the amendment of the Senator from Indiana is adopted, in either case, this amendment should be resoundingly defeated, because it would defeat the whole purpose of revenue sharing.

Mr. HARTKE. Mr. President, I understand what these people are saying. They do not like the Davis-Bacon Act, the minimum wage concept, or minimum standards on State and Federal levels. That is what this is going to boil down to.

I thought we had that pretty well cleared up when we talked it over with the Labor Department and the Treasury Department, and both agreed that these amendments were in order.

Senator SCOTT is in the Chamber now, and I yield to him.

Mr. SCOTT. Mr. President, I have been asked by the administration to advise the Senate that the administration finds fully acceptable the four labor protective amendments proposed to the revenue-sharing bill by the Senator from Indiana (Mr. HARTKE). These amendments have been reviewed by the Department of Labor, as well as the Treasury Department, and it is the considered judgment of the administration that these basic labor protectives will strengthen the operation and administration of the general revenue-sharing program.

I will add, for myself, that I realize that there is a wide division of opinion here—there is on this side of the aisle—but I am asked to make this statement, and I do so in accordance with the request of the administration.

Mr. HARTKE. I thank the distinguished minority leader, because we did discuss these proposals with the administration. There were a couple of other amendments we discussed with the administration, and they felt that they could not go along with them and they should not be adopted. Therefore, we did not offer those amendments. They are at the desk. We intend to offer just the four which have been discussed with the administration.

I again want to express my thanks to the distinguished minority leader for making that statement and to thank the administration for the cooperation they have given us on this measure. We worked with them long hours to make sure that the best interests of all concerned—the workers, the municipalities, and the Federal Government—were all protected. I express my personal thanks to the Secretary of Labor and the Secretary of the Treasury for their cooperation in this matter.

Mr. LONG. Mr. President, I must say that I, being on this side of the aisle, do not regard myself as being privy to as much communication with the White House as when a Democrat occupied the position now occupied by President Nixon.

I sat in a joint session in the House of Representatives when the President announced this principle, and he said there should be no condition other than a condition that there would be no discrimination. Knowing no more than that, when we acted on this measure, I felt that I was supporting what the President had said and what we all applauded when he said that we ought to help these communities and that there should not be any strings except one, which was totally unnecessary anyway—no discrimination. I do not think the Constitution would let you discriminate because of race, color, or creed—and soon it is to be amended to provide that you cannot discriminate because of sex.

Not having voted because someone from the White House communicated with me, but having voted because something made common sense to me, I felt that I should vote to do what I thought was best for these communities and that we should apply a minimum of strings.

I think that if Senators are going to vote for the first Hartke amendment, they should vote for the other one, because they will be asked to vote that way, and they should not vote in the blind, thinking that they are only voting to apply the minimum wage concept when they are really voting to apply a major increase in the cost of government to most local and city governments and in many cases a large increase to State governments. In some instances, it may well be that the cost of the labor increases might exceed the revenue-sharing benefit.

I would hope that if these amendments should be agreed to, the AFL–CIO might decide that they are for the bill after all. They testified against it. I guess if in some cases the benefit to them is more than the benefit to the community or the taxpayers, they might decide that they favor the bill.

I do think that the idea of a minimum of strings is good, but if some are to ap-

ply, I think we ought to recognize that we are going to vote on a larger grouping. I hope the amendment I have offered, which would put these two amendments together, will be agreed to.

Mr. PASTORE. Mr. President, I want to say a word or two with reference to the overdoing of the subject of cost.

It is my experience, and I think it has been the experience of most Members of Congress, that usually the minimums that are set are always far below prevailing wages. I think we are overdoing this afternoon the idea of how much more it is going to cost and stressing what a great burden it is going to be to the municipalities and to the States. I think that the element of fright is being overemphasized this afternoon. I do not think any real peril is involved here. It is nothing more than simple justice in the four amendments and I hope they will all be adopted.

Mr. FANNIN. Mr. President, I think we should review the purposes of the committee action that was taken, which was to allow the localities to pay the wage rates prevailing in their own communities——

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Arizona yield for the purpose of my making a unanimous-consent request?

Mr. FANNIN. I am very happy to yield to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader to make the following request, which has been cleared with the distinguished manager of the bill, the Senator from Louisiana (Mr. LONG), with the distinguished ranking minority member, the Senator from Utah (Mr. BENNETT), and with the distinguished Chairman of the Committee on Appropriations, the Senator from Arkansas (Mr. MCCLELLAN).

I ask unanimous consent that at no later than 12:30 p.m. tomorrow, it be in order for the distinguished majority leader or his designee to lay aside the unfinished business and call up H.R. 14370, the measure now before the Senate, and that the amendment to be offered by the Senator from Arkansas (Mr. MCCLELLAN) on behalf of the Appropriations Committee, amendment No. 1450, then be the pending question, the time on that amendment to be equally divided between the manager of the bill (Mr. LONG) and the Senator from Arkansas (Mr. MCCLELLAN); and that the vote on that amendment occur no later than 4:30 p.m. tomorrow.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Arizona for yielding.

Mr. FANNIN. Mr. President, to review the purposes of the committee action that was taken to allow the localities to pay the wage rates prevailing in their own communities rather than to require the payment of unrealistic, higher wages which often are imposed under the area-wide concept of Davis-Bacon, we should take into consideration why this was done. It was done in order that we could have the local communities sponsor the projects which are needed projects that would employ people at the wage rates prevailing in the community. This bill, as I have stated many times, applies only to the local communities and not to State projects. It has no effect on the little Davis-Bacon acts of the States. It does require that workers must be paid no lower than the prevailing rates for persons employed in similar jobs by such local governments.

If this is changed, then we kill the whole concept of revenue sharing because we will place a barrier on the communities in utilizing the funds and in many cases make it more beneficial for them to supply their own funds. Either that, or not even have the projects at all, because of the excessive wage rates that will be required so far above the wage rates now prevailing in the communities.

There are fair wage rates being paid, and I have given many illustrations. I gave the one in my own State of Arizona, in the northern part of the State, in the small town of Page, where the beginning wage rate for a common laborer is around $2.50 an hour. But here, if we apply this principle, because there is a power plant there, would the wage rate be $7.50 an hour for a laborer. In this town they pay $5 an hour to a mechanic, but because of Davis-Bacon it would be $10.90 an hour; for a carpenter from $5 to $9.32 an hour, if the Davis-Bacon Act applies. It is $10—more than double. This shows exactly what would happen. It would not be beneficial for the community to accept the revenue-sharing program. The community would be better off to go ahead and finance its own.

So, Mr. President, I hope that we will be able to maintain by what is intended in the original revenue-sharing program and that we will have the provisions now in the bill take precedence.

Mr. President, I feel that it is very important we give full consideration to what is involved. I do not feel that we have. This is a fair and equitable bill. It should be noted that the committee retained the nondiscriminatory provisions of the bill. It has other provisions in it which are fair and equitable to the employee, to the city and to the community involved. If we go ahead and make these changes that are desired by the Senator from Indiana, I am afraid we will kill the whole benefit of this legislation.

Mr. LONG. Mr. President, I ask for the yeas and nays on my amendment to the Hartke amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the amendment of the Senator from Louisiana (Mr. LONG) to the Hartke amendment.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 395 Leg.]

YEAS—86

Aiken	Eagleton	Montoya
Allen	Eastland	Moss
Allott	Edwards	Muskie
Anderson	Ervin	Nelson
Baker	Fannin	Packwood
Bayh	Fulbright	Pastore
Beall	Gambrell	Pearson
Bellmon	Goldwater	Proxmire
Bennett	Gravel	Randolph
Bentsen	Gurney	Ribicoff
Bible	Hansen	Roth
Boggs	Hart	Saxbe
Brock	Hartke	Schweiker
Brooke	Hollings	Scott
Buckley	Hruska	Smith
Burdick	Humphrey	Sparkman
Byrd, Harry F., Jr.	Inouye	Spong
	Jackson	Stafford
Byrd, Robert C.	Javits	Stennis
Case	Jordan, N.C.	Stevens
Chiles	Jordan, Idaho	Stevenson
Church	Kennedy	Symington
Cook	Long	Talmadge
Cooper	Mansfield	Thurmond
Cotton	Mathias	Tower
Cranston	McClellan	Tunney
Curtis	McIntyre	Weicker
Dole	Miller	Williams
Dominick	Mondale	Young

NAYS—0

NOT VOTING—14

Cannon	Hughes	Mundt
Fong	Magnuson	Pell
Griffin	McGee	Percy
Harris	McGovern	Taft
Hatfield	Metcalf	

So Mr. LONG's amendment to Mr. HARTKE's amendment (No. 1461) was agreed to.

Mr. LONG. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the end of amendment 1461 as amended add the following: "(7) Paragraphs (5) and (6) of this subsection shall apply only if the funds paid from the trust fund for the laborers and mechanics employed by the contractors and subcontractors referred to in paragraph (5) or the wages paid which are referred to in paragraph (6) constitute 50 percent or more of such wages."

Mr. LONG. Mr. President, this is the amendment that was suggested, in effect, by the Senator from Minnesota (Mr. HUMPHREY). I think it makes good sense. We have applied the Davis-Bacon Act first to Federal contracts where the Federal Government is paying all the expense. We had a right to do so. Subsequently, when we had aid to State pro-

grams and the Federal Government was paying as much as 90 percent of the cost of building a highway or 75 percent of the cost of building an airport, we agreed with organized labor when it said, "In view of the fact the Federal Government is paying the overwhelming proportion of this cost it should increase the wage ceiling on the States by making them comply with the Davis-Bacon Act." It has been extended to the point where we have applied it in some cases where the Federal Government is paying 50 percent of the cost of a highway or improvements under the Hill-Burton Act.

Under revenue sharing, however, there will be cases where the Federal Government share would be no more than 1 percent. As a matter of fact, Federal revenue-sharing funds under this bill will be only 5 percent of the overall State and local revenue. In county after county and in small city after small city, under the Davis-Bacon Act, these little communities will find revenue sharing might increase their costs by 15 or 20 percent on construction or other projects.

It would seem fair that if the Davis-Bacon Act, which is a Federal wage standard for Federal construction projects where the Federal Government is paying the majority of the cost, is to be imposed on those localities, it should apply only where the Federal contribution is at least 50 percent because that is the lowest degree of Federal matching known to me.

It seems reasonable to me, as suggested by the Senator from Minnesota, that if the Davis-Bacon Act and the other prevailing wage concept suggested in this amendment are to be applied to the local government as a condition of revenue sharing, it should be applied only to a project on which revenue-sharing funds represent at least 50 percent of the total cost. If it is less than that, we do not have a typical Federal matching program, and it would be setting a new precedent in theory to require the Davis-Bacon Act to be applied where the Federal contribution is less than 50 percent.

On that basis we would be saying that revenue sharing is going to pay for 50 percent or more of the project, we will require that the Davis-Bacon Act apply. Keep in mind, if revenue sharing is just added to the general operating budget, it is only going to be about 5 percent of it—on the average. If it is less than 50 percent, which is the lowest percentage now required to bring the Davis-Bacon Act into operation, then this provision applying the Davis-Bacon Act, in addition to the other requirement, would not be necessary.

I think that is a reasonable proposition, and it would seem to me that this amendment should be agreed to.

If Senators really want revenue sharing to impose no greater burden on State governments than the additional money to be passed to them, it would seem unreasonable to make an increase in the labor costs inevitable. In community after community the increase in labor costs could exceed the benefits of the revenue sharing bill.

I am normally content to vote for things that organized labor would suggest, but if this exceeds the revenue sharing to be available to a community, then the purpose portrayed to the American people for revenue sharing would be defeated.

Therefore, I think in fairness this amendment should be agreed to.

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

Mr. LONG. I yield.

Mr. MILLER. Suppose we have a situation where there is a construction project by the municipality and only 15 percent of the revenue sharing is going to go into it. Under the Senator's amendment the Bacon-Davis Act would not apply, but what would be the standard that would apply? Would it be the committee standard?

Mr. LONG. It would be the law that exists right now. Let me put it this way. There would be no additional standards imposed by this bill if the revenue sharing contribution is only 15 percent of the total wages paid on the project.

Mr. MILLER. I wish to ask a further question. The Senator will recall that the bill of the Committee on Finance when we reported it provided that the wages to be paid should be no lower than the prevailing rates for persons employed in similar jobs by local governments.

Now, is that still going to be in the bill if we adopt the Senator's amendment?

Mr. LONG. Senator, that is in the Hartke amendment, and because it is in the Hartke amendment, my amendment to the Hartke amendment would apply to it. The Hartke amendment, as the Senator knows, provides that the higher of any one of three categories has to be paid.

Mr. MILLER. That has been deleted. That has been superseded, has it not?

Mr. LONG. No. That is in the Hartke amendment.

The Hartke amendment seeks to strike the part of the committee bill which does what the Senator is discussing at this moment.

Mr. MILLER. Then, do I understand that what we have before us is an amendment by the Senator from Indiana which would take the higher of those three standards, namely, the prevailing wage, the minimum wage, Federal or State and local minimum wage?

Mr. LONG. Yes.

Mr. MILLER. And we have on top of that the application of the Davis-Bacon Act, and now the Senator is proposing that the 50-percent cases shall be the ones covered by the entire Hartke amendment, as amended?

Mr. LONG. That is correct.

Mr. MILLER. All right. And that will leave the other cases without any standard except whatever exists now, without any application on the part of the pending legislation?

Mr. LONG. Well, Senator, it would be the other situation that the Senator is discussing——

Mr. MILLER. The 15 percent, for example?

Mr. LONG. In the situation where the Senator would like the city or county to pay its new employees the same wage scale it is paying its old employees, as was provided in the committee bill, that would be superseded by the Hartke amendment.

If that should be the case, and the Senator from Iowa would like to offer an amendment to correct that and say that the employer only is expected to pay the new employees the same wages as the old employees, and the 50-percent requirement I am offering would not apply in that case, I would be happy to agree to such an amendment. But I am talking about what the Hartke amendment intended if it were fully implemented by the Senate—the way it would be if passed. Under that amendment an employee must be paid the same as others in the same line of work. If the State minimum wage is higher, however, it applies, even though the employee is not covered now by the State minimum wage; if the Federal minimum wage is higher, it applies even though an employee is now exempt from it. If the Davis-Bacon Act applies, he would have to be paid under the Davis-Bacon Act. So we have all those standards applying, and the highest wage would have to be paid.

I would simply say that, on this four-step bill, where a State would have to pay higher and higher wages as a condition of getting revenue sharing, it would have to do that only when the Federal contribution is as much as 50 percent of the wage cost of a project.

Let us assume that a State or a city wanted to build a new sanitary sewerage system and it was going to pay for it out of the revenue-sharing funds. The Davis-Bacon Act would apply. If it was going to build a hospital, the Davis-Bacon Act would apply. But if the funds were to be applied to the operating budget, the minimum wage rules would not apply if the revenue-sharing funds were 5 percent, or even 1 percent, of its overall operation.

Mr. MILLER. It would not have to comply with the Davis-Bacon Act because it was under 50 percent, but if I understood the Senator correctly, it would have to comply with the other three standards as set forth in the original Hartke amendment.

Mr. LONG. Under the amendment that I am offering, the 50-percent rule would apply to all of the Hartke amendments, both the three minimum wage concepts and the Davis-Bacon Act concept. If the amendment should be agreed to and the Senator wanted to offer an additional amendment to do what the committee had agreed to do in the first instance without the 50-percent limit I would be happy to support it as a part of the bill.

Mr. MILLER. I thank my colleague from Indiana. I would like to have the Senator from Indiana comment on this. I have a feeling that we may be leaving a gap here. I was here when the debate was being carried on earlier, and I was impressed with the Senator's suggestion of 50 percent, but I am not clear in my mind yet, after we adopt the amendment—and I am sure we will—where that leaves us with the 5, 10, or 15 percent and whether we are going to cover the three-factor original Hartke amend-

ment or whether it will be the will of the Senate to adopt the Senate Finance Committee's approach, which I thought was pretty good. I would like to get a comment from my friend from Indiana.

Mr. LONG. That remains to be seen. The Hartke amendment has not been agreed to yet. If it is not agreed to, of course, the committee's original provision would prevail.

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

Mr. LONG. I yield.

Mr. PASTORE. Does not the amendment offered by the Senator from Louisiana vitiate the action we took unanimously on his amendment? All one would have to do is use the money in operating expenses and it would vitiate the amendment adopted unanimously just a moment ago. Is that not so?

Mr. LONG. It could have been gotten around before. Revenue sharing funds could be spent on supplies rather than labor, and the Davis-Bacon Act would not have applied, anyway.

Mr. PASTORE. That is right. All we are doing here is suggesting to every municipality to put the money into operating expenses and then it does not have to pay minimum wages.

Mr. LONG. Mr. President, I offered the amendment a moment ago, as I explained, because I did not think we ought to vote on this concept of imposing a very heavy wage increase on State and local governments which may well exceed every nickel they will get under revenue sharing. I do not think we ought to impose that heavy burden on them in a step-by-step procedure by which they are asked to do something which is referring to a minimum wage, and then some other thing, and then something else. It is my thought that if we are not talking about Davis-Bacon, we ought to make it clear, and if we are going to vote for that concept, we ought to put the Davis-Bacon concept into it.

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

Mr. LONG. I yield.

Mr. PASTORE. We keep saying this step is going to result in an increase in wages. That has not been proved on this floor. Will someone please prove to me, in a documentary way, by substantial documentation, that if we adopt these four amendments we are raising wages in every city and town in this country? That has to be proved. I have not been convinced. I have heard here only that we are going to try to knock out the amendment put in by the House and try to defeat the four amendments that have been approved by the administration and have been sponsored by the Senator from Indiana.

Mr. LONG. I do not think the Senator heard the speech made by the Senator from Arizona (Mr. FANNIN). He emphasized the result of having the Davis-Bacon Act wages.

Will the Senator from Arizona please refer to those figures?

Mr. FANNIN. Yes. I have figures supplied for Page, Ariz. Right now the wages paid for a laborer are $2.50 an hour. Under Davis-Bacon, they will be $7.50 an hour. A mechanic is now paid $5 an hour. If Davis-Bacon applies, it will be $10.50 an hour. A carpenter receives $5 an hour. It will be $9.32 an hour under Davis-Bacon. An electrician receives $5 an hour. It will be $10.10. A painter receives $4.50 an hour. It will be $7.85. A truck driver receives $3 an hour. It will be $7.75 under these provisions.

So this is something that we can and have documented, and there are many other illustrations that could be used. We do not even need to go any farther than to some of these small, coastal counties in Maryland and Virginia to find similar situations, where they would come to the Washington area to set the wage rate that would be applied. So there is just as much differential for those areas as I have illustrated in the small town of Page, Ariz.

Mr. PASTORE. Does not the Senator from Arizona agree that if we are going to begin spending Federal money, and we have the Davis-Bacon Act which applies to Federal contributions and Federal contracts, the same standard should apply here?

Mr. FANNIN. It depends on what we are trying to achieve. Are we trying to do something for these communities? Are we trying to achieve greater employment? I think that would be the answer.

We are trying, through this legislation, to help these communities. We would certainly defeat that attempt if we had the Davis-Bacon Act apply in these situations.

Mr. PASTORE. Well, I hope we are not trying to encourage scab wages.

Mr. FANNIN. No, we are not. The committee bill, as far as that is concerned, would not be affected by the Davis-Bacon Act. It requires that workers must be paid no lower than the prevailing rates for present employees in similar jobs in the same locality.

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

Mr. FANNIN. I am pleased to yield to the Senator from Utah.

Mr. BENNETT. I would like to try to clarify the matter further by giving another illustration.

Here is a little town of 500 people. They decide to provide their local policeman or constable, or whatever he is, with an automobile, and they have got to build a one-car shed to put that automobile in.

As I understand it, under the Hartke amendment, that community must pay Davis-Bacon wages to the carpenter that they employ to build that $300 or $400 shed. There is no exception.

It seems to me that there should be some dividing line of size before you begin to impose on this little community the Davis-Bacon schedules, that are always developed from the nearest metropolitan community.

We were talking in the committee about the situation in Utah. In southern Utah, I understand they used the Las Vegas, Nev., wage schedules to develop Davis-Bacon schedules for communities of 200 or 300 people, 200 miles away, in the depths of the Utah Desert.

I think this 50-percent proposal is a good rule of thumb for making sure that we do not impose these very high levels on such a job as building a one-car garage. Is it the understanding of the Senator from Arizona that if the Hartke amendment were to apply, and Davis-Bacon were to be put in on an unlimited basis, it would be necessary to pay that carpenter the Davis-Bacon wages, for a job of that size?

Mr. FANNIN. I think it very definitely establishes that that is true, that it would apply, and it would work a tremendous hardship on the community. The garage is a good illustration, or if we are talking about facilities for the police department, or whatever it might be that needed services. It would be a tremendous obligation for that community.

Mr. DOMINICK. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I am pleased to yield to the Senator from Colorado.

Mr. DOMINICK. We had a situation that occurred in southern Colorado, in the San Luis Valley, where, with Federal funds, they were developing a community center building in a Mexican-American community.

They were already to let the contract when the Labor Department came in and said, "We have got to find out what the prevailing wage is." But, instead of going to their own locality, they went to find out what it was in Denver. The net result was that it increased the cost of the program by about two and one-half times, and they were about to cancel the whole contract.

We therefore went to the Labor Department and asked them to review it again. It is still in the process of review. The time for the start of construction and completion of the job has already been postponed by at least 6 to 8 months, and maybe a year, simply because of this problem.

My question is this, if the Senator can tell me: What is this 50 percent rule we are talking about here? How would that affect a revenue sharing grant which would be given to that same locality? What would they then have to do, with this 50-percent rule? Suppose they wanted to build a community building in this Mexican-American community?

Mr. FANNIN. If this is a project that is over 50 percent financed by Federal funds, then, of course, Davis-Bacon would apply in this instance. In the other instance, the Hartke amendment would apply. But in the first instance, it is my understanding that the requirement would still be that the workers must be paid at rates no lower than those paid by the local community for similar jobs.

Mr. DOMINICK. In the illustration I gave, it would have worked no hardship if they were figuring on the prevailing rates in the local community.

As I understand the Senator, what we are now saying is that the 50 percent proposal we have before us is better than it otherwise would be, but still does not give them much freedom of action to determine what to do with the funds they otherwise would have?

Mr. FANNIN. The Senator is correct. It was not in accord with the intention of the committee insofar as the handling of these funds is concerned. It was the committee members that the communi- overwhelming intent and opinion of the

ties should have freedom in this regard, but it would require them to pay prevailing wage rates for similar jobs in that same community, so it was fair and equitable, but it did not have the strings attached that we will now have attached.

Mr. MILLER. Mr. President, will the Senator from Arizona yield for a question?

Mr. FANNIN. I am pleased to yield to the Senator from Iowa.

Mr. MILLER. I understood, from the Senator's colloquy with the Senator from Colorado, that if less than 50 percent Federal money was going to go into the construction of that building, the prevailing wage rates would apply.

Perhaps they would, but I do not see that they would under the bill as amended by the Hartke amendment, because the Hartke amendment strikes that portion of the Finance Committee bill which provides for the prevailing wage. It strikes it all out, starting on line 21 and running over through line 22 on page 62, and that is the part of the Finance Committee's bill which provides for paying wages which are not lower than the prevailing wages. The Hartke amendment strikes that out, and covers those three factors of a local minimum wage, Federal minimum wage, and another factor.

Mr. FANNIN. If I may answer the Senator's question, the item the Senator is talking about is the prevailing wage for similar employment. That is the provision of the Hartke amendment.

Mr. MILLER. But the Hartke amendment adds those other two factors, and says "whichever is the highest."

Mr. FANNIN. That is right.

Mr. MILLER. If it just said prevailing wage, then I would not be confused, but it goes on to those other two.

Mr. FANNIN. I agree with the Senator that there is some confusion in that regard. I think the distinguished Chairman made it plain that it was his intention that this would apply; but, of course, if anyone wanted to clarify it completely, another amendment could be offered, if there was a question in the Senator's mind as to whether this would apply.

Mr. MILLER. I thank the Senator. I wonder if the Senator would yield for a further comment.

Mr. FANNIN. I yield.

Mr. MILLER. I hope that the Senator from Indiana, when he does get the floor—he has been waiting patiently—will comment on the situation in which the prevailing wage would apply except when it goes to Federal money, in which event Davis-Bacon would apply, because I think there is confusion in the way in which the amendment of the Senator from Louisiana would be added to the Hartke amendment.

Mr. HARTKE. Mr. President, the Senator has spoken of confusion. If this amendment is adopted, it will put the biggest bookkeeping job we have ever seen upon every local government. They will have to manipulate their budgets and spending so that they can put 49 percent in each situation. So that it is only 49 percent Federal. They will hire every accountant, every Philadelphia lawyer—and a few from Las Vegas—to make sure they can accommodate themselves to this type of situation.

Quite honestly, what we have here is an attack on the Davis-Bacon Act.

After all, the House of Representatives put this in the bill. It was taken out in the Finance Committee. Many things are taken out in the Finance Committee of which I do not approve. But we are now on the floor of the Senate.

I want to read the statement made by Senator SCOTT, which was made at the request of the administration. We talked to the people at the Labor Department. We talked to the Secretary of Labor. We talked to the people at the Treasury Department and the Secretary of the Treasury. The administration is fully in accord with the principles of the four amendments I have before the Senate at this time. Senator SCOTT said this, and I want to repeat it for the benefit of the Senate:

> Mr. President, I have been asked by the administration to advise the Senate that the Administration finds fully acceptable the four labor protective amendments proposed to the Revenue Sharing Bill by the Senator from Indiana (Mr. HARTKE). These amendments have been reviewed by the Department of Labor, as well as the Treasury Department, and it is the considered judgment of the Administration that these basic labor protectives will strengthen the operation and administration of the general revenue sharing program.

That is the considered judgment of this administration.

Herbert Hoover would turn over in his grave if he saw what was being done on the floor of the Senate to the two Republicans who sponsored the measure—Mr. DAVIS, a Republican Senator, and Mr. BACON, a Republican Representative. Mr. Hoover requested this type of language. The same arguments were made then. Through the years we have tried to build it up. If Senators want to gut the whole idea of paying fair wages to labor. if they want to take this country back to the idea that contractors and cheap labor can be brought into their local communities then they would vote for this amendment.

If the Long amendment is adopted, I think it would cure the unemployment of all accountants and bookkeepers in the United States. Every community from size 10 up, every county and every city, would have to employ a bookkeeper to make sure that they were below the 50 percent figure, so that they could pay less than fair wages to people who work for a living. That is the issue.

Mr. LONG. Mr. President, the Senator read a statement from the White House which initially was a great surprise to me, because I had not been kept informed about what was the White House position.

I offered the amendment we are talking about, and I am positive that the White House was not in a position to advise the Senator how to vote for my amendment, because it did not know I was going to offer the amendment. So, as a practical matter, with respect to the amendment I have offered, if you are going to impose these great additional labor expenses on the communities, it makes all the sense on earth that the Federal contribution ought to be substantial.

So I think it would be very presumptive of the Senator to assume, even if he were standing here as the minority leader, that the President of the United States would insist that the Davis-Bacon Act be complied with, even though the Federal contribution be a mere one-half of 1 percent. Nobody had a chance to ask Mr. Nixon about that, because nobody knew I was going to offer an amendment. Sometimes I cannot keep up with him, and it works both ways. He did not know I was going to offer the amendment. I do not know how anybody, without keeping in touch with him, could say that the President would not be for my amendment and would be for the Hartke amendment.

It seems to me that if this sort of cost increase is to be imposed, the Federal contribution should be substantial. The lowest degree of Federal matching in any program with which I am familiar—and I stand to be corrected if somebody will show me that I am wrong—is 50 percent. In most instances, it would be more than that.

I yield the floor, Mr. President.

Mr. PASTORE. Mr. President, I think we are beginning to kick a dead horse.

It strikes me—and it already has been said—that this contribution that will be made under revenue sharing will amount to approximately 5 percent. The biggest responsibility of any municipality is education—paying their teachers and building their schools. It strikes me that if any municipality is going to be burdened by the Davis-Bacon Act, all they have to do is to put this money into their educational budget. Every community today is confronted with the financial problems of education. I do not think that this afternoon is the time or this is the excuse that we should do anything to disrupt and destroy the philosophy of the Davis-Bacon Act.

I repeat: If in Arizona it will be difficult for officials without straining their own budget, to accept this money and put it into any channel that would subject them to the Davis-Bacon Act, then all they have to do is to put these shared funds into education, and they would have to put less of their local money into their budget for education. They could use the Federal contribution to do precisely that.

It would be a dangerous course for us, after the Davis-Bacon Act has become an integral part of the philosophy of Federal contribution, to destroy it here this afternoon. I hope we will not do it.

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

Mr. PASTORE. I yield.

Mr. FANNIN. When the Senator suggests putting it in education, does he want all the employees of his educational system under the Davis-Bacon Act?

Mr. PASTORE. No. As a matter of fact, the law provides that in that particular case the Davis-Bacon Act only applies to construction.

Mr. FANNIN. The provisions of the Hartke amendment go beyond the Davis-Bacon Act.

Mr. PASTORE. No. He has already explained it by saying that if you engage more police officers, all the amendment means is that the new men that are engaged have to be paid the same wages as

the prevailing wages being paid to other police officers. The Davis-Bacon Act has to do only with construction.

Mr. FANNIN. Amendment No. 1461 does not even mention construction.

Mr. PASTORE. Well, it was amended by the Senator from Louisiana.

Mr. FANNIN. It has not been amended yet.

Mr. PASTORE. Yes, that was adopted.

Mr. FANNIN. But it has not been finalized.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MUSKIE). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LONG. Mr. President, I have discussed this matter with the Senator from Indiana (Mr. HARTKE), and some of those who agree with him and some of those who agree with me, who have suggested to us a compromise to modify my amendment, which I personally would be willing to agree to. I propose to modify it where the figure of 50 percent appears by reducing that to 25 percent. The amendment is at the desk. The change would be simply this, that for the provisions of the Hartke amendment to take effect, Federal participation in the project would have to be as much as 25 percent.

Mr. HARTKE. Mr. President, this is an acceptable compromise to the extent that we can make some progress, to do it this way. Under such circumstances, I would be willing to accept that modification.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana as modified.

The amendment as modified was agreed to.

Mr. HARTKE. Mr. President, I understand that the yeas and nays have been ordered on my amendment.

The PRESIDING OFFICER. The Senator is correct.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent, out of order, that the vote on the pending amendment to the interim agreement on offensive weapons, the so-called Mansfield amendment, occur not later than the hour of 12 noon tomorrow, and that the vote be on the amendment as offered with no amendments attached thereto, and that it does not preclude the right of the Senator from Washington (Mr. JACKSON) to offer his amendment.

Mr. JACKSON. Mr. President, reserving the right to object—I want to state that I have been in touch with the majority and minority leaders, and I should like to be explicit on this matter, that adoption of the Mansfield amendment will not in any way prejudice the amendment that I intend to offer with some 40 cosponsors.

Mr. MANSFIELD. That is correct. It was so stated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. JACKSON. Mr. President, I want to say that from the very beginning I have favored and supported a unanimous-consent agreement in connection with the pending interim agreement. I would hope that tomorrow Senators would agree on a time certain to vote on my amendment, especially in light of the many cosponsors and the several amendments thereto. We have established some movement now in connection with the Mansfield amendment and I would hope that we could reach agreement tomorrow on a time certain for voting on my amendment.

If not, I, as one Member of this body, am prepared to join and file a petition for cloture, if that is the only way we can get to a vote. I want the record to be straight and clear on that, because I have tried from the very beginning to get an early vote on the amendments pending.

UNANIMOUS-CONSENT AGREEMENT TO VOTE ON APPROPRIATIONS COMMITTEE AMENDMENT

Mr. BENNETT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. BENNETT. Earlier we had an unanimous consent agreement to vote on the McClellan amendment to the pending measure at 4:30 p.m. tomorrow afternoon and I understood that was to be set back half an hour. Has it been set back?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—in conformity with the suggestion made by the distinguished Senator from Utah (Mr. BENNETT), and the request having been cleared with the able Senator from Louisiana (Mr. LONG) and the able Senator from Arkansas (Mr. MCCLELLAN), that the vote on the Appropriations Committees amendment occur tomorrow at 5 p.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID ASIDE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the unfinished business is laid aside temporarily tomorrow, it remain in a temporarily laid-aside status until the close of business tomorrow or until the disposition of the Revenue Sharing Act of 1972, whichever is the earlier.

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

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of 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.

Mr. FANNIN. Mr. President, I move to table the amendment of the Senator from Indiana (Mr. HARTKE) as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

Mr. FANNIN. 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 motion of the Senator from Arizona to table the amendment of the Senator from Indiana (Mr. HARTKE) as amended.

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 Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 28, nays 56, as follows:

[No. 396 Leg.]

YEAS—28

Allott	Eastland	Jordan, Idaho
Bellmon	Edwards	Long
Bennett	Ervin	McClellan
Buckley	Fannin	Packwood
Byrd, Harry F., Jr.	Fulbright	Roth
Cotton	Goldwater	Stennis
Curtis	Gurney	Thurmond
Dole	Hansen	Tower
Dominick	Hruska	Young
	Jordan, N.C.	

NAYS—56

Aiken	Boggs	Church
Allen	Brock	Cook
Baker	Brooke	Cooper
Bayh	Burdick	Cranston
Beall	Byrd, Robert C.	Eagleton
Bentsen	Case	Gambrell
Bible	Chiles	Gravel

Hart	Montoya	Smith
Hartke	Moss	Sparkman
Hollings	Muskie	Spong
Humphrey	Nelson	Stafford
Inouye	Pastore	Stevens
Jackson	Pearson	Stevenson
Kennedy	Proxmire	Symington
Mansfield	Randolph	Talmadge
Mathias	Ribicoff	Tunney
McIntyre	Saxbe	Weicker
Miller	Schweiker	Williams
Mondale	Scott	

NOT VOTING—16

Anderson	Hughes	Mundt
Cannon	Javits	Pell
Fong	Magnuson	Percy
Griffin	McGee	Taft
Harris	McGovern	
Hatfield	Metcalf	

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana as amended. 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 New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 58, nays 26, as follows:

[No. 397 Leg.]

YEAS—58

Aiken	Gambrell	Pearson
Allen	Gravel	Proxmire
Allott	Hart	Randolph
Baker	Hartke	Ribicoff
Bayh	Hollings	Saxbe
Beall	Humphrey	Schweiker
Bentsen	Inouye	Scott
Bible	Jackson	Smith
Boggs	Kennedy	Sparkman
Brock	Mansfield	Spong
Brooke	Mathias	Stafford
Burdick	McIntyre	Stevens
Byrd, Robert C.	Miller	Stevenson
Case	Mondale	Symington
Chiles	Montoya	Talmadge
Church	Moss	Tunney
Cook	Muskie	Weicker
Cooper	Nelson	Williams
Cranston	Packwood	
Eagleton	Pastore	

NAYS—26

Bellmon	Byrd,	Curtis
Bennett	Harry F., Jr.	Dole
Buckley	Cotton	Dominick
Eastland	Gurney	McClellan
Edwards	Hansen	Roth
Ervin	Hruska	Stennis
Fannin	Jordan, N.C.	Thurmond
Fulbright	Jordan, Idaho	Tower
Goldwater	Long	Young

NOT VOTING—16

Anderson	Hughes	Mundt
Cannon	Javits	Pell
Fong	Magnuson	Percy
Griffin	McGee	Taft
Harris	McGovern	
Hatfield	Metcalf	

So Mr. HARTKE's amendment, as amended, was agreed to.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. MUSKIE). On behalf of the Vice President and pursuant to Public Law 89–491, the Chair appoints Senator JOSEPH M. MONTOYA to be a member of the American Revolution Bicentennial Commission in lieu of Senator JOHN O. PASTORE, resigned.

The PRESIDING OFFICER. On behalf of the Vice President, and pursuant to Public Law 91–452, the Chair appoints the following Senators to be members of the Commission on the Review of the National Policy Toward Gambling: JOHN L. McCLELLAN, HOWARD W. CANNON, MARLOWE W. COOK, and EDWARD J. GURNEY.

APPOINTMENT OF CONFEREE

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senator from Washington (Mr. MAGNUSON) be appointed as a conferee on the bill, H.R. 14989, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year 1973, vice Senator Allen J. Ellender, deceased.

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

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes; and

H.R. 12350. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of 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.

AMENDMENT NO. 1463

Mr. HARTKE. Mr. President, I call up my amendment No. 1463, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 61, line 17, strike "and".

On page 61, between lines 20 and 21, insert the following:

"(5) no part of the funds it receives under this subtitle will be expended for the purpose of inducing any business or industry operating in another State or locality to leave that State or locality and transfer its operations to the State or county in which the government receiving such funds is located; and".

On page 61, line 21, strike "(5)" and insert "(6)".

On page 62, between lines 2 and 3, insert the following: "Any person or class of persons harmed, or which demonstrates a reasonable expectation of harm, by an expenditure of funds by a State government or unit of local government contrary to the provisions of paragraph (5) may bring an action in the appropriate district court of the United States, without regard to the amount in controversy or the citizenship of the parties, for such injunctive or other relief as the court may consider appropriate (other than the awarding of any monetary damages)".

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—having cleared this request with the Senator from Louisiana (Mr. LONG), the Senator from Indiana (Mr. HARTKE), and the Senator from Utah (Mr. BENNETT)—that time on amendment No. 1463, now pending, and time on amendment No. 1466, which will be offered immediately following the disposition of amendment No. 1463, be limited to 30 minutes on each, to be equally divided between the Senator from Louisiana (Mr. LONG) and the Senator from Indiana (Mr. HARTKE).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that time on each remaining rollcall vote today be limited to 10 minutes, with the warning bell to be sounded after the first 2½ minutes.

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

Mr. HARTKE. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I would like to state, for the benefit of the Senate, that it is my intention, if we can dispose of these amendments with a relatively short argument, that the entire time would not be necessary.

I repeat the message previously delivered by the distinguished minority leader, which confirms the previous discussions I have had with the administration concerning the two amendments with which we will proceed at this time. The administration said that these amendments have been reviewed by the

Department of Labor as well as the Treasury Department, and the administration considered that these provisions would strengthen the operation of the general revenue-sharing program.

The amendment I have called up at this time provides the assurance that general revenue sharing funds will not be misused to pirate industry from one community to another. It would fly in the face of the intent of this bill if one community with a large amount of available revenue sharing funds were able to lure industry and jobs away from another community.

In 1968, this body curbed an abuse when some local communities extended their full faith and credit to giant corporations, enabling them to float tax-free bond issues in behalf of industrial development. Prior to that action, giant corporations floated bonds of limitless amounts for the construction of new facilities at interest rates far lower than would have been paid if they had gone into the general bond market.

One of the abuses that led this body to act against the practices of unlimited industrial bond financing was the proposal by United States Steel Corp. to finance a facility in Lorain, Ohio, through the sale of $80 million of industrial bonds by the county of Lorain. The magnitude of the loss of tax funds to the Federal Treasury and the erosion of the tax-free bond market spurred us to act. Now we have specific restrictions as to amount and procedure for floating these tax-free bonds for corporate benefit.

Earlier, in 1965, this body also acted under the Economic Development Act to specifically forbid the use of Federal funds in behalf of so-called runaway corporations. That act specifically provided that funds could be used to enlarge a company's operations or provide for expansion of a company into a new territory. However, the legislation sought to prevent a community from receiving Federal funds, developing an industrial park, and then enticing industries from other localities to relocate.

It has been the consistent intent of Congress to curb the practice of industrial piracy wherein either Federal funds are used or the tax-free bond obligations of a local jurisdiction are utilized.

Now we are faced with a situation in the Revenue Sharing Act before us whereby this very abuse could conceivably reoccur. It is possible that the no-strings funds in this legislation may be utilized by a State or a local jurisdiction to establish an industrial park or to offer some special low-tax or no-tax inducement for the purpose of pirating an industry into its locale.

Commonsense dictates that the $30 billion of Federal funds that are being turned over to the States and localities in this legislation must have at least basic Federal guarantees against exploitation and misuse. One such possible misuse—as we have learned in the past—is industrial piracy.

I hope such an abuse will never occur. I hope it is not contemplated by any recipient community, but I do believe that we have the responsibility to specify in this legislation that we do consider industrial piracy an improper use of revenue sharing funds.

Mr. President, the pending Hartke amendment makes that stipulation clear. We should not allow the revenue sharing bill to leave the floor of the Senate without this basic safeguard for the rights of the workers as well as for the rights of a community to protect its industrial base against possible piracy by another locality that is bankrolled by no-strings revenue sharing funds.

Mr. President, I reserve the remainder of my time.

Mr. LONG. I yield myself 5 minutes.

Mr. President, I do not know how Senators individually are going to vote on the revenue sharing bill, but I do know that Senators who have had a chance to discuss this revenue sharing bill with representatives of local governments, with county commissioners, with mayors, and with State legislators have found that if you want their approval say that you are in favor of a revenue sharing bill with no strings attached. This they approve of. It sounded good when President Nixon stated that he wanted no strings other than against discrimination, which, after all, is against the Constitution anyway.

But, Mr. President, the administration, the same men who said they wanted no strings attached, have already attached two. One to assure that wages paid will be no lower than prevailing wage rates, and a second to add the Davis-Bacon proposition. Now, here comes the third amendment to say that none of this money can be used to attract industry from somewhere else.

Let us look at the situation of a community. They decide that in order to survive, they will have to build a little industrial park. Theoretically, if whoever comes in had a plant nowhere else, and he is not moving anywhere, then apparently he has complied with the third Hartke amendment; but, on the other hand, how would they know?

It may be that the company is expanding its facility. How would one decide whether it is just moving one machine, or moving a whole plant? That type of thing, Mr. President, would be the subject of litigation. This amendment would give rise to taxpayer lawsuits, and would tie the money up in litigation. This is one more string that would require more auditing and more questions asked about whether you could or could not use the money for industrial parks. Of course, all of that is contrary to the philosophy of the bill, that this ought to be of some help to State and local governments which they can count on to use for whatever they might need.

Some of these communities might be badly distressed, with a lot of people out of work, needing to find somebody to locate there. Some of them may need a payroll 10 times as badly as the area from which a machine might be moved.

As I say, Mr. President, this is one more basis for trying to trace the funds, trying to audit the funds, trying to check on them, and trying to put in more strings. And this will not be the end of it, either. The same Senator, the Senator from Indiana, has another amendment behind this one to say that if even a nickel of the revenue-sharing money goes into an urban transit system, there will be more strings that have to be obeyed.

In addition to the strings that applied when the Federal Government was going to make grants to pay for the entire cost, or 80 percent of the cost, of urban mass transit improvement, now we are told that if even a nickel of this revenue-sharing money goes to repair a local trolley car or to an urban transit system, the towns have to comply with all the strings and conditions that exist in the Urban Transit Act.

Mr. President, if Senators do not want revenue sharing, I suggest that the thing to do is vote for one amendment, and then another, each appealing on the face of it, but which add up to so much auditing and so many strings that the poor local people will have to throw up their hands and say, "We had best just forget about it."

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

Mr. LONG. I yield.

Mr. AIKEN. Is it the Senator's argument that if a community uses this revenue, or the share allocated to it, to improve its roads and schools and fire department, to improve the community, and, as a result, an industry moves in from another State and locates in that community, would that be a violation of the law as proposed in this Hartke amendment?

Mr. LONG. No, I think it is really intended to apply only in a situation where something well beyond ordinary services is provided to a particular industry. But there are all kinds of problems that arise even in connection with that.

For example, if you give them any more police protection than ordinarily provided, someone could file a taxpayer lawsuit and throw the whole procedure into litigation.

Mr. AIKEN. Do not all communities frequently expend funds to improve their localities, with the express purpose of inducing industries to locate there?

Mr. LONG. Of course they do.

Mr. AIKEN. If industries came over the border from another State, it seems to me it could constitute a violation of the law as proposed in this amendment.

Mr. LONG. Of course they do, and of course that opens up the basis for a taxpayer suit, which is expressly authorized by the amendment, to start arguing about the matter, whether this industry is actually coming from somewhere else or whether it is a new industry in fact. And whether, if it came from somewhere else, it was induced to do so by the use of revenue sharing funds. It is one more complication, one more string.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. I yield myself 2 more minutes.

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

Mr. LONG. I yield.

Mr. BENNETT. Along the same line,

suppose a community takes space in a newspaper in the metropolitan city in the State, saying, "We want new industry," and suppose some inquiries develop. And without building an industrial park or without investing money in bricks and mortar, a new industry comes as a result of the advertising. Would that subject a community to the same prohibition?

Mr. LONG. I am sure the Senator did not intend it, but a taxpayer lawsuit could challenge it and could tie up the revenue sharing money and any other money involved with it, on the theory that it is all a violation of a Federal law to do anything of that sort.

Mr. BENNETT. As a matter of fact, if, under any circumstances, any new industry moved into the community and the community was using revenue sharing funds for any purposes, you have the basis at least of a delaying action to the point where the industry would say, "We can't wait around for that. We'll go somewhere else."

Mr. LONG. That could very well happen, even though the case might ultimately be lost. It could tie them up in court quite a while, trying to prove this was not an industry moving from somewhere, that it was a new enterprise or an expansion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARTKE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes, and the Senator from Louisiana has 8 minutes.

Mr. HARTKE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

Mr. HARTKE. I would like to make one comment. The administration has approved of this amendment.

I yield back the remainder of my time.

Mr. LONG. Mr. President, when we agreed to yield back the time, the Senator wanted to make a further statement, and now I think I ought to do so.

There is no limit to the strings that the mind of man can conceive to place on this bill. While we were thinking about the bill, even before we could discuss it with the administration witnesses, I thought of a half dozen very desirable strings that could be added. I was persuaded to drop the whole idea only because the more I talked to the mayors and the State legislators and the county commissioners and the Governors and everybody concerned with local governments, the more I became convinced that even though it might be a good idea that people should not do one thing and another, the less desirable it appeared to try and regulate them in this bill. By the time we would get through putting all these strings on this bill, with all the good things I could think of that people should not do and should do, and all the good things the House Members can think of, which we took out of the bill, desirable though they may be, the bill would be unworkable. In the last analysis, if you believe in revenue sharing as a concept, you ought to have some faith and confidence that a local government would know how to spend the money. If you do not have any faith in local government or State government, you ought to vote against revenue sharing and have nothing to do with it. If you are for the concept of sharing some revenue, on the theory that the people in the local community ought to know better how to spend it than we would, then you ought not vote to add these strings, each of which has some appeal. By the time Congress gets through putting strings on it, not just the first time but the second and third times, you would wish you never heard of the idea.

You can see these amendments—they are added in the Senate; it cannot be done in the House—march in: Here is Davis-Bacon, here is urban transit, here is a condition labor would like to have to give them a little advantage in negotiating a good contract, here is something this group wants, and here is something somebody else wants. And you want to make sure they do not use the money to give the mayor a pay raise.

So many strings can be added to it that they negate the whole thought, which is that the Federal Government has taxed away so much money from the people at the local government levels that we ought to send some back.

Mr. BENNETT. Mr. President, will the Senator yield me 2 minutes?

Mr. LONG. I yield.

Mr. BENNETT. This amendment is very loosely drawn. It depends on the word "inducing." If the amendment said that none of these funds could be used to subsidize an industry brought in from the outside, that would be one thing. But to say that it cannot be used to induce, it means, if you want to go to the limit, that the mayor cannot talk with anybody in business on the outside and suggest, "We have a fine place here," because part of the mayor's salary may have been paid for out of revenue sharing funds.

I can understand the principle behind this thing, but it is so loosely drawn that if a recalcitrant taxpayer really got his back up, he could almost stagnate the operation of that community whenever any official made a move to try to persuade somebody to come in and go into business in the town. I think that for that reason the amendment should be defeated.

Mr. HARTKE. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes, and the Senator from Louisiana has 3 minutes.

Mr. HARTKE. Mr. President, I yield back the remainder of my time, with no further statements of any kind.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) would vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 26, nays 56, as follows:

[No. 398 Leg.]

YEAS—26

Bayh	Inouye	Pastore
Burdick	Jackson	Proxmire
Case	Kennedy	Ribicoff
Church	Mansfield	Schweiker
Cranston	McIntyre	Stevens
Eagleton	Mondale	Symington
Hart	Montoya	Tunney
Hartke	Moss	Williams
Humphrey	Nelson	

NAYS—56

Aiken	Curtis	Miller
Allen	Dole	Muskie
Allott	Dominick	Packwood
Baker	Eastland	Pearson
Beall	Edwards	Randolph
Bennett	Ervin	Roth
Bentsen	Fannin	Saxbe
Bible	Fulbright	Scott
Boggs	Gambrell	Smith
Brock	Gravel	Sparkman
Brooke	Gurney	Spong
Buckley	Hansen	Stafford
Byrd, Harry F., Jr.	Hollings	Stennis
	Hruska	Stevenson
Byrd, Robert C.	Jordan, N.C.	Talmadge
Chiles	Jordan, Idaho	Thurmond
Cook	Long	Tower
Cooper	Mathias	Weicker
Cotton	McClellan	Young

NOT VOTING—18

Anderson	Harris	McGovern
Bellmon	Hatfield	Metcalf
Cannon	Hughes	Mundt
Fong	Javits	Pell
Goldwater	Magnuson	Percy
Griffin	McGee	Taft

So Mr. HARTKE's amendment (No. 1463) was rejected.

AMENDMENT NO. 1466

Mr. HARTKE. Mr. President, I call up my amendment No. 1466 and ask that it be stated.

The PRESIDING OFFICER (Mr. HART). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 63, between lines 16 and 17, insert the following:

(d) CONDITIONS APPLICABLE TO USE OF REVENUE SHARING FUNDS FOR URBAN MASS TRANSPORTATION PROJECTS FOR WHICH OTHER FEDERAL FINANCIAL ASSISTANCE IS AVAILABLE.—

(1) IN GENERAL.—The terms and conditions applicable under section 3(e)(4) of the Urban Mass Transportation Act of 1964 to any expenditure by a State government or unit of local government for a purpose for which a grant of money or other assistance is available under that Act shall apply, under regulations prescribed by the Secretary, to any expenditure for such purpose out of funds received under this subtitle by a State government or unit of local government.

(2) ENFORCEMENT.—If the Secretary determines that a State government or unit of local government has failed to comply with the provisions of paragraph (1), he may withhold payments to that government in accordance wtih the provisions of subsection (b). Any person or class of persons harmed, or demonstrating a reasonable expectation of harm, by an expenditure of funds by a State government or unit of local government in violation of the provisions of paragraph (1) may bring an action in the appropriate district court of the United States, without regard to the amount in controversy or the citizenship of the parties, for such injunctive or other relief as the court may consider appropriate (other than the awarding of any monetary damages).

(3) REGULATIONS.—Within 90 days after the date of enactment of this Act, the Secretary shall, by regulation, issue a catalog of purposes and projects to which this subsection applies setting forth the terms and conditions which, under paragraph (1), are applicable to expenditures under this subtitle.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, this is the final amendment I intend to call up tonight.

The amendment requires compliance with the labor protection provisions of the Urban Transportation Act in urban transportation projects financed or assisted by Federal funds generated through the Revenue Sharing Act of 1972. This amendment meets the need for legislative equity and administrative order, as well as maintaining the integrity and credibility of laws passed by Congress. There should be no opportunity left for the possibility of bypassing the declared policy of the United States as expressed by previous acts of Congress.

As a result of extensive hearings and debate in 1963–64, Congress determined that the public interest would best be served by providing for the protection of existing employee interests affected by transit projects financed by Federal funds. These legislative requirements were originally enacted in the Urban Mass Transportation Act of 1964. The arrangements contained therein have been affirmed and reaffirmed by Congress over the years by periodic congressional review of the Urban Mass Transportation Act and the inclusion of similar provisions in the High-Speed Ground Transportation Act, and in the Washington Metropolitan Transportation Compact. Through this process of review and reaffirmation, these protective arrangements have achieved basic nonpartisan acceptance. Including and reiterating this national policy in the Revenue Sharing Act of 1972 would assure that the possibility of a double standard treatment of projects by applicants and/or by the administration would be avoided.

More than 500 such protective arrangements in projects involving almost $4 billion have been certified by the Secretary of Labor since the enactment in 1964. Thousands of workers have retained precious retirement benefits, job security, insurance, hospital and medical coverage, and other valuable rights and benefits. Conversely, failure to reaffirm in this legislation the national policy requiring compliance with recognized labor protections would deprive more than 100,000 workers in the transit industry of basic rights and interests, including not only their rights of organization and collective bargaining, but also pension rights accumulated after long years of struggle and financial sacrifice.

Unfortunately, the good faith of the parties cannot be relied upon to carry out the laws of the country. For instance, one city, which was able to obtain Federal funds from sources other than the Urban Mass Transportation Act, took over the local transit system. It then proceeded to deprive employees of all of their rights and benefits, including destruction and enforced liquidation of a funded pension plan which many retirees and workers approaching retirement age were counting on. Because Federal funds were available which did not assure basic employee protections, such as are now provided for in the Urban Mass Transportation Act of 1964, that city's administration callously destroyed the hard-won rights and benefits of employees who had earned them after a lifetime of service to the public. There are far too many similar examples to let this need go unanswered.

Mr. President, the Senate will make a substantial contribution to public order, to the avoidance of conflict, to administrative and legislative equity, by setting forth these clear-cut guidelines in the public interest. That is the intent of the pending amendment. I urge its adoption.

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

Mr. HARTKE. I will be glad to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I am pleased to see that the Senator from West Virginia, the chairman of the Public Works Committee (Mr. RANDOLPH), is on the floor. Of course, I know that the Mass Transportation Act was not reported from the Public Works Committee. It was reported from the Committee on Commerce. However, we have some joint jurisdiction.

I will ask this question first. I am familiar with section 3(e)(4), which relates to workers. And it is applicable to the Mass Transportation Act.

Does the Senator intend that those provisions applying to the Mass Transportation Act shall apply, as the language states on page 2, "for a purpose for which a grant of money or other assistance is available under that act" to any project for which the revenue-sharing funds may be used, the same as under the Mass Transportation Act?

Mr. HARTKE. No. If the funds are available under the Mass Transportation Act, it would apply if revenue-sharing funds are used to acquire a mass transportation system.

Mr. COOPER. What are some of those purposes? Is the Senator talking about the Philadelphia plan?

Mr. HARTKE. No. We are talking about the guarantee of pension rights and employee rights.

Mr. COOPER. If any of these funds are used under the Mass Transportation Act, the same rules would apply, would they not?

Mr. HARTKE. I think they would. I just want to make sure that they would.

Mr. COOPER. I have listened to the Senator's statement, and with all due deference, I could not determine what the specific purpose was.

Mr. HARTKE. I think the Senator from Kentucky may be entirely right. What he is saying is that the Mass Transportation Act would apply under any circumstances. I think he is right. I want to make sure that it is covered in this bill and that is the purpose of the amendment.

Mr. COOPER. That is if it is related only to the Mass Transportation Act. However, I do not want to be redundant.

Mr. HARTKE. All I am doing is trying to make sure that the provisions of that act will apply. If they apply anyway, it does no harm to make sure that we do it through this amendment.

Mr. LONG. Mr. President, the Finance Committee was not the committee that handled the Urban Mass Transportation Act. However, we did have the opportunity, as all other Senators did, to sit on the floor and vote on amendments and hear them explained to us insofar as we could escape other legislative duties during that time. And the best way that I can understand this problem is that we were asked by the union leaders—and a majority of the Members complied with their urging in this regard—to include first one condition and then another condition in there to protect union labor.

That was fine with us. We undertook to protect the pension rights and the other rights. I do not have them all before me. They were not timid about making demands, and I applaud them for that, because they are not supposed to be timid when speaking for those whom they represent. If a city is going to take over a private transportation system and operate it and guarantee all of the pension rights that the employees were guaranteed, that was all right with me. And it also seemed all right to most Senators, because this involved funds we were appropriating out of Federal money, and if these companies were going to pay for these things, why should we not do these various things for labor if we think it desirable?

However, the Senator would provide that if $1 of this money were going to pay the mayor's salary and the mayor would be in charge of operating that company that went broke, he will have to do all of these things that we put in the Mass Transportation Act, and the Federal Government will have to pay for it. That is an entirely different matter. It is the same principle as where the contribution might be only 1 percent or average out to 5 percent of the cost of operating the city government or county government. We are now asked to make them comply with all the conditions in the Mass Transportation Act if any of that money whatever, directly or indirectly, finds its way into the bus system or any other transit system in the city, for that matter.

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

Mr. LONG. I yield.

Mr. HARTKE. Mr. President, that is not the case. This deals only with the acquisition of a company. For example, if the city government through revenue-sharing should apply those funds to a bus company, it should meet all of the conditions which that bus company had to meet.

Mr. LONG. That is fine if the Federal Government is paying the money under the Urban Mass Transportation Act to acquire a bus system. However, if the city is obligating itself to take over a system because the operator went broke—and maybe the reason for going broke was because he undertook to do so many things for labor that it bankrupted him—and we are only contributing about 1 percent at best under the revenue proposal, I think it unreasonable to impose these conditions. It would be a reasonable proposal if the Federal Government was going to pick up all or most of the cost. It would become an unreasonable proposal when the Federal Government is going to pay for 5 percent or maybe for 1 percent of the cost of taking over this transportation system.

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

Mr. LONG. I yield.

Mr. HARTKE. Mr. President, I want to make two things clear. One of them is that it is not the way the Senator said, and the second is that it deals with the city where funds are applicable under the Mass Transportation Act.

Mr. LONG. What we are saying in the principle of this amendment is somewhat like the principle the Senator was advocating in the case of the other amendment. If we in Congress pass these Federal laws at the urging of these groups, it means that if we are going to spend any other money for education, we have to comply with all the requirements we put in the education laws, and if we spend any more money for highways, we have to comply with all the requirements we put in the highway legislation.

All we are going to pay is 5 percent, but they would still have to comply with all the different requirements. When we talk about the Federal Government paying all or 50 percent of the cost, that is one matter, but where the Federal Government might not be paying any of it, people might be taken to court. The local government's books would have to be audited about whether a single revenue sharing nickel was allowed to get into the trolley car system, and the highway system, I suppose. All of this was a good idea when we voted on Federal aid highways. But now the Senator wants to make all of this apply even though the Federal Government might only be paying 5 percent of the money and to me that is an unreasonable proposition.

The most unpopular thing that one can do is to go before the county commissioners or the State legislature and make a speech and say, "I voted to add conditions, and I found a whole bunch of good ideas I voted to impose on you." Frankly, I believe I can beat this one. I have thought of half a dozen conditions to put on this one that would beat it to death. For instance, put a referendum on it and have everyone vote whether to use the money this way or that way. That would be a far better amendment than we have here to comply with all the conditions of the Mass Transit Act, if the city takes over the bus system because it went broke.

While these strings may be good, they impose a heavy burden in many cases when all the city is getting is perhaps 1 percent, 2 percent, or 5 percent from the Federal Government to share the burden of the cost.

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

Mr. LONG. I yield.

Mr. BENNETT. I think the implication of this amendment is that the Federal Mass Transit Act is faulty. It does not do its job. Therefore, we must take this completely unrelated bill and strengthen the Mass Transit Act by imposing an additional burden on the local community. If all these problems exist they should be taken care from the point of view of the Mass Transit Act and not from this point of view.

Mr. LONG. It is perfectly all right with me to impose these conditions that the Senator from Indiana wants, if we are paying for it, but this is a very unreasonable condition. It means that every mayor, every county commissioner, governor, and State head has to study these conditions. We have not heard the end of it when Senators have meritorious ideas telling counties and cities how to operate.

Mr. President, I hope the amendment is not agreed to.

Mr. HARTKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. HARTKE. Mr. President I just want to say that what we are trying to do here is to make sure we do not have two parts of the Federal Government doing two different things. We are trying to provide the means under the Mass Transit Act to provide funds for the cities for the acquisition of these transit systems. If they do acquire them, with funds appropriated under the Mass Transit Act, the law provides that the people working there shall not be deprived of their rights. I am saying that it makes good sense to provide the same basic protection for those employees when their rights are involved in an acquisition with Federal funds provided by revenue sharing. This is 100-percent Federal money. We are talking about acquisition and not operation. If we are going to take Federal funds from revenue sharing and acquire the interest of, say, O. Roy Chalk in town, the rights of D.C. Transit employees should not be abrogated.

If it is good in one case it is good in another case.

Mr. President, has the time expired on the other side? If it has, I am prepared to yield back my time.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 9 minutes remaining and the Senator from Indiana has 7 minutes remaining.

Mr. HARTKE. I yield for a question.

Mr. MILLER. Mr. President, I merely want to make clear what this section 3 (e)(4), referred to in line 6, page 1 of the Senator's amendment is. Is that the acquisition of a transit facility?

Mr. HARTKE. Yes.

Mr. MILLER. In other words, the amendment goes only to the acquisition. Is that correct?

Mr. HARTKE. Yes.

Mr. MILLER. I thank the Senator.

Mr. HARTKE. As the Senator from Kentucky said a while ago, it is a question of whether this legislation is needed. We want to make sure that the labor protectives in the mass transit act apply to acquisitions made with revenue-sharing funds.

Mr. LONG. Mr. President, under the Senator's logic we can take every desirable condition that has been put on aid to education from the kindergarten to a postgraduate degree and say if 1 nickel of revenue-sharing money finds its way into the schools, colleges, or kindergartens they must comply with all of those conditions. When you put those conditions on they must pay the cost to comply. Here we say if even 1 nickel of revenue sharing gets into the hospital, for instance, it must comply with all of the conditions of the Hill-Burton Act; if 1 nickel gets into the highway program all of the conditions on Federal aid to highways must be met. We have standards for the construction of sewers. The county would have to comply with all the Federal standards for the construction of a sanitary system. If they want to put in a day care center, they would have to comply with all the Federal conditions for day care centers. The problem is there are so many conditions that the local governments could not comply with all of them without a tremendous burden, if they were to get even 1 nickel of revenue-sharing money.

Those examples are just as logical as someone's union rights. There is no end to the conditions the minds of men could conceive along this line. If Senators are against the bill, they should vote for the amendment. These are the kinds of things that everybody agrees will kill

revenue sharing—or the sorts of conditions that local governments would find it difficult to comply with.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Is all time yielded back?

Mr. HARTKE. Mr. President, these amendments were not thought up in the dark. We discussed them with the Treasury. They informed the Senate through the Senator from Pennsylvania (Mr. SCOTT) that it was their considered judgment that they would strengthen the operation of the general revenue-sharing program.

I hope that in the interest of bipartisanship this amendment can be agreed to.

The PRESIDING OFFICER (Mrs. EDWARDS). All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senators from Ohio (Mr. TAFT and Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 27, nays 54, as follows:

[No. 399 Leg.]

YEAS—27

Bayh	Humphrey	Pastore
Brooke	Inouye	Proxmire
Case	Jackson	Ribicoff
Church	Kennedy	Schweiker
Cranston	Mansfield	Scott
Eagleton	Mathias	Stevenson
Gravel	Mondale	Symington
Hart	Montoya	Tunney
Hartke	Moss	Williams

NAYS—54

Aiken	Burdick	Eastland
Allen	Byrd, Harry F., Jr.	Edwards
Allott	Byrd, Robert C.	Ervin
Baker	Chiles	Fannin
Beall	Cook	Fulbright
Bennett	Cooper	Gambrell
Bentsen	Cotton	Gurney
Bible	Curtis	Hansen
Boggs	Dole	Hollings
Brock	Dominick	Hruska
Buckley	Jordan, N.C.	Jordan, Idaho
Long	Pearson	Stevens
McClellan	Randolph	Talmadge
McIntyre	Roth	Thurmond
Miller	Smith	Tower
Muskie	Sparkman	Weicker
Nelson	Spong	Young
Packwood	Stafford	
	Stennis	

NOT VOTING—19

Anderson	Hatfield	Mundt
Bellmon	Hughes	Pell
Cannon	Javits	Percy
Fong	Magnuson	Saxbe
Goldwater	McGee	Taft
Griffin	McGovern	
Harris	Metcalf	

So Mr. HARTKE's amendment (No. 1466) was rejected.

Mr. LONG. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Madam President, there will be no more rollcall votes tonight.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER TO LAY BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that immediately following the period for the transaction of routine morning business tomorrow, the Chair lay before the Senate the unfinished business.

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

ORDER TO PERMIT THE SWITCHING OF TRACKS TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that it be in order, at no later than 1 o'clock p.m. tomorrow, for the distinguished majority leader or his designee to lay aside the unfinished business and call up the second track item, the revenue-sharing bill.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. ROBERT C. BYRD. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 976.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate the amendment of the House of Representatives to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, which is to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except a motorcycle, trailer, or multipurpose passenger vehicle.

(2) The term "multipurpose passenger vehicle" means a motor vehicle with motive power designed to carry twelve persons or less, which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle.

(4) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(5) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from a low-speed collision (including but not limited to a low-speed collision with a fixed barrier), or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged in such a collision; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle damaged in such a collision.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(7) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(8) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(9) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(10) The term "Secretary" means the Secretary of Transportation.

(11) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(12) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a crash or collision.

(13) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a crash or collision.

(14) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(16) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(17) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(18) The term "person" means any individual, association, corporation, or institution.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) The Secretary shall, by rule, promulgate bumper standards for passenger motor vehicles or passenger motor vehicle equipment manufactured in the United States or imported into the United States, other than passenger motor vehicles or items of passenger motor vehicle equipment which are intended solely for export (and are so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which are exported. Any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(1) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(2) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(3) savings in terms of consumer time and inconvenience; and

(4) considerations of health and safety, including emission standards.

(b) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) In promulgating any standard the Secretary may for good cause shown exempt any make, model, or class of passenger motor vehicle manufactured for a special use, including occassional off-road operation, if such standard would unreasonably interfere with the special use of such passenger motor vehicle.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e)(1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c)(1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and main-

tain such records, make such reports, and provide such items and information, including the supplying of vehicles or equipment for testing, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c)(1) Every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to all applicable Federal bumper standards.

(2) Paragraph (1) of the subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(3)(A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b)(1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. With respect to violations of paragraph (1) or (3) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b)(1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because of noncompliance with any applicable bumper standard may bring a civil action against the manufacturer of that vehicle in the United States District Court of the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of that loss, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date on which the damages are sustained.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b)(1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment and which was in effect or had been promulgated on the date of enactment of this Act.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f–6a(b)).

(3) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the case of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passenger motor vehicles.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary. Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence; memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary with such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse to furnish the Secretary with the data or information requested by him under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to

the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107 (b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed in any such project, and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $10,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OF REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. It shall be unlawful for any transferor to fail to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

It shall be a violation of this section for any transferor knowingly to give a false statement to a transferee under the provisions of this section. The Secretary shall prescribe by regulation the manner in which information shall be disclosed under this section and in which such information shall be retained.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this subsection, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107 (b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title shall take effect ninety calendar days following the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

Mr. ROBERT C. BYRD. Madam President, I move that the Senate disagree to the House amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HART, Mr. MOSS, Mr. COOK, and Mr. GRIFFIN conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Madam President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, Senate Joint Resolution 241, authorizing the President to approve an interim agreement between the United States and the U.S.S.R.

The pending question at that time will be on the adoption of amendment No. 1434 by Mr. MANSFIELD. Under the order previously entered, a vote will occur on the Mansfield amendment at no later than 12 noon. That will be a yea-and-nay vote, the yeas and nays having been ordered previously.

At no later than 1 p.m. tomorrow, the unfinished business will be laid aside, and the Senate will return to the consideration of the second-track item, H.R. 14370, the so-called revenue sharing bill.

The pending question at that time will be on amendment No. 1450 by Mr. MCCLELLAN. It is the Appropriations Committee amendment. There will be a yea-and-nay vote on the adoption of that amendment at 5 p.m. tomorrow.

Following the disposition of amendment No. 1450, the Appropriations Committee amendment, further amendments will be in order. They are expected to be called up. Several are at the desk. Yea-and-nay votes will occur thereon. Tomorrow will be a long day, a busy day, with several year-and-nay votes. Hopefully, the way can be cleared for passage of the revenue sharing bill on Friday—hopefully.

ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Madam 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. tomorrow.

The motion was agreed to; and at 7:53 p.m. the Senate adjourned until tomorrow, Thursday, September 7, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 6, 1972:

DEPARTMENT OF STATE

Marion H. Smoak, of South Carolina, acting chief of protocol for the White House, for the rank of Ambassador.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Donald Harry Cowles, [redacted], U.S. Army.

Maj. Gen. Elmer Hugo Almquist, Jr., [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Stanley R. Larsen [redacted], Army of the United States (major general, U.S. Army).

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel, Regular Army and lieutenant colonel, Army of the United States

Bouton, Irma V., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Loftus, Martin R., [redacted].

To be captain

Friday, Vernon W., [redacted].

To be first lieutenant

Jeffrey, Timothy B., [redacted].

To be second lieutenant

Leeling, Gerald J., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Simpkins, William J., [redacted]

To be captain

Bateman, Robert E., [redacted].
Becker, Carl F., [redacted].
Beebe, John E., [redacted].
Bogart, Marc D., [redacted].
Boron, Robert S., [redacted].
Brinkman, Larry K., [redacted].
Davis, Albert L., Jr., [redacted].
Edmister, James R., [redacted].
Fitzmorris, William H., [redacted].
Hamlin, Elvin R., [redacted].
Harris, Jasper R., [redacted].
Jeffrey, Gary D., [redacted].
Lowe, Jack H., [redacted].
Nathan, Harold S., [redacted].
Schultheis, William F., [redacted].
Sisler, Gary L., [redacted].
Speer, William L., [redacted].
Uechi, Michael, D. S., [redacted].
Walker, John D., [redacted].
Welch, Denise F., [redacted].
Wilke, Gary M., [redacted].

To be first lieutenant

Aldridge, Ronald G., [redacted].
Bailey, Mary A., [redacted].
Beaty, Helen C., [redacted].
Borkowski, Thomas V., [redacted].
Bowen, Kenneth G., [redacted].
Bowen, Troy L. Jr., [redacted].
Bryant, Charles L., [redacted].
Charters, Margaret L., [redacted].
Corcoran, Diane K., [redacted].
Cottell, Philip G., Jr., [redacted].
Davis, Donald A., [redacted].
Deaderick, Robert D., [redacted].
Diem, Michael H., [redacted].
Edge, Marion J., [redacted].
Edmund, William P., III, [redacted].
Gandy, Jess E., [redacted].

Gilles, James A., xxx-xx-xxxx
Goodwin, Richard T., Jr., xxx-xx-xxxx
Gottbehuet, Sandra L., xxx-xx-xxxx
Griffiths, Richard K., xxx-xx-xxxx
Hayden, Thomas A., xxx-xx-xxxx
Hooks, Thomas W., xxx-xx-xxxx
Hughbanks, James C., xxx-xx-xxxx
Jenkins, Craig A., xxx-xx-xxxx
Johnson, Carl W., xxx-xx-xxxx
Johnson, Leland C., xxx-xx-xxxx
Jones, Brian S., xxx-xx-xxxx
Keefe, Kenneth, L., xxx-xx-xxxx
Kingsley, Robert S., xxx-xx-xxxx
Kirby, Bobby G., xxx-xx-xxxx
Knight, Kirk M., xxx-xx-xxxx
Lacy, Warren S., xxx-xx-xxxx
Lamb, Ivan F., xxx-xx-xxxx
Larson, James C., Jr., xxx-xx-xxxx
Lee, Malcolm S., xxx-xx-xxxx
Lowe, Marilyn M., xxx-xx-xxxx
Lowrance, Lynn M., xxx-xx-xxxx
Mackeil, Edward J., xxx-xx-xxxx
Mahek, Barry W., xxx-xx-xxxx
Marszalek, Mitchell M., xxx-xx-xxxx
Martin, Jerry A., xxx-xx-xxxx
McAlear, Hugh M., xxx-xx-xxxx
McLeod, Sandra R., xxx-xx-xxxx
Michael, Larry J., xxx-xx-xxxx
Millikin, Bert A., xxx-xx-xxxx
Nagy, William W., xxx-xx-xxxx
Nicholas, Bertram A., Jr., xxx-xx-xxxx
Odowd, Edward C., xxx-xx-xxxx
Osborne, William H., xxx-xx-xxxx
Panter, Stephen D., xxx-xx-xxxx
Pelchat, Herve E., xxx-xx-xxxx
Peters, Clarice J., xxx-xx-xxxx
Rohrer, Wilma J., xxx-xx-xxxx
Sauer, Richard L., xxx-xx-xxxx
Seipert, Lloyd Roman, xxx-xx-xxxx
Short, Augden W., Jr., xxx-xx-xxxx
Stinson, Joe A., xxx-xx-xxxx
Sullivan, Andrew L., xxx-xx-xxxx
Tormey, Robert D., xxx-xx-xxxx
Watts, Walter J., xxx-xx-xxxx
Weis, Joseph R., xxx-xx-xxxx
Wiemers, Darlene M., xxx-xx-xxxx
Williams, William K., xxx-xx-xxxx
Winter, Donald C., xxx-xx-xxxx
Wright, David K., xxx-xx-xxxx
Zelenka, Ernest K., xxx-xx-xxxx

To be second lieutenant

Allen, Barry K., XXXX
Anderson, William F., III, xxx-xx-xxxx
Arrol, Lawrence G. J., xxx-xx-xxxx
Astheimer, Peter F., xxx-xx-xxxx
Bossi, Harry D., II, xxx-xx-xxxx
Brown, Leslie D., xxx-xx-xxxx
Buechler, Ronald R., xxx-xx-xxxx
Button, Patrick W., xxx-xx-xxxx
Christopher, Jon B., xxx-xx-xxxx
Craig, Jay A., xxx-xx-xxxx
Crosby, Gordon E., III, xxx-xx-xxxx
Curtin, Lawrence M., xxx-xx-xxxx
Davis, Jerry D., xxx-xx-xxxx
Davis, Richard W., xxx-xx-xxxx
Delaney, Richard P., xxx-xx-xxxx
Ditoro, Peter, Jr., xxx-xx-xxxx
Esping, Jon A., xxx-xx-xxxx
Fenwick, Douglas L., xxx-xx-xxxx
Gaylord, Robert E., xxx-xx-xxxx
Higgins, John W., xxx-xx-xxxx
Hogg, James L., xxx-xx-xxxx
Jaynes, Robert H., Jr., xxx-xx-xxxx
Johnson, Darryl A., xxx-xx-xxxx
Kamp, Harvey P., xxx-xx-xxxx
Kitchens, George L., xxx-xx-xxxx
Lynch, Daniel J., xxx-xx-xxxx
Maloney, James P., xxx-xx-xxxx
Maxwell, Clarence E., xxx-xx-xxxx
Menard, Robert L., xxx-xx-xxxx
Mitchell, John C., xxx-xx-xxxx
Motley, Campbell M., xxx-xx-xxxx
Moudy, James D., xxx-xx-xxxx
Nebeling, George A., xxx-xx-xxxx
Phillips, Ruth A., xxx-xx-xxxx
Pufpaff, Duane M., xxx-xx-xxxx
Reid, William C., xxx-xx-xxxx
Roche, James F., xxx-xx-xxxx
Romines, Robert B., xxx-xx-xxxx
Seacord, James M., xxx-xx-xxxx
Stewart, Mary E., xxx-xx-xxxx
Terrell, Clark W., xxx-xx-xxxx
Vela, Joe D., Jr., xxx-xx-xxxx
Young, Carey B., xxx-xx-xxxx
Zelazny, Robert C., xxx-xx-xxxx

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Adam, Gary L., xxx-xx-xxxx
Alverson, Darrell R., xxx-xx-xxxx
Assmus, Thomas E., xxx-xx-xxxx
Atkins, Robert M., Jr., xxx-xx-xxxx
Baldwin, Brian C., xxx-xx-xxxx
Bartholomew, Wynn E., xxx-xx-xxxx
Beal, Douglas R., xxx-xx-xxxx
Becker, Dale E., xxx-xx-xxxx
Beninato, Frank P., xxx-xx-xxxx
Bevilacqua, Frank P., xxx-xx-xxxx
Biggar, William M., xxx-xx-xxxx
Boss, Stephen D., xxx-xx-xxxx
Browell, Douglas K., xxx-xx-xxxx
Bryant, James J., xxx-xx-xxxx
Buttram, Kevin, xxx-xx-xxxx
Calvary, Roger W., xxx-xx-xxxx
Campbell, Wallace L., Jr., xxx-xx-xxxx
Candage, Raymond L., xxx-xx-xxxx
Cantrell, Merton T., xxx-xx-xxxx
Chambers, Charles A., xxx-xx-xxxx
Colonna, Edward N., xxx-xx-xxxx
Condry, Gary L., xxx-xx-xxxx
Dascoulias, Peter G., xxx-xx-xxxx
Dennis, Norman D., Jr., xxx-xx-xxxx
Earl, James D., xxx-xx-xxxx
Farano, Anthony J., xxx-xx-xxxx
Flowers, Lee E., xxx-xx-xxxx
Forck, Frederick J., xxx-xx-xxxx
Fox, Joseph W., Jr., xxx-xx-xxxx
Freckleton, Robert N., xxx-xx-xxxx
Garretson, Jeremiah F., xxx-xx-xxxx
Gerecke, Stephen L., xxx-xx-xxxx
Goering, Kenneth D., xxx-xx-xxxx
Gomez, Reuben, xxx-xx-xxxx
Graf, John M., xxx-xx-xxxx
Graham, Richard C., xxx-xx-xxxx
Gramling, Norman W., xxx-xx-xxxx
Grasser, William J., xxx-xx-xxxx
Grimstad, Paul T., xxx-xx-xxxx
Hagan, Howard J., xxx-xx-xxxx
Hall, David B., xxx-xx-xxxx
Harris, Michael N., xxx-xx-xxxx
Harrold, Glenn J., xxx-xx-xxxx
Hartsfield, Jimmie C., xxx-xx-xxxx
Hawkins, Steward K., xxx-xx-xxxx
Holsclaw, Steven S., xxx-xx-xxxx
Honeychuck, James A., xxx-xx-xxxx
Howard, George P., xxx-xx-xxxx
Hummel, Joseph R., Jr., xxx-xx-xxxx
Izzo, John O., xxx-xx-xxxx
Jackson, David M., xxx-xx-xxxx
Jimenez, Raul E., xxx-xx-xxxx
Jones, Delbert L., xxx-xx-xxxx
Keating, Everett L., Jr., xxx-xx-xxxx
Kinser, Carl V., xxx-xx-xxxx
Krempp, Michael E., xxx-xx-xxxx
Laage, John M., xxx-xx-xxxx
Lane, Herbert M., xxx-xx-xxxx
Lipovsky, Gerald F., xxx-xx-xxxx
Lott, Gary R., xxx-xx-xxxx
Luque, Roger L., xxx-xx-xxxx
Lyster, Eugene A., xxx-xx-xxxx
Maggio, Joseph V., xxx-xx-xxxx
Martin, Lavelle, xxx-xx-xxxx
Mattingly, Paul R., xxx-xx-xxxx
Metcalfe, Hal G., xxx-xx-xxxx
Miller, Kenneth W., xxx-xx-xxxx
Mingus, Monte L., xxx-xx-xxxx
Moore, Michael E., xxx-xx-xxxx
Mote, Kim A., xxx-xx-xxxx
Mullenix, Michael P., xxx-xx-xxxx
Nations, Thomas V., xxx-xx-xxxx
Neff, Robert O., xxx-xx-xxxx
Nicholls, Lewis D., xxx-xx-xxxx
Owen, Terry W., xxx-xx-xxxx
Orme, Allyn J., xxx-xx-xxxx
Parantha, Charles J., xxx-xx-xxxx
Parrish, Richard W., xxx-xx-xxxx
Pauling, Jack A., xxx-xx-xxxx
Payne, Rodney M., xxx-xx-xxxx
Pedraza, Felix L., xxx-xx-xxxx
Pedraza, Felix M., xxx-xx-xxxx
Pless, Donald E., Jr., xxx-xx-xxxx
Porter, Francis S., xxx-xx-xxxx
Pounds, William D., xxx-xx-xxxx
Purcell, Michael D., xxx-xx-xxxx
Ringler, Richard W., xxx-xx-xxxx
Robertson, Glenn S., xxx-xx-xxxx
Sass, James F., xxx-xx-xxxx
Schrepel, Lee W., xxx-xx-xxxx
Smith, Nicholas A., xxx-xx-xxxx
Snedden, Robert A., xxx-xx-xxxx
Stanton, Edgar E., III, xxx-xx-xxxx
Stefanic, Peter P., Jr., xxx-xx-xxxx
Taguba, Antonio M., xxx-xx-xxxx
Thedford, William P., xxx-xx-xxxx
Thompson, Thomas A., Jr., xxx-xx-xxxx
Tindall, Donald R., xxx-xx-xxxx
Tortorici, Frank, xxx-xx-xxxx
Troy, William J., xxx-xx-xxxx
Tschorn, Reginald R., xxx-xx-xxxx
Vance, Billy F., xxx-xx-xxxx
Vrabel, Jeffrey S., xxx-xx-xxxx
Vucich, James J., xxx-xx-xxxx
Ward, Frank T., xxx-xx-xxxx
Weimer, Michael B., xxx-xx-xxxx
Willey, James P., xxx-xx-xxxx
Williams, Edward W., Jr., xxx-xx-xxxx
Willie, Douglas D., xxx-xx-xxxx
Wood, Samuel A., xxx-xx-xxxx
Young, Michael S., xxx-xx-xxxx

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Barnhill, Danny R., xxx-xx-xxxx
Briggs, Roy R., xxx-xx-xxxx
Burkett, Michael L., xxx-xx-xxxx
Conover, Bruce R., xxx-xx-xxxx
Chiarelli, Peter W., xxx-xx-xxxx
Chiffelle, Robert L., xxx-xx-xxxx
Dekanter, Scipio, xxx-xx-xxxx
Evans, Paul, xxx-xx-xxxx
Ferguson, Jimmy D., xxx-xx-xxxx
Frey, Lynn C., xxx-xx-xxxx
Garrison, George L., xxx-xx-xxxx
Grable, Lawrence D., xxx-xx-xxxx
Hickle, Edwin A., xxx-xx-xxxx
Hood, Melton W., xxx-xx-xxxx
Konish, Richard F., xxx-xx-xxxx
Leggiero, Charles M., xxx-xx-xxxx
Mahr, Alfred V., xxx-xx-xxxx
Mancuso, Joseph J., Jr., xxx-xx-xxxx
O'Brien, Michael J., xxx-xx-xxxx
Perez, Jesse M., xxx-xx-xxxx
Riggs, Richard D., xxx-xx-xxxx
Shearer, Jay N., xxx-xx-xxxx
Stegbauer, William D., xxx-xx-xxxx
Twiddy, Kenneth M., xxx-xx-xxxx
Ward, Edward E., xxx-xx-xxxx
Whitehead, Myron E., xxx-xx-xxxx
Williams, Richard J., xxx-xx-xxxx

IN THE NAVY

The following-named Reserve officers of the Navy for permanent promotion to the grades indicated:

Captain, line

David S. Ailes
Malcolm R. Bailey
Arthur Coday
Harold C. Craig
William J. Diffley
Hoyt L. Duff
William J. Dyckman, Jr.
Charles D. Gilpin
Thomas R. Golden
Donald C. Hamann
Ludolph O. Koven, Jr.
Alexander C. Kuegler, Jr.
Arthur A. Lavenau
Raymond E. Lilly, Jr.
William D. McClure
Jack G. McDonell
Leo R. Norgart
Julian E. Ortiz
James R. Pavelle
Harry V. Samis
John J. Stusnick
Richard A. Vessie
Charles V. Wilhoit, Jr.
Leo P. Zeola

Captain, Supply Corps

Marion Dargan, Jr.

Captain, Chaplain Corps

Paul A. Johnson
James A. Powell

Captain, Dental Corps

Irvin Sontag

Captain, Nurse Corps

Mary F. Cannon

Commander, line

Phillips A. Ammons, Jr.
Frank X. Azzarita
John A. Barden
Paul R. Bennett
Tomas V. Carlos
Lucius B. Day, Jr.
John F. Donnelly, Jr.
Frederick R. Ellis
Leo H. Green, Jr.
Elliott B. Hadley, Jr.
Raymond B. Harter
James R. Hutson
Arthur S. Keller
Leonard J. Lees
John F. Mahaffey
Donald J. McPherson
Robert L. Musso
Henry W. Putek
Leon R. Shelley
Charles S. Thornton
John W. Widtfeldt

Commander, Supply Corps

Eugene M. Riddick

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Abelson, David D.
Adney, William M.
Airgood, Robert P.
Alcott, Roy J.
Allen, Charles T.
Allphin, James A.
Anderson, Bert M.
Anderson, Thomas F.
Arnold, John S.
Aubrey, Richard D.
Austin, John D., Jr.
Bailey, Bernis H.
Baldwin, Marvin D.
Ball, William L., III
Barber, John T.
Barnes, Thomas D., II
Baumann, Scott R.
Baxter, Robert M.
Beaugureaw, Denis F.
Beck, William J.
Benson, Rodney L.
Bertsch, Roger B.
Bibbins, Thomas A.
Biggers, Edward M.
Bishop, John E.
Bock, Jim B., Jr.
Bogstad, Joseph W.
Bollenbacher, Robert A.
Bonds, John M.
Bovey, Robert D., Jr.
Bradfield, Robert W., II
Brians, Wallace S.
Brines, Stephen J.
Brown, Don M.
Browne, Chad W.
Browning, Jonathan E.
Buck, Stuart F.
Buckalew, Alman L., Jr.
Buckingham, John S.
Burgess, Ross W.
Bush, Thomas L.
Caceres, Raul A., Jr.
Cadden, Frank M.
Campbell, Joe
Campbell, William R.
Cannelos, George J.
Cannis, Robert M.
Carlsen, Kenneth H.
Carr, Gregory L.
Carter, Alden R.
Cassidy, Edward T., Jr.
Cast, Frederick A., Jr.
Caswell, Gary J.
Cataldi, Richard A.
Cate, Francis R.
Cavender, William K.
Cebulski, Raymond J.
Chalfant, Barry H.
Champney, Robert K.
Chevrier, John M.
Clayton, Richard E.
Coffin, William M.
Conner, John M.
Conway, Michael R.
Cook, Carroll E., Jr.
Creech, James R.
Crenshaw, Keith V.
Crooks, Daniel A.
Culet, James P.
Culpepper, James C.
Curley, William H.
Cutler, Thomas J.
Dalessandro, Vincent R., Jr.
Dameron, Ott H.
Daniel, John H., III
Davis, Scott H.
Davis, William O.
Delong, Glenn E.
Dempsey, Francis B.
Devanney, John C.
Diem, Robert P.
Dillon, Terry M.
Donalson, Paul J.
Doyle, Geoffrey N.
Dreesen, Robert W., Jr.
Duvall, George E.
Eason, Richard A.
Elfers, Glen E., Jr.
Elmore, Craig W.
Erickson, Phillip A.
Falls, Larry W.
Farlow, Irl R.
Farmer, Roger A.
Feierabend, Richard C.
Ferenbach, Vincent C.
Fike, Raymond F.
Fischer, Michael H.
Ford, Jerry W.
Franicola, Robert A.
Frank, Stephan D.
Freed, Rodney W.
Fuellenbach, Joseph C.
Fuller, John R.
Gabriel, Steven B.
Gallegos, Richard E.
Gant, Steven J.
Gardner, Gregory L.
Gibson, Robert L.
Giesemann, Frank T.
Good, James L.
Gospodarec, Donald S.
Gravitt, Patrick D.
Gray, Richard E.
Gray, Robert J.
Grehawick, Gregory D.
Gross, Albert C.
Grove, Dale M.
Haddock, Joseph W., III
Hamilton, David E.
Handlers, Robert G.
Hanna, Norman W., II
Hansen, Gregory L.
Hargrove, James W., Jr.
Harnish, Thomas O.
Harris, Jeffrey K.
Harris, John A.
Haser, Gerald D.
Hastings, James J.
Haushalter, Jeffrey R.
Hearn, Hamilton D., Jr.
Helsley, Ronald E.
Hickey, Charles D.
Hickman, William F.
Higdon, Ronald G.
Hildebrandt, Thomas G., Jr.
Hilton, Hugh A.
Hipp, Spencer, H.
Hirt, Keith A.
Holcombe, Horace T.
Honey, Michael L.
Horton, Ronnie R.
Hougham, John R.
House, Frederick A.
Humberd, Calvin C., Jr.
Humrighouse, Eugene B., Jr.
Hunter, Peter G.
Illing, William R., Jr.
Isele, Charles P.
Jackson, Douglas L.
James, Gary B.
Jamison, Michael E.
Johnson, Don M.
Jones, Fred C.
Julian, Robert W.
Karcewski, Stanley J.
Keeney, Merle A.
Kelly, David L.
Kernan, Joseph E.
Ketring, Michael E.
Key, Kenneth W.
Kingery, Donald L.
Kissell, Peter B.
Kley, William J.
Koning, Jack A.
Korinis, Peter W.
Krum, Duane
Krumholz, Kenneth A.
Kutys, John V., Jr.
Lackey, Herman E., Jr.
Lambright, Ralph E.
Landers, Jerome C.
Lane, Roy J., Jr.
Laney, Jack T.
Lanoux, Steven M.
Laplace, Edwin F.
Larson, David R.
Latourrette, John A.
Laturno, Raymond J., III
Lear, Richard B.
Leeder, Frederic G.
Leleux, Wayne J.
Leonard, Ronald O.
Liebschner, Douglas V.
Liles, John U., Jr.
Lineman, John J.
Lockhart, Stanley D.
Lortz, Paul C.
Lowe, Douglas T.
Ludington, Stephen P.
Luebbecke, Donald S.
Lukens, Larry A.
Lunde, Walter A., Jr.
MacDonald, Joseph M.
Martin, Roy L., Jr.
Martinez, Luis C.
Maxwell, Stephen H.
May, Albert L.
Mayfield, Paul K.
McClain, William C., Jr.
McCullough, David G.
McDonald, John A., Jr.
McGee, Willie E., Jr.
McIntosh, John M., Jr.
McKaige, George T., Jr.
McLaughlin, Peter C.
McMacken, Patrick B.
McManuis, Charles M.
Meihaus, Harry E., Jr.
Melchioris, Charles J.
Melton, Joseph E.
Mendenhall, Dennis L.
Merrill, Dean R., Jr.
Meyer, Charles G.
Mickett, Thomas G.
Miller, John P.
Milner, George M.
Mink, Charles E.
Moneymaker, Patrick D.
Morin, Paul R.
Morrell, Michael F.
Mulderig, John F.
Musselman, Stephen O.
Muth, Michael A.
Naeve, Jerry M.
Nelson, Gary S.
Nesbitt, Charles D.
Neylon, Paul M.
Noll, Robert B.
Oberender, Paul D.
O'Connell, Brian J.
O'Connell, John T., Jr.
O'Keefe, Michael J.
Oliver, Richard E.
Oliver, Richard H.
Packard, Michael J.
Paloma, James F.
Parra, Milton H., Jr.
Patteson, Walter R., Jr.
Peck, Robert S.
Pellegrino, Richard L.
Peterson, Charles C.
Pfahler, Timothy G.
Picquet, Roger T.
Piotrowski, James M.
Pompey, Charles S.
Posey, Charles F.
Potter, Wilburn M.
Prescott, Leonard F., III
Price, Gene H.
Purnell, Erl G.
Reaves, Keith C.
Rebeske, John J., III
Reid, James E.
Reinauer, Robert M.
Renuart, Robert F.
Resinger, Stanley R.
Rist, Donald F.
Rizzi, Robert A.
Robert, Eugene R.
Rodes, George T.
Roe, John A.
Rondolone, Nicholas
Rose, Carlos D.
Rounds, Frederic N.
Rounds, Terrence W.
Rush, James C., Jr.
Russell, Thomas G.
Sadler, George R.
Saltzman, Marc P.
Satoris, Frank K.
Schaefer, Edward M.
Schroeder, Kurtis D.
Schwoerer, Barry F.
Scott, John K.
Seymour, Hubert E., III
Shea, Robert W.
Shelton, Randolph W.
Shepherd, Douglas R.
Sherrange, Daniel T.
Shirley, Charles C., Jr.
Shrock, Steven D.
Silverman, George M.
Singleton, Jerry B.
Skrief, John N.
Slates, Terrence P.
Sledge, Loyd D.
Sloan, Patrick B.
Smith, Gregory W.
Smith, Harold M., Jr.
Smith, John H.
Smith, John V., Jr.
Smith, Randal E.
Smith, Richard A.
Smith, Roger W.
Smith, Roy C.
Smith, Tracy R.
Sniffin, Edward M.
Snyder, Jack R.
Staeheli, Bruce W.
Stanton, Bruce W.
Stewart, Timothy L.
Stiff, Peter E.
Stromquist, David W.
Stroop, Patrick A.
Sujdak, Edward J., Jr.
Sullivan, Larry M.
Swain, Philip F.
Swingle, Howard D.
Szender, Stephen J.
Taylor, Robert B.
Thomas, William C.
Thomsen, Leon F.
Tieszen, Dwayne A.
Tomich, David B.
Tower, Dennis R.
Tredway, Robert J.
Trever, James E.
Turner, Dennis J.
Turner, Harry G.
Tyler, Gary L.
VanBuskirk, Dennis J.
VanHoften, James D. A.
VanNostrand, Clark R.
Vernon, Carl W.
Walker, Jon B.
Warren, David F.
Warrenfells, James C.
Wayman, Charles L., Jr.
Weir, Michael W.
Welsh, Rodney R.
Widhalm, Kenneth C.
Wilbricht, Thomas E.
Wildridge, George A., Jr.
Willey, James F.
Williams, James D.
Williams, Thomas R.
Williams, Wallace B., Jr.
Williscroft, Robert G.
Wilson, Freddie R.
Wilson, George M.
Wilson, John R., Jr.
Witkowski, Christopher J.
Woomer, Charles W., III
Wright, William E., Jr.
Wyluda, Stanley L., Jr.
Yordan, Carlos M., Jr.
Young, Dan R.

Lt. James A. Johnson, Medical Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law.

Comdr. Selig Solomon, U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant commander and the temporary grade of commander.

Comdr. Raymond D. O'Brien, U.S. Naval Reserve for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of commander.

Comdr. Wayne C. Buck, Medical Corps, U.S. Naval Reserve, for temporary promotion to the grade of captain in the Medical Corps subject to qualification therefor as provided by law.

Lt. Wesley L. Hanson, Jr., U.S. Navy, for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

The following-named Naval Reserve officers for permanent promotion to the grade of commander in the line subject to qualification therefor as provided by law:

Benson, Harold
Broughton, Stanley I.
Edinger, John S.
Wright, Edwin S.

Ens. William L. McKinney, U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

The following-named officers of the U.S. Navy for temporary promotion to the grade of chief warrant officer, W-3 subject to qualification therefor as provided by law:

Abang, Leopoldo
Abernathy, Charles M., Jr.
Abhugh, Dean Roger
Acosta, Felix Estephen
Acosta, Hector
Adair, George Charles
Adams, Dale Daniel
Adams, Donald Eugene
Adelwerth, Robert Thomas
Adrian, James Edmund
Aguilar, Antonio Castro, Jr.
Ahearn, William Henry, Jr.
Akley, Larry Donald
Alabado, Gregory Paterno
Algar, Leslie Barker
Alger, Richard Lyle
Allen, Ethan Edward
Allen, Herman Edward, Jr.
Allen, Kenneth Robert
Allender, Edwin Lee
Alley, Larry K.

Almand, Richard M.
Alston, David Matthew
Alvarez, Honorio Balugay
Amoss, Robert George
Anderson, Donald Eugene
Anderson, Herman Earl
Anderson, J. Quinton
Anderson, Robert
Anderson, William Barron, III
Andresen, Robert Lloyd
Andrews, William Murry
Andrucyk, Joseph Thomas
Anthony, Patrick Leroy
Armfield, Alfred Emanuel S.
Armstrong, Rodger Bruce
Arnold, Sidney Cary, Jr.
Arreola, Joe Asperin
Arsta, Charlie Lee
Artley, Fred Clarence
Ashworth, Robert Arthur
Atchison, Roger George
Aterrado, Ricardo Jornales
Ator, Roy Earl
Ausen, John Martin
Ausmus, Dewey Lee
Austin, Virgil Bennie
Aversano, Anthony Joseph
Aycock, Joe Edward
Ayers, Wayne Plymale
Baernhatler, Klaus
Bagley, Raymond Calvin
Bailey, Defort
Bailey, Carl Thomas
Bailey, William Dean
Baker, Boyce Walton
Baker, Gene Monroe
Ball, Bradley Jay
Ball, Gary Edward
Ball, Robert Arthur
Ballard, John Charles
Balstad, Richard Harold
Barber, Charles Edward
Barber, R. D.
Barber, Rex Alton
Barclay, Ray Franklin, Jr.
Barfield, Havis Warren
Barker, Harvey Ward
Barnes, Donald Alvin
Barnes, Earl Dean
Barrett, William Jay
Barry, Charles Todd
Bartholomew, David Lynn
Bartke, Harrold Lincoln
Bassett, William Edward
Batton, Sam Lewis
Batze, Warren Karl
Bavuso, Matteo
Baxter, Lowell Clyde
Beard, Marshall Douglas
Beardin, Larry Don
Beare, Lloyd Allen
Beason, Edward Patterson
Beatty, Arthur
Beckett, Terrence Nolan
Bednorz, Clark Otto
Bedrosian, Jack Andrew
Beeman, James Leslie
Beezley, Shirley Ray
Behling, Norman Fred, Jr.
Beigel, Simon
Belanger, Paul Gordon
Bell, John Blake
Bell, John Stanley, Jr.
Bence, Ronald Paul
Bennett, Thomas Robert
Benning, Vale Jean
Berkley, Philip Elroy
Berry, Donald Orland
Berry, Jack William
Bertram, Wayne Russel
Bertrand, Richard Earl
Bettis, Bobby Gerald
Beverley, John Louis, Jr.
Beyer, Frederick Perry
Billick, Dan Richard
Bique, Robert Eugene
Bird, Harry Ralph
Bishop, Frank Neal
Bishop, James Fletcher, Jr.
Blackie, John Allison
Blackmon, Joe Lynn
Blackwell, Andrew Pinkney
Blanchard, Raleigh T.
Blevins, Toney
Blondin, Paul Gerald
Bobo, Billy Joe
Bobo, Harold
Bobo, Jerry Lyn
Bohl, Arthur Walter
Bolden, Joseph Wylie
Bolding, Larry Lawson
Bolton, Harold Leslie, Jr.
Bonebrake, Richard Reed
Bonham, J. C.
Book, Roy Lee
Borgmann, Frederick William
Bothe, James John
Bourn, Melvin Frank
Bowen, Ronald Newton
Bower, Walter Francis
Box, Charles Leon
Boyd, Curtis Foltz
Boyd, Gordon William
Boyer, James Joseph
Boyle, David John
Bradley, Dennis Lorn
Bradley, Gene Francis
Brammer, Russell Gordon
Brandon, Earl Leroy
Brantley, Gilbert Earl
Brayman, Thomas Edward
Breitwieser, Gene Paul
Brenner, Robert Frederick
Brewer, Clayton Robert
Brewer, Warren Arthur
Brice, Allen Guy
Briden, Marvin Mat
Britts, Haven Jennings
Brooks, Edgar Tearl
Brooks, William Albert
Brown, David Andrew
Brown, Edwin Lynn
Brown, James Peter, Jr.
Brown, Lovell Harrington
Brown, Richard Francis
Brown, Richard Arnold
Brown, Robert Edward
Brown, Roger Jerome
Brown, Theodore Edward
Brown, William David, Jr.
Browngardt, Robert Peter
Browning, Bobby Dale
Brueggeman, James Edward
Bruhl, Terry Joseph
Brunner, Waldo Joe
Bryant, James Timmon
Buchanan, Robert William
Boute, Raymond E.
Burbridge, Robert Lee
Bureker, Robert Joseph
Burford, Vernon Alexander
Burns, Robert John
Burris, William Oscar
Burton, John Cicero, Jr.
Butler, Clyde Lewis
Butler, Robert Edmund
Butzine, William Charles
Byrne, Edward Matthew
Byrne, Robert Gene
Cale, George William
Callahan, Alvin Edward
Camaisa, Rody Bautista
Campbell, Cager Wayne
Campbell, Donald Leo
Campbell, Willis Eugene
Campbell, Leonard Malcolm
Campbell, Donald Leroy
Campbell, Troy Joel
Canfield, Merton Aldo
Cannon, Jamie Ross
Cantrell, James Gilbert
Caretti, Louis Silvio
Carey, John Dale
Carne, Richard Glenn, Jr.
Carrigan, Charles Dean
Carroll, Charles Henry
Carroll, Charles Earl
Carson, Allison Ledford, Jr.
Carter, Charles Taylor
Caton, Robert Nelson
Catts, Ross Eldridge
Chamberlain, Charles Edward
Chambers, Harold Dean
Chaney, Ronald Bryan
Chapman, Davey Sinclair
Chastain, David McRay
Cherry, Stephen Wallace
Chisum, Ronald Leroy
Chitwood, Orvis Hugh, Jr.
Christensen, Robert James
Christian, Stanley Morris
Christian, Jerry Deland
Christophersen, Oscar Edward
Church, Richard Lewis
Clark, Donald Denney
Clark, James Wesley William
Clark, Jimmy
Clark, Robert Eugene
Clark, Thomas Everett, Jr.
Clarke, Alfred Richard
Clay, Marland Joe
Clements, David Lawrence
Cline, Gerald Duane
Cloonan, John Thomas
Cloughley, Richard Eldon
Coakley, Doyle Lorenza
Cochran, Dennis Daniel
Cochran, Kenneth Lee
Coffin, Kennth Ward
Coffman, Cherlan Henry
Cohan, Paul
Cole, Jerry Roger
Collins, Floyd
Columb, Ortha Irene
Connell, James Larry
Connors, Charles Robert
Conti, Charles William
Conwell, Robert Allen
Cook, Thomas Morris
Cooney, John Francis
Cooper, Donald James
Cooper, Gary David
Cormier, Edward Norris, Jr.
Corothers, John Malphus
Cortez, Ira Bryan
Costigan, John James
Countryman, Larry Dean
Coupland, Steve Joel
Cox, Anderson Hunter
Cox, Elbert David
Cox, Frank Edward
Cox, Frederick McCoy
Cozart, William Rhett
Cradic, Boyd Wilbur
Crain, Robert Levan, Jr.
Crane, Alvin Edward
Cregger, Charles Edward
Crickman, Frederick Paul
Crim, Edwin Nelson, Jr.
Crisp, Floyd Alan
Crookshanks, Dayton Ray
Crouch, Glenn Gordon, Sr.
Crowder, James Dunn
Cubbedge, Carlon Eugene
Cudia, David Timothy
Culberson, Edward Merrill, Jr.
Cultrera, John
Culver, Louis Jean, Jr.
Cummings, Paul Dean
Custodio, Fridelino Abrau
Cutler, William Donald
Daily, William Claude
Dallamura, John Patrick
Damme, Richard Wayne
Dapper, William Wesley, Jr.
Daugherty, David Arnold
David, Clyde Frank
Davies, Thomas William
Davis, Arthur Allen, Jr.
Davis, Bobby Gene
Davis, Edward Shedric, Jr.
Davis, Neil Carter
Davis, William Leighton
Day, Raymond Francis, Jr.
Day, Thomas Francis
Dean, Alvin Earl
Dechene, Phillip Edward
Dejesus, Yolando Cruz
Delancey, James Douglas
Delaney, Donald James
Delong, Richard Clair
Demsey, George Phillip
Devall, Franklin Wendell

Devoid, Ralph Edwin
Dimare, Joseph James
Dinkins, Charles Leroy
Dirkes, Ernest Anton
Dodds, Robert Leroy
Doehring, Robert Franklin
Donnellan, David Francis
Donohoe, James Patrick
Donovan, Gene Dee
Doris, Michael Alan
Dorso, John Michael
Doty, Roger Otto
Dougherty, Thomas James
Dove, Gene Francis
Dowell, Billy Ray
Downie, Donald Arnold
Dragone, Joseph Anthony, Jr.
Dreiling, Richard Edward
Drier, Melvin Franklin
Driscoll, Richard Francis
Driver, John Edward
Drurey, Harold Leroy
Dryfka, John Edmund
Dubose, James Tracy
Duffey, Mark Edward
Dumond, James Carl
Dunnagan, Alvia Jerald
Dunning, James Leslie
Duquette, Wilfred Boland
Duran, John Joseph
Dyer, Frederick Earl
Eastlick, Arthur Lee
Eayres, Charles Francis
Edmundson, William Harris
Edwards, Bernard Darriel
Edwards, Kenneth Paul
Edwards, Robert Arthur
Edwards, Thomas McCord
Eggett, Andrew J.
Eiben, Norman George
Eifert, Arlington Joseph
Eldredge, Robert Cecil
Ellis, Richard W.
Emberton, James Merle
Emms, Walter Frank
Emswiler, Robert Byers
Eney, Neilson Eugene, Jr.
Engle, Leroy Eugene
English, Samuel Anthony
Ennis, James W.
Eno, Richard Gene
Espy, Ira John
Etten, Gary Albert
Etzel, John Adam
Evans, Charles Dean
Everett, Arthur Byron
Evergin, James Floyd, Jr.
Ezell, James Frederick
Fairchild, John Omer
Farlow, Roger Kent
Faulkner, Norman Harrison
Favaro, Duane Elwood
Ferdinandsen, Alan Thomas
Ferguson, Carl Edwin
Fernandez, Anthony Paul
Ferrara, Bernard Joseph
Ferren, Donnie Leon
Feuerbacher, August Anthont
Fielding, John Thomas
Fields, Gordon Pearson
Finch, Herbert
Finister, Harold Leon
Fisher, Robert Fulton
Fisher, Robert, Jr.
Fisk, Ronald Lewis
Fitzgerald, Thomas Maurice
Flanagan, Robert Paul
Fleming, Bertie
Flinner, William Wade
Floe, Dale Merlin
Flora, Jimmy Joe
Flowerree, Robert Dale
Floyd, George Francis
Flynn, Kevin Anthony
Folkers, Dale Carl
Folsom, Charles Beatty
Foltz, Richard John, Jr.
Foose, James Dean
Ford, John Robert
Ford, William Patrick
Foskett, Edwin Albert
Foss, Harry Carson, Jr.
Foster, Max Frank
Foster, Charles Lee
Fowler, Boyd Cannon
Fowler, John Jay
Frederick, Virgil Edward
Free, Dale Kenneth
Freese, Allen Paul
Frey, Lyn
Fridell, Robert Allen
Friedenreich, Robert
Fries, Ralph Jacob
Fritz, Daniel Elmore
Gadaire, George Eugene
Gagnon, Leo Ernest Joseph
Garcellano, Rudolfo Lagrosa
Garcia, Leon Tabuso, Jr.
Garoutte, Larry Charles
Garrahan, Richard
Garrett, Leo Edward
Garthwaite, Robert Leroy
Gatdula, Jesus Lopez
Gates, Richard Wesley
Gebbie, Larry Allen
Geno, Harold
George Charles Edward, Jr.
Gessl, James Joseph
Gibbens, Richard William
Gibbons, Thomas Gerald
Gibson, James Barnes, Jr.
Gibson, Richard Ernest
Giles, James
Gillians, Charles Roland
Gillum, Jerry Lee
Gipson, Harold Herbert
Girard, Donald Dean
Giunta, Joseph Francis
Giusti, Gerald John
Glisson, Joseph Hardy
Glover, Andrew Lee
Gobeli, Wendell Lewis
Godfrey, Emory Norris
Goeke, Keith Nathaniel
Goerg, Frederick Clarence
Golinski, Matthew George
Goodell, Edward Christopher
Goodwin, John Thomas
Gordon, Harold Leroy
Gorring, James Richard
Goss, Marlin Earl
Gott, Vernon Lee
Goudy, Robert Keith
Goyette, Richard L.
Grace, Michael John
Graff, Clinton George, Jr.
Grange, Joseph Ellison
Grant, Donald Chester
Graves, Charles Richard
Graves, Harold Wade
Gray, Charles Rolland
Green, Robert Duane
Greene, Bobby Eugene
Gregory, James Alden
Gregory, Thomas
Gremp, Robert Erwin
Grigg, Richard
Griggs, Edward Cole
Gross, Eugene
Gross, Jerry Lee
Gschwend, David August
Gunn, Terrell Lawson
Gutierrez, Zoilo Rosario
Gwinn, Everette Alton
Hackett, George R., Jr.
Haffner, Gerald Robert
Haffner, Guy Allen
Hagensick, John Richard
Haggard, Henry Clay
Hahn, Joseph Louis
Haimes, Arthur Stewart
Hair, Richard Allen
Haire, James
Hale, Douglas Alma
Hale, Roy Gordon
Hall, Alfred Lynn
Hall, Gerald Orville
Hall, Kenneth George
Hall, Neely Cornelius, Jr.
Hall, Richard Wendell
Halliday, Alvin Leroy
Hallinan, Joan Elizabeth
Hamblin, Arthur Ray
Hammond, Riley Green
Hampton, Jackie Garrett
Hampton, Robert Dean
Hanley, Claude Rayburn
Harder, Thomas John C.
Hardin, Don Ralph
Harman, Frederick George
Harmer, Donald Walter
Harrell, Horace Jackson
Harrington, Curtis Ronnie
Harrington, Festus Marcel
Harris, Lester Leroy
Harris, Thomas Eugene
Harrison, Jerry Dale
Harrison, John William
Harry, Robert Meade
Hart, Monte A.
Hartfield, Daniel Thomas
Hartsock, Thomas Parkhurst
Harvey, James Lawrence
Harvison, Lynn Doyal
Hassall, David Reed
Hasselbacher, Delmar Earl
Hathaway, William Kent
Haugen, Clinton Jerome
Haugland, David Vernon
Haupt, Lloyd
Hause, Richard Marvin
Haushalter, James Aloysius
Hauswirth, George Jay Duane
Havenstein, Gene Leon
Havrilesky, Peter
Hawes, Jessie Norman, Jr.
Haworth, James Ray
Hayden, James Nicholas
Hayes, Harry Howard
Hayes, James Patrick
Hayes, Lon Leroy
Hazard, William Lavern
Headrick, Jay Clark
Hebert, Charles Edward, Jr.
Heckel, Frederick Ross
Held, Rene
Helton, James Nathaniel
Henderson, William Howard
Hennings, Elwood Wayne
Henningsen, Leigh Alvin
Henrikson, Donald Earl
Henry, James, III
Henry, Kirby Dean
Henry, William Ralph
Hestekin, John Alvin
Huechert, Richard Herman
Hewitt, Earl Joseph, Jr.
Hickam, Curtis James
Hickey, Edmund Burke
Hicks, Daniel Earl
Hicks, Edward Kent
Hicks, William James
Hill, Allen Thomas
Hill, Dixon Lee
Hill, James Lyle
Hill, Robert Wallace
Hine, Jerry Gordon
Hisey, Howard Alan
Hobbs, Hurshel, Benton, Jr.
Hogan, Tommy Edward
Holdcroft, William James
Holder, Roy Stephen
Hollins, Willie, Jr.
Hollis, Lon Earl
Hollon, Maurice Calvin
Holmes, Doyle Edward
Holt, Lonnie Dean
Horn, William John
Hornbrook, Charles Buford, Jr.
Hornung, Eugene Herman
Horton, Walter Gerald
House, Malcolm Joseph
Hovestadt, Robert Francis
Howard, Bobby Joe
Howard, Donald Reed
Howard, Frank William
Howard, James Elijah, Jr.
Howard, Jimmy Earl
Howard, Roy Elzie
Hubbard, Calvin Edward
Hudson, Charles Talmage
Hudson, John William, Jr.
Hughes, Charles Earl

Hughes, Richard Larry
Hughes, Roy Dean
Hughes, William Heber
Humler, Paul Edward
Hunter, Thomas George
Hurd, William David
Huston, John William
Huston, Kenneth Dale
Huszar, Martin Wayne
Hutcheson, James Edward
Hutt, Eden Alan
Hyde, Frank Clare
Hymas, James Ellis
Iannetta, John Michael
Ide, James Kenneth
Irizarry, Carlos Andrew
Isenhour, Roger Dean
Jackson, Harold Bell, Jr.
Jackson, Robert Burns
Jackson, William Virgil
Jacobs, Thomas Edward
James, Bobby Campbell
James, Robert Owen
James, William Joseph
Jankowiak, James Gordon
Jasper, William Dale
Jaye, Kenneth
Jeffcoat, James Mark
Jensen, Gordon Mark
Jensen, James Cecil
Jessen, Carl Dean
Jewkes, Ronald Kale
John, Paul Maret
Johnson, Arthur Lee
Johnson, Charles Delbert, Jr.
Johnson, James Weldon
Johnson, Thomas Scott, Jr.
Johnston, Robert Harry
Johnston, James Edward
Johnston, Wilford Paul
Joiner, Hollis King
Jones, Carlos
Jones, David Lee
Jones, Edgar Joseph
Jones, Gerald Wayne
Jones, Gordon William
Jones, Stanley Clayton
Jordan, Albert Lee
Jordan, Boykin B.
Julian, Karl Douglas
Kadrlik, Milo Wenol
Kale, James Edward
Karcher, Raynor John
Kasmark, John Melvin
Kauffman, Wayne Brinton
Kaufman, Leonard
Keefer, Walter Beirne, Jr.
Kehoe, Raymond J.
Kellum, William Clayton, Jr.
Kelly, Carl Junior
Kelly, Richard Charles
Kennedy, Bruce Harmon
Kennedy, Robert Lee
Kenyon, Larry Lee
Kenyon, Robert Joseph
Kern, Phillip Eugene
Kerwin, James Albert
Kidd, James Burch
Kilgore, Herman L.
Kilpatrick, James Hoyt, Jr.
Kincade, Jerry Glen
King, George Hoover, Jr.
King, Robert Otto
Kirkpatrick, Gerald E.
Kjellberg, Gerald Lynal
Kleis, Louis Paul, Jr.
Knall, Daniel John
Knapik, Paul Peter, Jr.
Knight, Donald Wilder
Knowles, Gordon Clark
Kolodziej, Robert Francis
Krueger, Lloyd Eddy
Krug, Norman Edward
Kuder, Arlen Charles
Kuhnert, Howard Julius, Jr.
Kummet, Marvin Louis
Kushlan, Arthur Allen
Kwiatkoski, Eugene Edward
Ladell, Leonard Alvin
Laing, Thomas Walter
Lane, Donald Paul
Lane, Richard Dale
Langenohl, Frederick Charles
Langmaid, Robert Vance, Jr.
Lapointe, William Joseph
Largent, William Edwin
Larkin, James Michael
Larsen, Raymond Howard
Laughland, Ronald William
Lavaliere, Wayne, Edward
Lavan, Thomas Joseph
Lawrence, James Ross
Lawson, George
Layton, Ralph Stewart, Jr.
League, Howard Burtis
Leblanc, Albion Claude
Lechtenberg, Richard Clem
Lee, Delbert Clark
Lee, Robert Kenneth
Lee, Ronald Allen
Lege, Ranson Paul
Lentz, Joe Blane
Lesperance, Robert Francis
Lessard, Kenneth Alfred
Lewis, Donald Ray
Lewis, George Clinton
Lighthart, Lloyd William
Link, Spencer Frederick
Linkous, Roger Dayman
Linn, Paul Edward
Lisk, John Clayton
Lister, Robert Corley
Little, Benerson Vernon
Little, Charles E.
Little, William Theodore, Jr.
Livingston, John Stanley
Locke, Gary Winfred, Jr.
Lockey, Donald Lee
Loftis, Garland Thomas, Sr.
Logan, David Joseph
Logan, William Harry
Londot, Jack Lane
Loney, James Eldredge
Long, Homer Richard
Long, Rex Hayden
Loonam, John Francis
Lopez, Clyde Cecil
Lopez, Leopoldo
Lormor, Eugene Harold
Love, Charles Edward, Jr.
Love, Thomas Jefferson
Lovejoy, Jay Edward
Lowdermilk, Richard Francis
Lowen, Kenneth James
Lucas, John Roy
Lucero, Seferino
Lucie, George Rexford
Luther, Ellsworth Russell, Jr.
Lutz, James Robert
Lyles, James Ferrell
Lynch, William Alan
Lynn, William Jackson
Macdonald, Richard Cushing
Macy, Ervin Burk
Maggard, Andrew James
Maghan, David Allan
Mahar, Joseph Chester
Mahoney, David William
Maisch, Robert Reinhold
Majchrowicz, Edward John
Majure, Charles Reese
Malboeuf, Ernest Joseph
Malone, Robert Grant
Manges, Joseph
Mansmith, James Eugene
Markle, Donald Franklin
Marquiess, Francis Floyd
Marsh, Robert Dean
Marsh, William Harry
Marshall, Leo Roy
Marshall, Guy Allen
Martin, David Frank
Martin, Kenneth Ronald
Martin, Norman Richard
Martz, Robert Charles
Mason, George Julius
Massetti, Ennio
Mathews, Carl Leon
Mathis, Jimmy Dale
Matteson, Robert Alan
Matura, Adolph Rudolph, Jr.
May, Bobby E.
Mayers, Joseph
Mayo, Jimmy David
Mays, Robert William
McCarthy, Joseph Edward
McCleer, James Lawrence
McClimont, Thomas Eugene
McClung, James Richard
McCool, Jame Jonas
McCreight, James David
McCusition, Donald Ray
McCullough, Leo Frank
McDaniel, Robert Lee
McDermott, James Thomas
McDonald, Robert Loren
McDonough, James Francis
McFalls, James Edward
McGee, Thomas Earl
McGowan, John Patrick
McGowan, Kenneth Arthur
McGuire, David Nelson
McLaughlin, Delmer Daynus
McMullen, John Roland
McVay, Charles Roy
McWane, Rodney Reynolds
Meadows, Billy Dowell
Medice, Robert Leroy
Meeks, Wilbur Lee
Melton, William Gene
Mendez, Rafael
Menhennett, James R.
Metzger, William Marvin
Meyn, Paul Walter
Michielson, Dennis Clark
Middleton, Leroy Ryan
Miles, Paul
Miller, Clyde Dudley
Miller, Paul Howard
Miller, Richard Sterling
Miller, Roy Allan
Miller, Sydney Kie Henry
Milligan, Donald Ray
Mills, Charles William
Milne, Marion Keith
Mina, Melanio Gonzales
Minnehan, David William
Mitchell, Donald Ray
Mitchell, Elmer Ray
Moeller, John Arthur
Moen, Rodney Charles
Mooney, Derbert Drew
Moore, Earl Stanley
Moore, Lavonne Hendricks
Moore, Phillip, Jr.
Mora, Jesus Ronaldo, Jr.
Moratto, Franciso Russell
Moreau, Armand Roland
Morgan, Charles Franklin
Morgan, Charles Edward
Morgan, Walter Claude
Morris, Elbert Milburn
Morris, Robert Leet
Morrison, Herbert Eugene
Morrow, Walter Samuel
Moschette, Charles John
Moseley, Benny Joe
Moss, Bobby Leon
Moyer, Milton John
Mudryk, Raymond
Mueller, John C.
Mueller, Robert Arthur
Mullen, George Augustine
Mumford, Donald Emerson
Munn, Kenneth Lee
Murphy, Leslie Edward
Murray, Wendel Albert
Murtomaki, Charles Heusa
Myers, Ira Redden
Nason, Richard Osman
Nassar, Albert Nicholas
Neal, John Robert
Nechvatal, Charles James
Neel, Jack Franklin
Nelson, Roland William
Neste, Carl Alfred
Netterfield, David James
Neville, Thomas Arthur
New, Melvin Roger
Nichols, Paul Malcolm
Nicol, William Werner
Noel, Ronald Eugene
Nolan, Arthur George

Normandin, Raymond Henry
Norris, Robert Gene
Nowling, Clyde Junior
Nunan, Robert Emmett
Nusbaum, Walter Enoch
Oakes, James Ralph
Ogilvie, Joseph Lee
O'Keefe, James Thomas
Olander, Raymond Edward
Oliver, Richard Henry
Olsen, Frederick Lee
Olshefski, Anthony Chester
Olson, John Theodore, Jr.
O'Meally, John Lawrence
O'Neal, William Thomas
Oppenborn, Jerold Carl
Orosco, Santiago
Owens, Terry D.
Page, Alfred Leonard
Palmer, Charles Frank
Palmer, Richard William
Panovec, Joseph Victor
Parker, James Arren
Parker, Robert Elwin
Parnell, Charles Dickson
Parr, James William
Parsons, James Franklin
Partesius, John Scott
Pasco, John Pasqual
Patino, Donald Verdi
Patkus, Joseph Thomas
Patterson, Robert MacGregor
Paul, Anthony
Pearce, Gary Clifford
Pecora, James Eugene
Pedersen, George Tandrup, Jr.
Peele, Franklin D.
Peebles, Alvin Dunnavant
Peirsol, Keith Lavern
Pelletier, Ronald Wilbrod
Percival, William Lee
Pereira, Raymond Carl
Perritti, Frank Victor, Jr.
Perry, Allen Burrell
Perry, Junior Lacie
Peszynski, Walter Franklin
Peters, Gerhart Judson
Peters, John Wesley
Peters, Leonard Mahealani
Peterson, James Holgar
Petrick, Robert George
Pettit, Jimmie Laverne
Petty, Albert Leonard, Jr.
Petzold, Clarence Henry
Phillips, James Edgebert, Jr.
Pickens, Thomas Grover
Pior, Thomas Royse
Piszko, Martin Nicholas
Pittman, Norwood Thomas
Plantz, Vernon Alfred
Pletcher, Thomas Ray
Plourde, Ronald S.
Pohl, Matthew John
Ponciroli, Donald Lawrence
Poppe, Larry Dean
Porter, David Percy
Porter, Thomas Eugene
Postel, Keith Elwin
Potts, Louis Eldren
Preti, Wilfred Joseph
Price, John Edward
Pridgen, Joel Bernard
Priolo, Gary Philip
Pritchard, Jimmie Don
Proctor, Robert Eugene
Propst, Edward Russell
Quiniano, Hilario Llorente
Rabold, Frank Lloyd
Ragghianti, Charles Frank
Rahmann, Calvin John
Rakfeldt, Harry Ottomar
Ramirez, Rodolfo Sahagun
Rand, Verl Allen
Ranguette, John Anthony
Rasmussen, Anker Martin
Ratcliff, Thomas Preston
Ratliff, Thomas Linwood
Ray, Harold Lonzo
Reed, Frank Guy
Reed, Robert Vern
Reel, George William
Regan, Carl Eddie
Reindehl, Phillip Wells
Rhudy, Carl E.
Rice, Charles Oliver
Rice, Glenn, Jr.
Rich, Jerome Elliott
Richardson, James M.
Richardson, Donald Charles
Richter, Ronald William
Riddle, Richard Arnold
Riddlebarger, Devereaux P.
Ridge, James Alfred
Riegger, Robert Ronald
Rietz, Warren Eugene
Rife, Neal Dwayne
Rigg, Donald Arthur
Riggs, George Charles
Riley, Thomas Ellsworth
Rinehart, Walter Ronald
Rinehart, Eugene Victor, Jr.
Ritz, Richard Charles
Ritzel, Charles James
Roberts, John Ross, Jr.
Roberts, Laymor B., Jr.
Robertson, Bernard Lee, III
Robey, Olen Wilbur
Robinson, Earl Almack
Robinson, Frank Jeffrey
Robinson, Richard Stanton
Rochford, Robert Edward
Rockwood, Donald James, Jr.
Roddan, Ronald John
Rodgers, Carl Todd
Rogers, Thomas Eudene
Rohrscheib, James Vincent
Romano, James Michael
Romo, Carl James
Ross, Albert James Jr.
Ross, Johnny Edward
Rossignol, Donald J.
Roywadowski, Francis John
Runyon, Donald Ralph
Ruspoli, Frank Joseph
Russell, Frazier
Russell, Perry Bedford
Ruth, Herbert Merton
Rutland, Roger Wayne
Ryan, Royal Gene
Ryder, Gene Burnett
Ryder, Leon Elmer
Sala, Salvatore Louis
Salinas, Amando Santos
Salt, Joseph Timothy
Salvati, Donald Joseph
Sanger Duane Michael
Santonil, Rosendo Torres
Satterthwaite, Cecil Thane
Satterwhite, Dudley Marshall
Sawyer, Carl William
Scarcelli, James Pietro
Schadroderick, Francis
Schaefer, Andrew Charles
Schaffer, Lawrence Carl, Jr.
Scheine, Murray
Schelin, Theodore Carl
Schier, Robert Martin
Schlehr, Paul Raymond
Schmid, Walter Adolf
Schmidt, Curtis John
Schraud, Henry Frank
Schroeder, William
Schuhl, Robert Wegand
Schultz, Carl John
Schwartz, Ronald Eugene
Scott, Joseph Murdock
Sears, James Arthur
Seedorf, Ronald Frederick
Seegar, Marion Lloyd
Shaffer, Clarence William
Shaffer, John Oscar
Shaw, Richard Dale
Shaw, Richard Alan
Shears, Howard Franklin, Jr.
Sherrill, James Durwood
Sherry, Ronald Eugene
Shevling, Robert Louis
Shierling, Johnnie Wayne
Shinabery, Willard Edwin
Shoop, Ronald Arthur
Short, Leonard William
Shorten, Russell Kenneth
Shreve, Julius George
Siemers, Uwe
Silverberg, Eric Gustav
Simcox, Carl E.
Siver, Donald Frank
Siverly, John Edward
Skaw, Larry Roger
Skelley, Willard Richard, Jr.
Skipper, John William
Sloope, Charles Edgar
Slover, David Franklin
Sluder, George Theodore
Small, Frederick Eugene
Smith, Darrel Ogle
Smith, David Weaver
Smith, Donald Gene
Smith, Herbert Merrill
Smith, Howard Patrick
Smith, James L.
Smith, Larry Eugene
Smith, Lee Ervin
Smith, Lester Clark
Smith, Maurice Wesley
Smith, Robert Clyde
Smith, Robert John
Smith, Ronnie Lee
Smith, William Dennis
Snow, Homer Eugene
Snyder, Larry Dean
Snyder, Ralph Oscar
Soderlund, John Henry
Solak, Lawrence Edward
Solberg, James McKinley
Soriano, Fernando C., Jr.
Sosnovske, David Edward
Souders, Ralvin Allen
Soulia, Oscar George
Sowers, Bobby Gene
Sparks, Howard Frank
Spatt, Frank Ronald
Spear, Earl Jay
Spears, Buddy Wayne
Spears, Tommie Edward
Speh, Warren Glenn
Speir, William Franklin
Spinelli, Anthony Joseph
Springer, Thomas Lu
Squire, Orin Leroy
Sronce, Frank Thomas
Stanek, David Monroe
Stanford, Johnny Grey
Stanko, George Edward
Stanko, John Alex
Stanley, Jerry Stewart
Stansell, Walter Terry
Stapp, Alton Eugene
Stapp, Clyde Kellison
Stauffer, Robert George
Stendel, James Clinton
Stephens, Hugh Lawson
Stepherson, Gerald D.
Stepp, Robert Lee
Stevens, Richard Omer, II
Stevens, William David
Stewart, Bobby Leon
Stewart, Lowell Thomas
Stiffler, James William
Stockman, James Beasley
Stockton, Robert Leighton
Stogner, Lawrence Edward
Stone, Ernest Ralph, Jr.
Stoneking, Thomas Clinton
Story, Richard Harry
Stowe, Abraham Ronald
Stowe, Dorothy Jean
Strange, Gary Eugene
Strong, Franklin Eugene
Stuart, John Edward
Stuck, James Roland
Stuke, John Herbert
Sutter, William Winston
Sutton, Frank Clare
Swanson, Raymond Peter
Sweet, Ralph William
Swope, Ronny Lee
Sykes, James
Taczala, Edmund Joseph
Tanner, Marshall, Elliotte, Jr.
Tanner, William Earl
Tapp, Clovis Henry
Tarantino, John Floyd
Tarr, Robert Michael

Tarter, Arlan Gilmore
Taylor, Donald Walter
Taylor, Henry Harrison
Taylor, James Benjamin
Taylor, Stanley Carl
Terry, Robert Joseph
Tevis, John
Tharp, Arnett Rolland
Thatcher, Marvin George, Jr.
Thiel, John William
Thomas, Donald Ralphael
Thomas, Gordon Joel
Thomas, Lee Harworth
Thompson, Merrill Keith
Thompson, James Edward
Thompson, Stelio Guy
Thompson, Byron Haywood
Thompson, Robert Edward
Thompson, Robert Miller
Thompson, Frank Lawrence
Thompson, Jerry David
Thomson, Bruce Lindsay
Thornburg, Fredric Earl
Thornhill, Billy Harold
Timmons, Bobby Joe
Tims, Charles Edward
Tingle, Jerry
Todd, Samuel Spencer
Toomey, Thomas Patrick
Tosatto, Francis L.
Toth, Ernest Andrew
Townsend, Paul, Jr.
Trammell, William James
Treadway, Alton Glen
Troino, Rocco John
Tucker, Charles Wayne
Turley, Brian Dale
Turner, Donald Paul
Turner, George Edgar, Jr.
Turner, James Sunday, Jr.
Turner, James Phillip
Turpin, Billy Howard
Turpin, Thomas Richard
Tuttle, Donald Eugene
Twombly, Bennett Clayton
Underwood, Melvin Eugene
Uptegrove, Edwin Wayne
Vaccard, John William
Valeu, Bennie Joe
Vancleave, Jerry Maddux
Vanhee, Richard Charles
Vanicek, Errol Dean
Vanness, Henry Arthur
Vasseur, Roy Delano
Vaughn, David William
Veatch, Robert Loyd
Ventgen, Robert John
Verbic, Alan Robert
Vertress, Ronald Grey
Vettese, Anthony
Villanueva, Anastacio Lazaro
Villemaire, Albert Joseph
Vollmar, William Earl
Wade, Phillip Morris
Walcott, Clarence, Jr.
Walden, Billy Frank
Walker, Arthur Thomas
Walker, John Anthony, Jr.
Wall, Liberty Boy
Wallace, George William
Walsh, William Francis
Walter, Fredrick Sebastian
Walters, Chester Huel
Walters, John William
Ward, Bobby Jerrel
Warner, Eugene Knox
Warren, Harry Edward
Warren, Robert Lee
Warson, Duane Eugene
Watson, Chester Arthur, Jr.
Watson, Donald Reed, Jr.
Watson, John Lawrence
Watts, William Henry
Weathers, Billy Todd
Weaver, Robert Hugh
Weaver, Sterrie L.
Webb, Elvin Bernell
Webb, Ernie Maurice
Weber, John George
Weeks, Bill Frank
Weesner, Jack William
Wegrzyn, Raymond
Welch, Robert Walton
Wells, Harold Adolph
Wenter, Gary Earl
Wertz, Bruce Neal
Wesley, Philip Clyde Martin
West, Frank, Jr.
Wharton, Billie Eugene
Wheatley, Claude Isaac
Whisenhunt, Michael David
Whitaker, Lawrence Winans
Whitchurch, Charles Leroy
White, Billy Ray
White, John Philip
Whited, Fred Lewis
Whiteley, William Burton
Whitlow, Bobby Ray
Wiedenbeck, Elmer Wilfred
Wiles, Dwight Eldon
Wilke, James Gerald
Willecke, Waldo Lyle
Williams, Donald Paul
Williams, Frank Larry
Williams, Thomas Yeaman
Wilson, Charles Lee
Wilson, Earl Glen
Wimberley, Clay Allen
Winslow, Hal Worth
Wise, John Thomas
Wiski, Richard Frank
Witt, Lloyd Gordon
Wolfe, Myron Dean
Wolking, Fred Louis
Wood, Donald Frank
Wood, Richard Eliot
Wood, Ronal Dewey
Woodman, William Jack
Woodruff, James Earl
Wooten, Donald Clifton
Worley, James Lloyd
Worley, Melvin Eugene
Wreath, Clarence Frank
Wright, Larry William
Wyatt, William Douglas
Yanik, Ronald Valerian
Yarbrough, Thomas Albert
Yavorosky, Vincent Michael
Yeater, Edward Thomas
Yeatts, Harold
Yoneda, Minoru Mickey
York, Robert Ronald
Young, Donald Edgar
Zabetakis, Nick
Zeitler, George Dean
Zengen, Ralph Harold, Jr.
Zinn, David Sterling
Zobb, Louis John
Zuber, Sammy Dale

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line subject to qualification therefor as provided by law:

Akerman, Margo L.
Beam, Kathleen S.
Boynton, Johnnie M.
Bradley, Billie J.
Bruton, Kathryn J.
Carranza, Linda J.
Cortner, Cara A.
Dailey, Eleanor C.
Dersch, Lynnette R.
Dowd, Peggy R.
Downing, Gayle M.
Dugan, Kathleen M.
Dunn, Sharon L.
Dustin, Deborah L.
Fisher, Mary M.
Hawkes, Nancy J.
Heaxt, Sandra E.
Henley, Sally S.
Holmes, Sandra L.
Hughes, Michele M.
Jarosz, Elizabeth A. M.
Johnson, Martha S.
Karr, Elizabeth M.
Kennedy, Sandra K.
Kohlmeyer, Jean L.
Krueger, Patricia G.
Marzola, Antoniette
May, Nola J.
McAnallen, Shirley J.
McCulloch, Bonnie M.
Metcalf, Wendy J.
Mitchell, Sharon I.
Moczygemba, Elaine D.
Mohr, April D.
Moore, Marilyn J.
Moriarty, Ann J.
Morton, Janice C.
Moyher, Linda L.
Newill, Patricia E.
O'Malley, Margaret M.
Oskam, Margaretha I.
Perry, Earlyn F.
Ratz, Trudi
Reynolds, Sharon A.
Ricarte, Heloise B.
Roberts, Elaine N.
Rodes, Joann
Rudd, Pamela S.
Sanders, Jo A.
Sherfey, Faith L.
Skalisky, Mary V.
Stagg, Frances L.
Tate, Lynn D.
Tesoriero, Rita
Tolini, Dorothy A.
Weber, Sandra L.
Weishaar, Pamela J.
Whitehead, Martha L.
Wood, Nancy E.
Ziegler, Catherine

The following-named officers of the United States Navy for permanent promotion to the grade of lieutenant junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Aubrey, Richard D.
Austin, John D., Jr.
Bailey, Bernis H.
Barnes, Thomas D.
Baumann, Scott R.
Bibbins, Thomas A.
Brians, Wallace S.
Buck, Stuart F.
Brines, Stephen J.
Caceres, Raul A., Jr.
Cadden, Frank M.
Cannelos, George J.
Cannis, Robert M.
Carlsen, Kenneth H.
Creech, James R.
Dameron, Ott H.
Davis, Scott H.
Donaldson, Paul J.
Doub, Mark
Eason, Richard A.
Feierabend, Richard C.
Gant, Steven J.
Gray, Richard E.
Hanson, Wesley L., Jr.
Harris, John A.
Hastings, James J.
Henson, Lovell K.
Hildebrandt, Thomas G., Jr.
Hollister, Stephen J.
Hughes, Michele
Jones, Fred C.
Julian, Robert W.
Korba, Michael J.
Lane, Roy J., Jr.
Larson, David R.
Laturno, Raymond J., III
Lear, Richard B.
Leeder, Frederic G.
Ludington, Stephen P.
McMacken, Patrick B.
Moneymaker, Patrick D.
Moss, Dennis R.
Musselman, Stephen O
O'Connell, Brian J.
O'Connell, John T., Jr.
Osterhoudt, Robert R.
Patteson, Walter R., Jr.
Piotrowski, James M.
Rizzi, Robert A.
Robert, Eugene R.
Rondolone, Nicholas
Schuster, Mark G.
Scott, John K.
Shea, Robert W.
Smith, Harold M.
Walte, Robert C.
Staeheli, Bruce W.
Smith, Richard A.
Stromquist, David W.
Thomsen, Leon F.
Tomich, David B.
Turner, Dennis J.
Widhalm, Kenneth C.
Wilson, John R., Jr.
Witkowski, Christopher J.

SUPPLY CORPS

Archer, Raymond A., III
Bobulinski, Robert A.
Fowler, George O., III
Gibbs, David M.
Lamb, James H.
Lengkeek, Dale R.
Long, David L.
Wheaton, Kenneth W.

CIVIL ENGINEER CORPS

Fehlig, Charles J.
Hart, Stephen L.
Huddleston, Geoffrey E.
Parker, Robert V.

NURSE CORPS

Lyons, Doris A.
Trump, Patricia A.
Tynan, James F., Jr.

Lt. (j.g.) Lisalee A. Wells, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of ensign and the temporary grade of lieutenant (junior grade).

Robert G. Caliebe (Naval Reserve Officers Training Corps candidate) to be a permanent ensign in the line of the Navy, subject to qualification therefor as provided by law.

The following-named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, Section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Youngberg, Guy M.

SUPPLY CORPS

Bishop, William C.
Jarrett, William A.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

Vincent A. Albers, Jr.	David A. Clark
Terence M. Allen	John W. Clayborne
James O. Allison	Charles W. Collier
Warren L. Ammentorp	James K. Coody
Earl W. Bailey	Gorton C. Cook
Nicholas K. Bodnar	Richard L. Critz
James R. Bowser, Jr.	James L. Day
George L. Bruser	John J. Donahue
William E. Buckon	Philip J. Dooley
Richard R. Burritt	Alfred N. Drago
Guy R. Campo	Ronald P. Eckmann
George B. Crist	Donald J. Fulham
Robert L. Christian, Jr.	Samuel J. Fulton
	Donald L. Gaut
Dwayne Gray	George G. Long
Edward F. Grayson, Jr.	Theodore J. Lutz, Jr.
Macdonald Greer	Robert J. Lyons
Thomas L. Griffin, Jr.	Joseph A. MacInnis
Robert G. Haggard	Robert E. McCamey II
Herbert M. Hart	Roland D. McKee
Richard E. Hawes, Jr.	Walter J. McManus
Howard R. Henn	John J. Metzko
Donald H. Hildebrand	Robert J. Mille
Charles W. Hoffner	Edison W. Miller
John S. Hollingshead	Richard G. Moore
Robert C. Hughes V.	Thomas R. Morgan
Maurice H. Ivins, Jr.	Rhys J. Phillips, Jr.
Paul G. Janssen	Ronald M. Proudfoot
Malcolm S. Jolley, Jr.	Thomas M. Reedy
John J. Keefe	George H. Ripley
Robert J. Keller	J. W. P. Robertson
Frank R. Koethe	John F. Roche III
Leo J. Leblanc, Jr.	Dale W. Sanford
Lawrence R. Seamon	Stanley G. Tribe, Jr.
Robert M. Searles	Archie Vanwinkle
Roy A. Seaver	Billy F. Visage
Rufus A. Seymour	Carroll R. Vorgang
James L. Shanahan	Anthony G. Waite
William F. Sheehan	Phillip C. Walker
Eugene E. Shoults	Vonda Weaver
John D. Shoup	Joseph K. Weiland
Robert E. Switzer	William Weise
Wylie W. Taylor, Jr.	Rondell K. Wood

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of colonel:

James F. Burke, Jr.	Karl N. Mueller
Joseph R. Dobbratz, Jr.	Leo J. Naquin, Jr.
Ernest L. Ittner, Jr.	Elmer F. Pattillo
Edward J. Lamontagne	William A. Tate
Frank G. McLenon	

HOUSE OF REPRESENTATIVES—*Wednesday, September 6, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Seek good and not evil, that you may live: And so the Lord will be with you.—Amos 5: 14.

Eternal Spirit, in whom is our strength, with whom is our peace and from whom comes our hope for life in this moment of prayer we wait upon Thee for Thy forgiving grace and Thy empowering spirit.

We share in the sorrow of all people at the deeds of violence which have taken the lives of fine men. Teach us all, Our Father, that hatred does not work and that only good will can heal the hearts of nations.

Strengthen the families of those slain with Thy sustaining presence and lift the burden of violence from the hearts of men.

In these baffling and bewildering days grant unto us the willingness to walk in the ways of wisdom and the will to work for a world in which men are free, where justice rules the minds of men, and where peace reigns in the hearts of nations. Make us and our country great and good in spirit that we may be channels through which Thy purposes come to new life in our day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, a bill of the House of the following title:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2) entitled "An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 16. An act to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes; and

S. 2087. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents.

RECESS OUT OF RESPECT FOR MURDERED ISRAELI ATHLETES

Mr. PODELL. Mr. Speaker, I rise of course in despair over the events yesterday at Munich. I ask that the House stand in recess for 30 minutes out of respect for the 11 Israeli athletes who were killed so barbarically yesterday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess until 12:30 o'clock p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 30 minutes p.m.

EXPRESSION OF SYMPATHY TO PEOPLE OF ISRAEL AND FAMILIES OF THOSE WHOSE LIVES WERE LOST AT MUNICH

Mr. CELLER. Mr. Speaker, I offer a resolution (H. Res. 1106) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1106

Whereas with profound sorrow and deep alarm the House is informed of the events surrounding the killing of eleven members of the Israeli Olympic team participating in the Twentieth Olympiad at Munich, and

Whereas such actions are to be condemned as inimical to the interests and aspirations of the civilized world, be it hereby

Resolved, That the United States joins with the world in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost, and be it,

Further resolved, That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Clerk of the House be directed to communicate these sentiments and expressions to the Secretary of State for appropriate transmittal.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York (Mr. CELLER) is recognized.

Mr. CELLER. Mr. Speaker, supplementing the resolution which has been read by the Clerk, I wish to indicate that I personally believe that the Olympic games at Munich should now be terminated.

There is world protest against the brutal holocaust of these Arab murderers against the Israel athletes. The spirit of the Olympic games has been crushed. The continuation of the Olympic games would be a vivid condemnation of these horrendous acts.

The entire civilized world is aroused at these murders—apparently covertly or overtly applauded by some Arab nations. These beastly attacks can only be compared to the destruction of, say, the Sistine Chapel or the mutilation of the sacred scrolls of the temple or the murder of innocent defenseless bystanders.

The Olympic games stand for fair play and strenuous but just competition and harmony among nations. But these unspeakable crimes are the very antithesis of those laudable aims.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.