sion and welfare benefit plans; to the Committee on Education and Labor.

By Mr. REID (for himself, Mr. ANDERSON of Tennessee, Mr. BADILLO, Mr. BRASCO, Mr. CELLER, Mr. EDWARDS of California, Mr. FISH, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. MADDEN, Mr. MILLER of California, Mr. RHODES, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SIKES, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. RANDALL, Mr. RANGEL, Mr. COLLINS of Illinois, Mr. FORSYTHE, and Mr. PODELL):

H.R. 16565. A bill to prevent aircraft piracy by requiring the use of metal detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mr. STOKES, and Mr. GUDE):

H.R. 16566. A bill to prevent aircraft piracy by requiring the use of metal detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mr. ALEXANDER, Mr. BARING, Mr. VANDER JAGT, and Mr. YATRON):

H.R. 16567. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMITZ:

H.R. 16568. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to require that all officers of national labor organizations be elected by secret ballot of the members; to the Committee on Education and Labor.

By Mr. TEAGUE of California:

H.R. 16569. A bill to authorize the Secretary of Interior to engage in feasibility investigations of certain water research development proposals; to the Committee on Interior and Insular Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 16570. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. DENHOLM:

H.J. Res. 1295. Joint resolution relative to the attendance of Senators and Representatives during sessions of Congress; to the Committee on the Judiciary.

By Mr. ADDABBO:

H. Res. 1111. Resolution expressing the sense of the House on the tragic killings of Israeli Olympic team members at the XX Olympiad at Munich; to the Committee on Foreign Affairs.

SENATE—*Thursday, September 7, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

O Lord of all life, whose Word asks "What shall it profit a man if he shall gain the whole world and lose his own soul," help us to guard carefully and share wisely the great wealth of the soul. May the treasury of experience and wisdom and truth be opened that all may gain from the spiritual heritage entrusted to our keeping. Help us, in sharing material resources, to share also the resources of the mind and heart. Give us the higher grace to distribute not only the coinage of the realm but also the coinage of the spirit, those hidden values which make for strength of character and purposeful living. Hasten the day when all peoples shall seek first the Kingdom of God and His righteousness, knowing that when we have done that all else will be added. As we have paused to pray here, so may we continue to pray by doing our duty according to Thy will.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 7, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 6, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry; the Subcommittee on General Legislation of the Committee on Armed Services; the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs; a special subcommittee of the Committee on the Judiciary; the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; the Subcommittee on Public Buildings and Grounds of the Committee on Public Works; the Committee on Commerce; the Committee on Finance; the Committee on Foreign Relations; and the Committee on Labor and Public Welfare may be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NATIONAL SCIENCE BOARD

The second assistant legislative clerk proceeded to read sundry nominations in the National Science Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair would inquire whether the distinguished acting Republican leader desires recognition at this time.

Mr. SAXBE. No, Mr. President.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period not to exceed 30 minutes for the transaction of routine morning business, with statements therein limited to 3 minutes.

WHERE IS THE MONEY COMING FROM?

Mr. ROBERT C. BYRD. Mr. President, from almost every capital city and from almost every head of government in the world, have come statements denouncing the outrageous conduct by Arab terrorists in Munich yesterday.

No amount of denunciation or condemnation of those dastardly acts will bring back the persons who were murdered, or will bring solace to their families. No words will be enough to bring an

end to the international terror being practiced by these maddened fanatics. What is needed is positive and courageous action by governments and by government leaders who are in a position to be effective in stopping these crimes against humanity.

The Governments of the United States, Great Britain, and France, plus others in the Middle and Near East, spend vast amounts of money on their intelligence services. Great Britain and France, particularly, have had close political, diplomatic, and commercial ties in the Middle Eastern countries for close to 200 years. It is inconceivable to me that the intelligence services of these two nations are not fully aware of the inner workings of the forces that spawn these worldwide assassinations. It is also unlikely that the intelligence services of the United States are not privy to the full facts in these matters, if the cooperation between the United States and British intelligence is as close as we are led to believe.

Worldwide terrorism costs money—lots of it. Where is it coming from? If the intelligence services of the free world nations do not know, they must be unbelievably incompetent. If, as is much more likely, they do know, so do their governments and heads of state.

It is easy to heap obloquy on the madmen who actually carry out the acts of terror and murder. It takes courage and statesmanship to denounce the much more significant sources of the money that makes these acts possible.

The anger and disgust of the civilized world has been aroused against the Black September terrorists. I submit that it is time for someone who knows the truth about their financing, and whose relative neutrality in the Arab-Israeli conflict insures an acceptable impartiality, to stand up and tell the world in plain words, which governments, segments of governments, or individuals are supplying the money for the fanaticism to continue.

The Palestinians are not the only ones who have a fanatical fringe, either at home or abroad. If the responsibility is not squarely placed where it truly belongs, and soon, and pressures brought to bear to end terrorism by cutting off its main means of operation—money—the lust for revenge will insure a sickening bloodbath all over the world.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Maine (Mr. MUSKIE), that during the further consideration of the revenue sharing bill, Alvin From, of the staff of the Intergovernmental Relations Subcommittee, be allowed the privilege of the floor.

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

AS OTHERS SEE US

Mr. SAXBE. Mr. President, I call to the attention of my colleagues a most interesting column in the September 9, National Observor by Edwin A. Roberts, Jr. Mr. Roberts, in turn, is commenting on the recent interview of Yugoslav Communist theoretician, Milovan Djilas, by New York Times foreign correspondent C. L. Sulzberger.

In these times when it is almost a required reflex to wring hands over the spreading malaise of our country, it is a refreshing thing to cite an objective view which says just the opposite.

Although their backgrounds and careers are widely divergent, both Djilas and Sulzberger are individualists, never simply hewing to the party line or the editorial policy of their respective employers.

This is why Mr. Roberts considers the comments on America and its foreign policy by Djilas—"this enormously brave and brilliant heretic"—so important.

For Djilas believes President Nixon's visit to both Peking and Moscow to be not only an "impressive historical act," and not only to show that "Mr. Nixon understands what communism is," but finally as proof that "the United States won the cold war because of the internal disintegration of communism."

Why did that disintegration occur in the Communist countries and not in the United States? Because, says Djilas, "you are a nonideological country and thus were able to avoid a stalemate," because you were able to "enlarge some of the basic democratic ideas—like individual human rights—thus helping to erode the Communist system," and because "you proved the truth of your theory that no economic system can develop isolated from others. And you stayed strong enough."

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

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

A JOURNALIST'S SURPRISING INTERVIEW ABOUT AMERICA

(By Edwin A. Roberts, Jr.)

Among journalists who specialize in analyzing foreign affairs, C. L. Sulzberger of the New York Times occupies a niche all his own. Over the years Sulzberger has chatted with almost every major foreign figure on the world stage, as well as scores of lesser lights in scores of greater and lesser countries.

His datelines are often surprising. If there is a crisis in Japan, Sulzberger might well be telling us about the unrest in Prague. If a South American nation is going up in smoke, his report might come from Paris and lament the weaknesses of the Atlantic alliance.

Well, nobody can be everywhere at the same time, and at least one of his readers is content for Sulzberger to choose his itinerary as he pleases, because when this veteran reporter goes prospecting, he frequently unearths gold in abundance.

He did exactly that recently in a visit to Yugoslavia where he interviewed Milovan Djilas, probably the world's most famous unhappy Communist theoretician. Marshal Tito has repeatedly tried to neutralize Djilas, occasionally by throwing him in jail, but this enormously brave and brilliant heretic goes right on speaking his mind. What Djilas told Sulzberger the other day is, I think, worth the thoughful consideration of all Americans, especially in a year when domestic politicians are busily casting mud upon the waters.

Djilas told Sulzberger: "President Nixon's trips to Peking and Moscow represented a very impressive historical act. That 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."

A NONIDEOLOGICAL COUNTRY

Djilas said further: "The United States won the Cold War 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 wracked 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."

FROM A FOREIGN VANTAGE POINT

Djilas' words are as welcome as a summer breeze on the Dalmatian coast. They carry great weight because the record is clear that Djilas says what he believes, whatever the consequences, and because from his foreign vantage point he can view America in broad and detached terms. There is no reason to think his analysis is influenced by special regard for either the Democratic or Republican parties.

So here we have one of the world's most respected political thinkers—and a maverick Communist at that—stating that the United States has won the Cold War because of its military strength, its devotion to trade, and its ability to remain flexible in international relations because it is not locked in by dogma.

What a dazzling compliment. There is material here for a Fourth of July speech, or for a tract on what's right with America. But why should such observations seem so startling? The reason, I think, is that for too long the American public has been bombarded with volleys of criticism from domestic cynics.

We have heard, for instance, that President Nixon's conduct of the Vietnam War makes him a spiritual kin of Hitler. We have heard that the United States is threatening world peace by maintaining a large military capability. We have heard that racial tensions are about to tear America apart. We have heard that the United States has been delinquent in its diplomatic negotiations. We have even heard the nation has lost the respect of other countries.

WHAT UGLY LIES

What ugly lies we Americans choose to tell about ourselves. And how ironic that we must hear the truth from one of the few individuals in the world who is famous for telling the truth.

This nation has been struggling for a generation to ease tensions abroad while eliminating injustices at home. The price has been high. It has been costly, always in money and occasionally in blood, to convince the Communist world that the United States, while disdaining territorial gain for itself, is com-

mitted to resist the territorial ambitions of others. It has been costly to attempt to rectify the social inequities of the past, because with every step forward a badly used minority becomes more impatient to realize its rising expectations.

America has paid—and is paying—the price. But still the legions of complainers among the intellectuals and the young have faulted the nation at every turn, ridiculing the best efforts of a representative government to solve problems that embody historic hostilities and prejudices.

If our nation is not a perfect model for the world, it is nevertheless a nation that has often been right. We have the word of Milovan Djilas on that.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

VETERANS DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1030, S. 2108.

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

The assistant legislative clerk read as follows:

S. 2108, a bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, and alcohol or drug abuse disabilities and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1972".

SEC. 2. (a) Section 601(1) of title 38, United States Code, is amended by inserting "(including alcoholism and drug dependence)" immediately after "disease".

(b) Section 601 of such title is further amended by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively, and by inserting after paragraph (1) of such section a new paragraph (2) as follows:

"(2) The term 'veterans', with respect to furnishing hospital care and medical services under this chapter for a service-connected disability, includes (except as otherwise provided in subchapter VI of this chapter and section 3103 of this title) a person who served in the active military, naval, or air service and who was discharged or released therefrom with an other than dishonorable discharge."

(c) Section 601(6) of such title (as redesignated by subsection (b) of this section) is amended by inserting "and rehabilitative services" immediately after "medical services".

(d) Section 601(7) of such title (as redesignated by subsection (b) of this section) is amended by striking out "and treatment" and inserting in lieu thereof a comma and "treatment, and rehabilitative services".

(e) Paragraph (8) of section 601 of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(8) The term 'domiciliary care' includes necessary medical services and rehabilitative services, and, in the case of veterans who are unable to defray the expense of transportation, transportation and incidental expenses."

(f) Section 601 of such title is further amended by adding at the end thereof a new paragraph as follows:

"(9) The term 'rehabilitative services' includes, but is not limited to, such professional counseling, educational and vocational guidance, education, training, and job referral and placement services (including therapeutic work for remuneration through arrangements with private industry, and essential transportation associated therewith), and such other intensive skilled services applied, on an inpatient or outpatient basis, over such a protracted period as may be necessary to assist the patient to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

SEC. 3. Section 602 of title 38, United States Code, is amended by—

(1) striking out "an active" and inserting in lieu thereof "a"; and

(2) striking out "two years" both times it appears therein and inserting in lieu thereof "three years".

SEC. 4. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding after section 612 a new section as follows:

"§ 612A. Eligibility for readjustment medical counseling

"The Administrator, subject to the provisions of section 3103 of this title and within the limits of the Veterans' Administration facilities, shall furnish readjustment medical counseling and appropriate followup care and treatment under this subchapter to any person who served in the active military, naval, or air service during the Vietnam era and was discharged or released therefrom with other than a dishonorable discharge and who requests such counseling in order to assist such person in readjusting to civilian life following his discharge or release from the Armed Forces. The Administrator, in cooperation with the Secretary of Defense, shall take appropriate action, as provided in section 241 of this title, to insure that all veterans eligible for assistance under this section are advised of their eligibility for such assistance and are encouraged to take full advantage thereof."

(b) The table of sections at the beginning of chapter 17 of such title is amended by inserting immediately below

"612 Eligibility for medical treatment."

the following:

"612A. Eligibility for readjustment medical counseling."

SEC. 5. Section 618 of title 38, United States Code, is amended by inserting "(a)" before "The Administrator" where it first appears and adding the following new subsection:

(b) In providing rehabilitative services under this chapter, the Administrator shall take appropriate action to make it possible for the patient to take maximum advantage of any benefits to which he is entitled under chapter 31, 34, or 35 of this title."

SEC. 6. (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

SUBCHAPTER VI—SPECIAL MEDICAL TREATMENT AND REHABILITATIVE SERVICES FOR ALCOHOLISM, DRUG DEPENDENCE, OR ALCOHOL OR DRUG ABUSE DISABILITIES

"§ 651. Definition

"As used in this subchapter and notwithstanding any other provision of this title, the term 'veteran', except as provided in section 654 of this title, means a person who has been discharged or released from a period of active military, naval, or air service, regardless of the nature of such discharge or release, and regardless of section 3103 of this title, and who has an alcoholism, drug dependence, or alcohol or drug abuse disability.

"§ 652. Treatment and rehabilitative services for veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities

"(a) The Administrator shall furnish to any veteran for an alcoholism, drug dependence, or alcohol or drug abuse disability such special medical treatment and rehabilitative services and such hospital and domiciliary care (hereinafter in this subchapter collectively referred to as treatment and rehabilitative services) as he finds to be reasonably necessary to bring about the veterans' recovery and rehabilitation from such disability.

"(b) Such treatment and rehabilitative services shall (1) include, but not be limited to, medical examination, diagnosis, and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counseling (including appropriate referrals for legal assistance), educational and vocational guidance, and crises intervention, and (2) be provided in hospital, domiciliary, outpatient, and half-way house and other community-based facilities (including store-front facilities located in areas where large numbers of veterans eligible for treatment and rehabilitative services under this subchapter reside) over which the Administrator has direct and exclusive jurisdiction or in other Government or public or private facilities for which the Administrator contracts in accordance with such regulations as he shall prescribe.

"(c) In providing for treatment and rehabilitative services under this subchapter to any veteran, the Administrator shall offer alternative modalities of treatment to such veteran based upon the individual needs of such veteran.

"(d) In contracting for treatment and rehabilitative services in non-Veterans' Administration facilities pursuant to this subchapter, the Administrator shall, wherever feasible, give priority to community-based, multiple-modality, treatment and rehabilitation programs which include among their staff former addict counselors and veterans (as defined in section 101 of this title) of the Vietnam era and stress out-reach efforts to identify and counsel veterans eligible for treatment and rehabilitative services under this subchapter.

"(e) The Administrator shall, upon receipt of application for treatment and rehabilitative services under this subchapter by any veteran who has been discharged or released from a period of active military, naval, or air service, with other than an honorable or general discharge—

"(1) advise such veteran of his right to apply to the appropriate military, naval, or air service for a review of the nature of his discharge or release for the purpose of changing the nature of his discharge and thus removing any ineligibility to the receipt of benefits under this title or any other law;

"(2) advise such veteran of the policy of the Armed Forces with respect to review of the nature of any discharge received in connection with alcohol or drug use or possession; and

"(3) advise such veteran of all programs

under this title and any other law to which he is entitled or would be entitled with a general or honorable discharge.

The Administrator shall offer and, if requested, provide to any veteran within the purview of this subsection such assistance as may be necessary to facilitate the process of preparing and filing an application for a review of the nature of such veteran's discharge or release from a period of active military, naval, or air service.

"(f) (1) Any veteran eligible for treatment and rehabilitative services under this subchapter as a result of service in the active military, naval, or air service during the Vietnam era shall be entitled to such treatment and rehabilitative services.

"(2) If such veteran—

"(A) requests, but is not provided promptly, treatment and rehabilitative services in a facility or program over which the Administrator has direct and exclusive jurisdiction, or

"(B) requests treatment and rehabilitative services in a non-Veterans' Administration facility or program which the Administrator, as hereafter provided in this paragraph, has determined provides treatment and rehabilitative services consistent with the provisions of this subchapter, and there is no facility or program described in clause (A) readily accessible to such veteran,

then such veteran shall be entitled to payment on his behalf by the Administrator of the reasonable value of such treatment and rehabilitative services consistent with the provisions of this subchapter (including services in accordance with and under the provisions of section 654 of this title) provided to such veteran in a non-Veterans' Administration facility or program which the Administrator, in accordance with standards established in such regulations as he shall prescribe (as to drug treatment and rehabilitation programs, with the concurrence of the Director of the Special Action Office for Drug Abuse Prevention in the Executive Office of the President), has determined provides such treatment and rehabilitative services consistent with the provisions of this subchapter.

"(3) The Administrator shall make payment to a non-Veterans' Administration facility which has provided treatment or rehabilitation services under paragraph (2) as follows: (A) for treatment and rehabilitative services provided, out of any funds appropriated for the medical care of veterans for any fiscal year, and (B) for rehabilitative services provided under and in accordance with the provisions of section 654 of this title, out of any funds in the Special Rehabilitation Revolving Fund established under section 655 of this title.

"(g) (1) The Administrator shall also provide for treatment and rehabilitative services in the case of any veteran eligible therefor under this subchapter who has been charged with, or convicted of, a criminal offense by any court of competent jurisdiction in the United States, who is not confined and who is not required to participate in the treatment and rehabilitation program by any such court. In addition, the Administrator shall, to the maximum extent feasible, furnish drugs and medicines to any veteran who is incarcerated by a unit of general local government if such veteran was receiving treatment and rehabilitative services under this subchapter immediately prior to his incarceration and if such drugs and medicines are ordered by the attending physician under conditions he determines provide adequate safeguards against abuse; and the Administrator shall continue to furnish such drugs and medicines to such veteran until such time as the Administrator determines that responsibility for appropriate treatment will be assumed by a non-Veterans' Administration facility or program.

"(2) The Administrator may also provide for treatment and rehabilitative services to any veteran eligible therefor under this subchapter who is under the jurisdiction of a court of competent jurisdiction as the result of having been charged with, or having been convicted of, a criminal offense and who is required to participate in a treatment and rehabilitation program by such court, but such services may be provided only under such conditions as the Administrator determines will insure that the participation of such veteran in the program in question will not impair the voluntary nature of the treatment and rehabilitative services being provided to other patients in such program.

"§ 653. Outreach and counseling

"(a) The Administrator shall utilize all available resources of the Veterans' Administration in seeking out and counseling toward treatment and rehabilitation all veterans, especially Vietnam era veterans, eligible for treatment and rehabilitative services under this subchapter.

"(b) To carry out the provisions of subsection (a) of this section, and to provide counselors for treatment and rehabilitation programs under this subchapter, the Administrator shall, to the maximum extent feasible, contract for the services of or employ former addict veterans. The Administrator is authorized to employ or contract for the services of such veterans without regard to those provisions of title 5 relating to the appointment of persons in the competitive service, to pay such persons without regard to the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, and to provide such veterans with all necessary job training.

"(c) The Administrator shall carry out an affirmative action program, in consultation with the Secretary of Labor and the Chairman of the Civil Service Commission, (1) to urge all Federal agencies, private and public firms, organizations, agencies, and persons to provide appropriate employment opportunities for veterans provided treatment and rehabilitation under this subchapter who have been determined by competent medical authority to be sufficiently rehabilitated to be employable and (2) in coordination with the Secretary of Labor, to place such veterans in such opportunities.

"§ 654. Special Rehabilitation Program of education and training for certain veterans

"(a) Pursuant to regulations prescribed by the Administrator and without regard to a veteran's eligibility for any other benefits under this title, the Administrator shall, in accordance with the provisions of and limitations in this subchapter and subject to the provisions of section 3103 of this title, provide a special program of rehabilitative services patterned after education and training programs under chapter 31 of this title, to any veteran who was discharged or released after January 31, 1955, from active military, naval, or air service with a discharge under other than dishonorable conditions to any veteran discharged or released after such date with an undesirable or bad conduct discharge if (1) such veteran is suffering from alcoholism, drug dependence, or an alcohol or drug abuse condition, (2) the Administrator determines that such alcoholism, drug dependence, or condition was acquired or aggravated while such veteran was performing such service, and (3) such veteran is eligible for and requests treatment and rehabilitative services under this subchapter. Such services may be provided to any such veterans for up to one year after he has been discharged from the treatment and rehabilitation program as recovered.

"(b) The Administrator shall pay a monthly subsistence allowance from the Special Rehabilitation Revolving Fund established under section 655 of this title in an amount not less than 75 per centum, nor more than the full amount, of the subsistence allowance provided under chapter 31 of this title, to each veteran participating in the special rehabilitation program established by this section.

"(c) Where any benefit payments have been made in the case of any veteran to the Special Rehabilitation Revolving Fund (established by section 655 of this title) pursuant to the provisions of section 655(b) of this title, the benefit entitlement of such veteran on which such payments were based shall be reduced accordingly.

"(d) The total period of participation by any veteran in the special rehabilitation program established by this section shall not exceed a total of twenty-four months, except that, in extraordinary cases and in accordance with such regulations as the Administrator shall prescribe, the Administrator may approve an additional period of participation and payment of such subsistence allowance as he determines necessary when he finds that the veteran is making reasonable progress in his rehabilitation program and the additional assistance is necessary to accomplish the purpose of the program.

"(e) If the Administrator finds that any veteran, while receiving rehabilitative services under this section, is not eligible for benefits under chapter 31, 34, or 35 of this title because of the nature of his discharge or release, has successfully completed the rehabilitation program prescribed by the Administrator, and has been recovered, for a period of one year or more, from the disability for which he received such rehabilitative services, under such regulations as the Administrator shall prescribe, such veteran shall, for as long as he continues his recovery, be eligible for any readjustment benefits under chapter 31, 34, or 35 of this title to which he would have been entitled except for the nature of his discharge or release. Such eligibility shall extend retroactively to the date such veteran entered the special rehabilitation program established under this section.

"(f) In the case of any veteran who while receiving benefits under this section was not eligible for benefits under chapter 31, 34, or 35 of this title because of the nature of his discharge or release and who the Administrator finds has later become eligible for such benefits by virtue of a review and correction of the nature of such discharge or release by the Secretary of the service concerned, the total number of months of the period of eligibility for such benefits shall be reduced by the total number of months of the veteran's participation in the special rehabilitation program established by this section.

"(g) No veteran shall enter the program established under this section later than eight years after the date of enactment of this section or of such veteran's discharge or release, whichever is later.

"§ 655. Special Rehabilitation Revolving Fund

"(a) For the purposes of section 654 of this title, there is hereby established in the Treasury of the United States a fund which shall be known as the Special Rehabilitation Revolving Fund (hereinafter in this subchapter referred to as the 'Fund').

"(b) In the case of any veteran who is provided rehabilitative services under section 654 of this title and who is entitled to benefits under chapter 31, 34, or 35 of this title, including the restoration of any benefits under section 654(e) of this title, the total monetary amount of such benefits for the period during which such services are provided shall be paid into the Fund by transfer from current and future appropriations for readjustment benefits.

"(c) From such sums as are appropriated for the medical care of veterans for any fiscal year, the Secretary of the Treasury is authorized and directed to transfer to the Fund—

"(1) within 30 days after the date of enactment of this section, $5,000,000; and

"(2) thereafter from time to time until June 30, 1980, such sums (not in excess of $5,000,000 in any one fiscal year) as the Ad-

ministrator shall determine and certify to the Secretary as will be necessary to maintain the solvency of the Fund.

"(d) Amounts transferred or paid into the Fund shall remain available until expended.

"§ 656. Audits by Comptroller General

"(a) All financial transactions made in connection with the Fund and with contracts with and payments to non-Veterans' Administration facilities and programs under this subchapter shall be audited annually by the Comptroller General of the United States in accordance with the principles and procedures applicable in revolving funds and commercial corporate transactions and under such rules and regulations as he shall prescribe. The representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property in connection with such transactions necessary to facilitate audits made pursuant to this section, and such representatives shall be afforded full facilities for verifying transactions.

"(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary to conduct any such audit are authorized.

"(c) A report of such audit for any fiscal year shall be made by the Comptroller General to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include with respect to the Fund a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such statements and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the Fund and of such non-Veterans' Administration facilities and programs, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each such report shall be furnished to the Administrator.

"(d) The Comptroller General shall carry out his responsibilities under this section in such a way as to comply with the provisions, respecting medical confidentiality, set forth in section 659 of this title.

"§ 657. Budget requests

"For the fiscal year ending June 30, 1973, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress pursuant to section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), a separate line item showing the estimated expenditures by the Veterans' Administration under this subchapter during such fiscal year for the treatment and rehabilitation of eligible veterans, broken down so as to reflect expenditures from medical care appropriations and from the Fund.

"§ 658. Treatment of members of the Armed Forces by the Veterans' Administration

"(a) Any member of the active military, naval, or air service who is determined by the Secretary of the military department concerned to have an alcoholism, drug dependence, or alcohol or drug abuse disability, may, pursuant to such terms as may be mutually agreeable to the Secretary concerned and the Administrator, and subject to the provisions of the Act of March 4, 1915, as amended (31 U.S.C. 686), be transferred to any Veterans' Administration facility within the last ninety days of his tour of duty and be provided treatment and rehabilitative services under this subchapter as if he were a veteran.

"(b) The Administrator shall from time to time make a report to the Secretary concerned as to the progress of the treatment of any member transferred to him pursuant to the provisions of this section, and the Administrator shall release such member to the Secretary concerned when the Administrator finds that the alcohol or drug abuse disability of such member is stabilized, or certifies that (1) such member refuses to comply with the terms and conditions of the treatment prescribed, or (2) the treatment which could otherwise be provided will be of no further benefit to such member.

"(c) No member of the active military, naval, or air service shall be transferred to any Veterans' Administration facility pursuant to subsection (a) of this section unless such member requests such transfer in writing for a specified period of time within his tour of duty. No such member thereafter transferred shall be retained for treatment by the Administrator beyond such specified period of time within his tour of duty unless the member in writing requests treatment for a further specified period of time and such request is approved by the Secretary concerned and the Administrator.

"§ 659. Medical confidentiality

"(a) Notwithstanding any other provision of law, all records made or information divulged by a person in connection with the provision of treatment and rehabilitative services under the provisions of this subchapter shall be kept confidential by the Administrator, and such record, information, or the fact of such treatment may be disclosed only for the purposes and under the circumstances expressly authorized in this section.

"(b) If the patient who is the subject of the record, information, or fact of treatment obtained or provided under the provisions of this subchapter—

"(1) has voluntarily requested in writing a waiver of confidentiality (A) to medical personnel for the purpose of diagnosis or treatment, (B) to his attorney, or (C) to government personnel or a named person or organization (i) in connection with the patient (or his family, successors, heirs, or assigns) obtaining benefits to which he may (or they might) be entitled, or (ii) where the director of the facility responsible for treatment, rehabilitation, or placement of the patient determines that such disclosure would be clearly beneficial for the patient;

"(2) is determined, by competent medical authority, to be a clear and present danger to himself or others and the disclosure of such record, information, or fact is determined to be necessary to alleviate such danger; or

"(3) is deceased and the Administrator determines that the disclosure of such record, information, or fact is necessary for any of the survivors of such patient to obtain benefits to which they may be entitled, including the pursuit of legal action;

then such record, information, or fact may be disclosed for the purposes and under the circumstances specified herein.

"(c) Any record, information, or fact of treatment obtained or provided under the provisions of this subchapter may also be disclosed if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment and rehabilitative services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record, information, or fact, is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(d) The Administrator shall insure that any record, information, or fact of treatment obtained or provided under the provisions of this subchapter shall not be released or divulged in any manner, for any purpose, or with any effect adverse to the interests of the veteran by the Veterans' Administration or any person, program, or organization carrying out functions under this title in connection with any judicial proceeding (criminal or civil), administrative proceeding, or criminal or other investigation to which such patient is a party unless authorized under subsection (b) or (c) of this section.

"(e) Nothing in this section shall prohibit the Administrator from releasing statistical data compiled without reference to individual names or other identifying characteristics.

"(f) The prohibitions of this section shall continue to apply to any record, information, or fact of treatment obtained or provided under the provisions of this subchapter concerning any person who has been a patient, irrespective of whether or when he ceases to be a patient.

"(g) Except as authorized under this section, any person who discloses any record, information, or fact of treatment obtained or provided under the provisions of this subchapter shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

"§ 660. Reports.

"The Administrator shall submit to the Congress six months after the enactment of this section and thereafter on each February 1 a full report on the implementation of this subchapter, separately with respect to alcoholism and alcohol abuse, on the one hand, and to drug dependency and abuse on the other, and an evaluation of the effectiveness of alternate treatment and rehabilitation programs provided hereunder, including (1) the number of veterans and servicemen provided treatment and/or rehabilitative services, (2) the average duration of such treatment and/or services, (3) the estimated percentage of successful rehabilitation and enduring recovery cases, (4) an analysis of successful and unsuccessful rehabilitation experience, (5) a full accounting of receipts and disbursements from the Fund and an estimate of medical care appropriations to be transferred to the Fund in the succeeding fiscal year, (6) a description of outreach, information dissemination, and job development and placement efforts, (7) a full accounting of payments to, and an evaluation of services and programs provided in, non-Veterans' Administration facilities, (8) experience under the medical confidentiality provisions. (9) plans for new program directions, and (10) such recommendations for legislations as the Administrator deems appropriate."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VI—SPECIAL MEDICAL TREATMENT AND REHABILITATIVE SERVICES FOR ALCOHOLISM, DRUG DEPENDENCE, OR ALCOHOL OR DRUG ABUSE DISABILITIES

"Sec.
"651. Definition
"652. Treatment and rehabilitative services for veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities.
"653. Outreach and counseling.
"654. Special Rehabilitation Program of education and training for certain veterans.
"655. Special Rehabilitation Revolving Fund.
"656. Audits by Comptroller General.
"657. Budget requests.
"658. Treatment of members of the Armed Forces by the Veterans' Adminstration.
"659. Medical confidentiality.
"660. Reports.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the text of S. 2108 be amended by adding a comma and the word "or" after the word "conditions" on line 5, page 20.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment in the nature of a substitute.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from its consideration of H.R. 9265, a companion bill, and that the Senate proceed to its immediate consideration.

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

The Senate proceeded to consider the bill (H.R. 9265), the Servicemen's, Veterans', and Ex-servicemen's Drug Treatment and Rehabilitation Act of 1971.

Mr. ROBERT C. BYRD. Mr. President, I move to strike all after the enacting clause of H.R. 9265 and to substitute therefor the text of S. 2108, as reported and as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. CRANSTON. Mr. President, the bill before us, S. 2108, the proposed Veterans' Drug and Alcohol Treatment and Rehabilitation Act of 1972, which I reported from the Committee on Veterans' Affairs on September 1 and the provisions of which we will shortly move be inserted in lieu of the provisions of H.R. 9265, represents the culmination of extensive work over the last 18 months by the Veterans' Affairs Subcommittee on Health and Hospitals, which I am privileged to chair.

It is particularly significant that this bill has such broad-based bipartisan cosponsorship—six Democrats and six Republicans representing every region of the country—and is cosponsored by every member of the Veterans' Affairs Committee.

Mr. President, this consensus and broad-based support required a great deal of flexibility and accommodation on the part of all members of the Veterans' Affairs Committee and the Health and Hospitals Subcommittee, and I wish to express my particular admiration and gratitude today for the cooperation and courtesies extended to me by all members of the committee and particularly by the chairman, Mr. HARTKE, and the ranking minority member, Mr. THURMOND. They were ably assisted by the chief counsel of the committee, Guy McMichael, and the minority staff members, Ed McGinnis and Tyler Craig, and I wish to express my thanks to them as well for their outstanding efforts in behalf of this committee substitute.

I also want to note my appreciation for the great assistance of the distinguished Senator from West Virginia (Mr. RANDOLPH) who serves as the ranking majority member of our Health and Hospitals Subcommittee and who has played such a forceful and vital role in moving this bill through subcommittee and full committee to the floor today.

Mr. President, the need for a comprehensive drug addiction treatment and rehabilitation program was poignantly highlighted in a July 16, 1972, article by Paul Starr in the Sunday Washington Post entitled "Drug (Mis)treatment for GI's." I ask unanimous consent that the text of this article be set forth in the RECORD at this point.

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

[From the Washington Post, July 16, 1972]

DRUG (MIS)TREATMENT FOR GI'S

(By Paul Starr)

(NOTE.—The author is studying the problems of Vietnam veterans at the Center for the Study of Responisve Law.)

The soldier was standing in front of the VA psychiatrist.

"When do I get out of here?" he demanded. "Just tell me when I get out of here."

He must have asked that question a dozen times in a single day. Nothing else seemed to be on his mind. Only a week before the Army had shipped him back from Vietnam after a urine test singled him out as a heroin user. Following a brief stay at a military base stateside, he had been transferred to a Veterans' Administration hospital for mandatory treatment before discharge. But he wasn't interested in getting treatment, only in getting discharged. Almost to a man, the soldiers sent to the VA claim they have no problem with drugs. "My problem's been the Army," they insist, and many of them may well be right.

In the uproar over heroin use in Vietnam and the need for treatment programs, scarcely anyone has considered the viewpoints or situations of the soldiers themselves. As a result, a great deal of money and effort is being expended, most of it with little impact on the problem. And with failure becoming more apparent, public policy has edged toward compulsory forms of treatment that may only aggravate the situation.

Under current procedures, soldiers identified as drug users are assigned to VA hospitals while still on active duty if their term of service is about to end. If it is not, they receive treatment within the services.

The mandatory referrals to the VA were instituted late last year by the administration to ensure that no soldier would be released without 30 days of drug-free experience and to take the burden of providing that experience off the military.

An earlier policy had left the decision on whether to undergo VA treatment up to the individual GI. But in mid-September, Dr. Jerome Jaffe, President Nixon's top adviser on drug abuse, reported that voluntary treatment "was not working as we had hoped." Since the previous July, when urine tests were first used, only 23 identified drug users had decided on their own to go to the VA. Dissatisfied, the administration decided that soldiers would be assigned against their wishes to veterans' hospitals for up to one month before discharge. The administration also asked Congress for authority to involuntarily extend a drug user's service 30 days. This measure, still pending, would permit the government to channel every outgoing serviceman thought to be using drugs through the VA, including those apprehended in the last days of their tour. Some congressmen want to go further. Rep. John Murphy (D-N.Y.) has proposed a bill that would provide for compulsory treatment in any federal institution for as long as 42 months.

JUST A FORMALITY

Few people at VA hospitals, either staff or patients, seriously believe the treatment is anything more than a formality. Even the goal of 30 drug-free days is not always achieved, since drugs are widely available on VA awards. And because the hospital staffs find many of the Vietnam veterans angry and uncooperative, the soldiers are often quickly released on an outpatient basis and told to come back in a few weeks to pick up their military discharge papers. In the meantime, the men are able to go home—or back to the streets.

A recent case exemplifies typical practices under the referral system. Twenty-one years old, identified as a drug user by urinalysis in Vietnam, this soldier insisted to VA physicians that he only smoked heroin now and then, never maintained it and had never become addicted.

Day 1 (initial evaluation): "He is showing at present a very negative attitude toward being on a drug program as he feels no problem."

Day 7 (progress report): ". . . very negative attitude—all he wants is out—claims he has no drug problem."

Day 8: Discharged.

While the VA has in the past year and a half established 36 drug treatment centers in its extensive hospital system, soldiers "medevac'd" from Southeast Asia generally will have little to do with them. "They never want to come in," says Ruth Stoffer, director of a tough residential treatment unit in Bedford, Mass. "The hospital is responsible for them, but not our program. They go on a psychiatric ward."

Placing drug-using soldiers in wards with psychiatric patients is bitterly resented by the young GIs who see themselves as perfectly healthy. "It's hard to get along with them," says one veteran who spent time on a unit with mental patients. "Some of them were slobbering all over their food. You just don't put yourself in that category."

RESULT IS ALIENATION

Once they receive their military discharge papers, the soldiers leave VA hospitals—few with fond memories. Although one of the purposes of the referral system is ostensibly to impress upon them the availability of VA drug programs, the effect more likely is permanent alienation from the VA and from therapy. The retention rate beyond the required stay runs close to zero.

"Most of them don't want to stay," admits Dr. William Winick, director of the Brockton, Mass., VA hospital. "We're somewhat disappointed because we went to some lengths to provide a program." The story is the same elsewhere.

"The reality is that most men who are about to be discharged and who have been caught on drugs don't want treatment," says June Schwartz, a veterans' assistance counselor in the Baltimore drug program. "The first reason is that many who are caught in urinalysis are not addicted. The urinalysis showed heroin, but maybe they were smoking it. Another reason is that even if they were addicted, a lot of them have no intention of stopping. It's only after they've reached the streets again and experienced the hassle of earning money to get drugs that they want to stop.

"And a third factor is the forced treatment in the Army. We've seen this a number of times. A lot of them are forced to detoxify in Vietnam under not very pleasant circumstances. Then they're forced to go through an Army treatment program and then the VA. By that time, they've had it."

Those addicts who do voluntarily enter VA drug programs come in off the streets after having spent months or years facing the brutal conditions of addiction in the United States—constant hustling, legal entanglements, imprisonment, family problems, adulterated drugs, hepatitis, community hostility. But even then they are reluctant to go to the VA, fearing that their medical records will not be kept confidential or that they may lose other veterans' benefits. "I thought twice about coming here because of government identification," stated one patient. And Dr. Winick of Brockton concedes, "They identify us as a quasi-mili-

tary organization," an impression which is only strengthened by the mandatory referral system.

Because of government control, complicated intake procedures, eligibility limitations, and the general orientation of the VA toward older veterans, many VA drug programs now have a "bad name" on the streets—or no name at all. While the agency has touted its efforts nationally, they generally offer little community outreach. Consequently, some programs run well below capacity. The Bedford unit has beds and staff for 40 drug users; this spring it had only 13 patients, virtually all of whom entered the hospital to escape heavy criminal charges. The VA's outpatient clinic in Boston, primarily a methadone maintenance program, is running at half capacity while every other methadone program in Boston has a waiting list of 6 to 12 months. In New York the waiting list for municipal methadone programs runs well into the thousands, but at the three New York VA hospitals there has been no overflow. They treat a little more than 500 addicts, in a city where the official estimates place addicted veterans at about 10,000.

Sen. Alan Cranston (D-Calif.) cites the VA's heavy reliance on methadone maintenance as one reason for the small numbers. In many areas, no other long-term VA treatment is available. In Washington, for example, the VA offers methadone but no intensive, drug-free program. Patients seeking such therapy are referred elsewhere. "There's not a whole lot we can do," says Dr. N. R. Tamarkin, chief of the Washington unit, adding that he hopes to secure space for a therapeutic community in the near future. But whatever the type of therapy, Cranston points to the lack of demand for VA programs as evidence "that tens of thousands of veteran addicts on the streets today simply have no faith in the VA drug treatment programs."

NO JUNKIE IDENTITY

The resistance to treatment goes beyond mere distrust of the VA, however. The GIs resist the entire notion that they are sick and need rehabilitation. "They don't want to identify with junkies," says one older addicted veteran. "They feel when they left Vietnam, they left their habit."

At least initially, the veterans do appear to differ sharply from street addicts here. They are generally in better physical condition, showing few of the secondary signs of addiction—such as hepatitis—since they have been smoking or snorting heroin rather than injecting it (the source of nearly all the medical complications). Their motivation has often been situational: They may have begun drug use not as an expression of emotional disturbance but as an act of self-medication in an oppressive setting. And perhaps most important, for the returning soldiers heroin addiction has not represented a total identity as it has for the street addict. They have not submerged all other aspects of their lives in the pursuit of heroin and the means to buy it. Since they bought drugs cheaply in Vietnam and the Army supplied their other needs, the soldiers have not yet had to organize their lives around their habits.

And many may not be willing to do so. Dr. Norman Zinberg—a Harvard psychiatrist who traveled to Vietnam last year and has been interviewing veterans since then—has found a strong inhibition against both the needle and the junkie life. Twenty-four of the 26 men he has been seeing have stopped on their own. Unfortunately, when a veteran comes home and gives up his habit because of what it would mean to his family, there is no social agency, no class of professionals, no treatment program that can claim him as their success. As a result, such cases never get counted in the making of public policy. The possibility that going home is more effective therapy than any treatment program now available is scarcely considered.

The probability of natural remission is hard to evaluate. Veterans who stop using heroin, Dr. Zinberg cautions, have not repudiated or even regretted their past use; on the contrary, many of them "speak well" of the drug. They simply find the social barriers to continuing drug use too steep. It is an open question whether their abstinence represents genuine remission or merely a hiatus in drug use. In the fact of harsh pressures at home, they may revert to heroin for the same escape it provided in Southeast Asia. Older addicted veterans are skeptical about the younger men. "They might not do it now," says one addict, "but it's a crutch and they know it's there."

BREACH OF RIGHTS

The tendency of some Vietnam veteran heroin users toward remission or at least dormancy should rule out a policy of enforced treatment. Not only is commitment to institutionalized care an unwarranted breach of the mens individual rights, but also it almost guarantees aggravation of their problems. On a long-term basis it would serve only to confirm an identity that in many cases may turn out to be ephemeral. By labeling them with the stigma of addiction, cutting them off from families, friends and jobs, institutionalized treatment would leave the men with a minimum of social support on reentry to civilian life. Moreover, the past record of involuntary treatment has been abysmal.

On the other hand, if treatment is to be voluntary, then the implications must be faced squarely. Those veterans who continue to use heroin will enter therapeutic programs only after they have run into serious trouble at home. "You don't submit yourself to treatment until you've hit rock bottom," says one veteran addict, and on their way to "rock bottom," the men are going to hurt many persons, not just themselves.

The hope that mandatory referrals to the VA might present that kind of deterioration seems to have little basis. Even if returning soldiers were placed in an ideal therapeutic setting—and the VA is far from that—they would probably still refuse treatment because they won't accept society's definition of them as sick. This is the critical impasse, not just in the treatment of veterans, but in the treatment of other addicts as well. While the United States has been moving from a penalt to a medical approach toward heroin addiction, the people most directly affected find the medical conception no more palatable. The users and the addicted not only refuse to take part in drug programs; they refuse to accept the ideology behind them. It is only when they encounter the extreme social and physical problems of addiction—created not so much by their dependence on heroin as by their dependence on a vicious black market—that they begin to adjust to the dominant values of the society and accept the premise that they are sick and in need of therapy.

NO EASY SOLUTION

There is no easy way out of this situation. Compulsory institutionalization reinforces as many problems as it relieves while voluntary treatment ensures that hard-core addicts will create misery for themselves and their communities before accepting treatment. A third alternative is a radical restructuring of our entire approach to the problem along the lines the British have followed. But at this point, few Americans are willing to support heroin maintenance as a last option in a multi-modality program.

The history of drug addiction in America suggests a troublesome pattern: First drug abuse takes its victims, then public hysteria and moralistic legislation take many more. The case of heroin use in Vietnam seems to be no exception. Out of a genuinely serious problem we seem fully capable of creating a much larger one. By indiscriminately categorizing all users of opium and heroin in Vietnam as addicts and by suggesting that their involvement is more serious than street addiction here because of the purity of drugs available in Vietnam, the press has encouraged a new wave of scrapegoating and regressive legislation. The irony is that this climate has been fanned by both political persuasions—by the left to heighten antiwar sentiment and by the right in concern for the morale and strength of the armed forces.

The victims of this antagonistic cooperation will most likely be the men everyone presumed to help. They will bear the stigma of addiction and, if Rep. Murphy and others have their way, the onus of forced treatment. Whereas a year ago the problem centered on the military's reluctance to acknowledge the extent of drug abuse, today the dangers are institutional overreaction and overtreatment. Just like the addicts themselves, the public seems incapable of handling the problem of drugs with moderation.

BACKGROUND

Mr. CRANSTON. Mr. President, the Subcommittee on Health and Hospitals of the Senate Committee on Veterans' Affairs and the Subcommittee on Alcoholism and Narcotics of the Senate Committee on Labor and Public Welfare, chaired by my friend and colleague (Mr. HUGHES), and on which I also serve, as he does on the Health and Hospitals Subcommittee, conducted joint oversight hearings on drug addiction and abuse and on alcoholism and alcohol abuse among military veterans on June 15 and June 23, 1971. The Health and Hospitals Subcommittee conducted additional hearings on S. 2108, H.R. 9265, and related veterans' addiction treatment and rehabilitation bills on July 20 and September 14, 1971. At these very extensive hearings, testimony was presented by the Administrator and Deputy Administrator of Veterans' Affairs, the Chief Medical Director of the Veterans' Administration, as well as other VA representatives, veterans' organizations, U.S. Senators, physicians, Vietnam veteran ex-addicts, representatives of non-VA, community-based drug treatment and rehabilitation programs, and by other concerned persons.

The Subcommittee on Health and Hospitals by poll unanimously referred S. 2108, with a proposed committee substitute amendment which I proposed, to the full Veterans' Affairs Committee for action. The Committee on Veterans' Affairs met in executive session on June 23 and unanimously approved and ordered favorably reported S. 2108, with a committee substitute amendment and a title amendment.

Mr. President, there has been some delay between the date that the committee ordered S. 2108 reported and the filing of the report, which I think deserves some explanation. During the period in question and immediately prior thereto, we were involved in negotiations with the House Committee on Veterans' Affairs on two major veterans' health bills which I authored (S. 2219/H.J. Res. 748 and S. 2354/H.R. 10880), the Veterans' Administration Health Manpower Training Act of 1972 and the Veterans' Health Care Expansion Act of 1972, respectively, as well as being in the process of reporting out, preparing the committee report and passing in the Senate an extensive veterans education and employment measure, the Vietnam Era Veterans Readjustment Act of 1972—S. 2161/H.R. 12828. It was clear during the

period while we were engaging in these extensive negotiations on these three very complex measures that there would be no time or inclination to open negotiations on still a third measure at that time. Since we have now made very substantial progress in our negotiations on all three of these measures, I am hopeful that we will reach agreement in the next 2 weeks on each of them, and thus, the time now seems appropriate to send this fourth measure, S. 2108 to the House for its consideration.

PROVISIONS OF COMMITTEE SUBSTITUTE

Mr. President, the basic purpose of S. 2108 is to provide for a fully funded, comprehensive drug and alcohol treatment and rehabilitation program for addicted veterans regardless of the nature of discharge or finding of service connection in the usual sense required for eligibility for certain VA medical treatment. Recognizing that the return of the veteran addict to a productive and personally fulfilling social role requires far more than merely identification and detoxification, the committee substitute places particular stress on providing highly individualized, community-based, multimodality, in-house and contract services, including a wide range of vocational and educational counseling and rehabilitative services and job placement assistance for all addict veterans. In addition, the committee substitute requires the Administrator to carry out a rehabilitation program, of a type similar to the chapter 31 program—in title 38, United States Code—of vocational rehabilitation for most Vietnam era veterans with addiction disabilities.

A collateral purpose of the committee substitute is the provision of readjustment medical counseling at VA facilities for other than dishonorably discharged, recently returned veterans, as well as a broadening of the eligibility for basic VA hospital care and medical services for service-connected disabilities to veterans with undesirable discharges and inclusion of a comprehensive definition of "rehabilitative services" in the basic chapter 17 VA medical program provisions.

Mr. President, precise figures on the number of veterans suffering from drug addiction are not available, but estimates from the administration, veterans organizations and people active in the drug treatment field range all the way from 50,000 to as high as 400,000. The program in the committee substitute would cost $419 million during its first year of operation and would provide services for some 326,000 Vietnam men and post-Korean conflict veterans with drug or alcohol disabilities. An additional $47 million would be spent during the second year with expenditures of $27.8 million during each of the last 3 years.

The VA budget for drug treatment this year is a mere $23.3 million. However, there is no sense in increasing the fiscal year 1973 budget until a law is passed that directs the VA to do a more comprehensive job so as to increase the demand for help by veterans who need that help. The 5-year program in the committee substitute would:

First, give the VA its first broad range program for treating and rehabilitating addicted veterans.

Second, require contracting for care in community facilities for Vietnam-era addict veterans when VA services are not available.

This provision is vital. Several months ago I received a letter from a retired Los Angeles police officer. He wrote that his son had enlisted in the army at the age of 17 in the hope that the service would "make him a man." This young veteran served one tour of duty in Vietnam and returned for another. He became a heroin addict, and his father says his son and other addicts were permitted to remain in their barracks for 5 months without being made to work and without being identified as users because the commanding officer feared bad publicity. I do not know if these facts are precisely true. I do know that I hear stories like this day in and day out. This young veteran arrived home on Christmas day 1971. He has since been arrested four times, on each occasion for an offense attributable to his addiction.

Realizing he needed help, he sought treatment at the Sepulveda VA hospital in California. His father writes me that although his son had received a general discharge under honorable conditions, he was refused treatment at this and another VA facility and was told to go to San Francisco, at his own expense, if he wanted VA treatment.

The father's letter makes the excellent point that even had appropriate treatment been available at the Sepulveda VA hospital in San Fernando Valley, that facility was 60 miles from their home. Having to travel 120 miles round trip daily to participate in a methadone maintenance program or in a drug-free treatment program is not what I call a framework in which effective rehabilitation could have been carried out in this case.

Another example—one young veteran, 21 years old, returned from Vietnam to his home in Los Angeles. He had been a heroin addict overseas for about 8 months. Honorably discharged, he sought drug treatment at the VA Brentwood Hospital. Because the VA correctly concluded he was not a suitable candidate for methadone maintenance, due to his young age and short-term addiction, and because methadone maintenance was the only modality of treatment offered by the VA in Los Angeles, this young veteran was told no treatment was available. He was given the names of several local and non-VA treatment programs, and told to seek treatment elsewhere at his own expense. The VA did not follow up on his case in any way at all, and made no effort to assist him further. Upon making further inquiry, I learned that the closest VA facility to Los Angeles, which could provide a modality of treatment suitable to this young man's condition, was at Palo Alto near San Francisco, more than 400 miles away.

A particularly tragic case was reported in the papers several months ago. A young veteran in the South was sent to prison for a robbery he committed to get money for his habit. His leg had been badly shattered by a land mine in Vietnam, and during the course of his treatment there he had become addicted to morphine. While he was in jail, his leg became gangrenous and it had to be amputated.

Mr. President, if effective treatment and rehabilitation programs were to be made available to veterans like those I have described for their conditions acquired in the service, they, and many others like them, might well not be where they are now—behind bars.

Third, set up VA machinery to seek out and counsel addicted veterans and help them obtain review and correction of less than honorable discharges by the military. The Defense Department established a drug amnesty program last summer. But, in general, the military's efforts to rehabilitate men who have become addicted while in the ranks have been halfhearted, poorly coordinated, and ineffective. Incredibly, DOD has few, if any, reliable figures available of the number of men who are being rehabilitated, and little hard data on the effectiveness of various military treatment programs.

Fourth, give the VA authority to treat and rehabilitate some 18,000 addicted veterans who received less than honorable discharges because of drug use.

Fifth, establish VA programs, in cooperation with other Federal agencies and public and private employers, to assist recovered addicts in finding productive employment.

Sixth, guarantee that medical records of addicted veterans remain confidential. Veterans have been reluctant in the past to enter VA treatment programs for fear that their addiction will not be kept confidential. This fear has been well founded. Prior to enactment of the recent comprehensive drug act, establishing the White House Special Action Office for Drug Abuse Prevention, the VA had provided information on the drug treatment of numerous veterans, without their consent or knowledge, to State and Federal agencies, such as the Postal Service and the U.S. Civil Service Commission, when those agencies requested it.

Seventh, allow treatment of veterans even though their addiction may not have been acquired while in the service, thus eliminating the difficulty of establishing when an honorably discharged veteran, who escaped detection for his drug usage during service, actually acquired or aggravated his addiction disability.

Eighth, restore medical benefits for service-connected conditions to certain disabled veterans who were given undesirable discharges because of drug use or other reasons.

Mr. President, regarding the new eligibility for outpatient psychiatric care and the provision for readjustment medical counseling to Vietnam-era veterans, this is a matter about which I have been greatly concerned for the last several years based upon information given to me by individuals returned from Vietnam, as well as psychiatrists, psychologists, and others who have worked with men and women who had served there. This concern was heightened by the hearings on veterans' readjustment which I chaired in November and December of 1970 be-

fore the former Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare.

A highly perceptive August 28, 1972, article in the New York Times by Jon Nordheimer, entitled "Postwar Shock Besets Veterans of Vietnam", provides perhaps the best capsulized summary of the very serious readjustment problems that far too many returning veterans are experiencing without any real, concerted effort being made by the Federal Government to assist them in coping with those problems.

Mr. President, I ask unanimous consent that the full text of this article be set forth in the RECORD at the conclusion of my remarks.

Mr. President, the committee report—92–1084—contains a detailed summary of provisions, background statement, discussion, cost estimate, and section-by-section analysis of the committee substitute, and I ask unanimous consent that the appropriate portions of the report be set forth in the RECORD at this point.

SUMMARY OF PROVISIONS OF THE COMMITTEE SUBSTITUTE

1. Provides that alcoholism and drug dependence are disabilities for the purpose of treatment under chapter 17 of title 38, United States Code; expands hospital and medical care eligibility for service-connected disabilities to all veterans with other than a dishonorable discharge; adds to chapter 17 a comprehensive definition of rehabilitative services (including VA assistance to aid the veteran in the maximum utilization of GI bill benefits during rehabilitation) and makes rehabilitative services a part of the definitions of hospital care, medical services, and domiciliary care (which is also redefined in chapter 17); makes outpatient psychiatric care available to veterans for psychosis developing within 3 years (presently two years) of discharge; and establishes eligibility for Vietnam era veterans with other than dishonorable discharges to readjustment medical counseling and appropriate followup care and treatment when requested by the veteran.

2. Establishes a special medical treatment and rehabilitative services program for any veteran with an alcoholism, drug dependence or alcohol or drug abuse disability. In-hospital and outpatient care and contracts with approved community programs for treatment and rehabilitation, as well as outreach efforts, are included. The committee substitute stresses the need to offer veteran addicts alternative treatment modalities based on individual readjustment needs.

3. Establishes a Special Rehabilitation Revolving Fund to finance a special rehabilitation program of counseling, education, and training for post-Korean conflict veterans with discharges rendering them eligible for VA benefits, for which the VA may contract with non-VA programs or provide directly. This fund would also finance the payment to participating veterans of a subsistence allowance, of at least 75 percent of but no greater than the full amount of the vocational rehabilitation subsistence allowance under chapter 31 of this title (currently $135). Participation in the program of such veterans would be limited to 24 months as would their receipt of a subsistence allowance except in extraordinary circumstances.

4. Establishes a basic entitlement to treatment and rehabilitative services for drug or alcohol disabilities on the part of any Vietnam era veteran (includes participation in the special rehabilitation program eligible therefor) so that such a veteran who requests VA treatment but is not provided it promptly is entitled to reimbursement (or direct payment to the program) for the reasonable cost of treatment and rehabilitative services provided in approved community programs in accordance with the provisions of the overall program. Payments for treatment and rehabilitation would be payable from current and future VA medical care appropriations; for rehabilitation from the Special Rehabilitation Revolving Fund in the case of those veterans eligible to participate in the special rehabilitation program.

5. Requires the VA to provide for treatment and rehabilitative services on request to eligible veterans who have been charged with or convicted of a criminal offense by Federal, state or local authority and are not incarcerated and are not participating in the program by the courts; and to continue medical treatment, whenever feasible and where it will not lead to further drug abuse, for any veteran incarcerated in local jails pending trial or following conviction if such veteran was receiving treatment and rehabilitative services at the time of his confinement—this treatment to continue until the Administrator determines that the responsibility for appropriate treatment will be assumed by a non-Veterans' Administration facility or program. The Committee substitute also authorizes the Adminstrator to provide for treatment and rehabilitative services for non-incarcerated veterans eligible under the subchapter who are participating in the VA program under court order, but only when the Administator makes an individual case-by-case finding that the particular veteran's participation in such VA program will not impair the voluntary nature of the services provided to other patients in the program.

6. Requires the Administrator to seek out, and counsel toward treatment and rehabilitation, all addict veterans, especially Vietnam era veterans; and authorizes the Administrator to employ or contract for the services of former addict veterans, to carry out an affirmative action program to promote the employment of recovered veteran addicts by the Federal Government and private and public employers and to assist in placing these veterans in such jobs.

7. Requires annual GAO audits of the Special Rehabilitation Revolving Fund and of all contracts with and payments to non-VA drug treatment facilities and programs.

8. Requires a line item in the annual budget for all alcohol and drug abuse treatment and rehabilitation programs.

9. Provides for the voluntary transfer to and treatment in VA facilities of any addict serviceman who requests such transfer, within the last ninety days of his tour of duty (under the same circumstances as for veterans) for a specified period of treatment.

10. Establishes a strict medical confidentiality requirement based on early VA experience under the recently enacted omnibus drug bill (P.L. 92–255) with respect to release of information and records obtained during treatment and rehabilitation of an addict veteran or servicemen under this new program. Basically, release of any such record or information would be made only to certain named persons and organizations for treatment or obtaining benefits or other purpose clearly beneficial to the veterans, and only when voluntarily requested in writing by the subject veteran; where competent medical authority determines the patient is a clear and present danger to himself or society and disclosure is necessary to alleviate the danger; or after the veteran's death for certain legal proceedings. Otherwise, disclosure is permitted only by court order. The Administrator is charged with ensuring that under no circumstances are VA records or information (or that controlled by contractors) made available in any judicial or administrative proceeding or for any investigation to which the patient or former patient is a party, unless for purposes not adverse to the veteran or where authorized under this provision. Computation and release of statistical data not identifying directly or indirectly particular patients are permitted for research and public health purposes. Penalties identical to those in P.L. 92–255 are specified for unauthorized disclosures. Under this confidentiality provision, access would be authorized for veterans organizations' service officers who have been granted specific and separate powers of attorney for access to drug abuse records by addict veterans. This need not mean a separate form; a separate release provision and signature specifically for these purposes could be added to the standard VA power of attorney form.

COMPARISON WITH H.R. 9265

S. 2108 shares a basic purpose with H.R. 9265, namely providing the VA with legislative authority to treat all drug dependent exservicemen without regard to a finding of service-connection or the nature of their discharge, and includes those provisions comparable to all the provisions of the House bill supported by the administration. The House bill, however, is considerably more circumscribed in its approach, particularly with regard to a comprehensive program of rehabilitation following initial treatment for drug dependency. In addition, H.R. 9265 does not cover alcohol disabilities. Nor does the House bill include provisions, such as those in the Senate committee substitute, which provide for alternate treatment modalities, community-based treatment facilities, mandatory contract services in certain circumstances, comprehensive outreach efforts, medical confidentiality, annual reports to the Congress, GAO audit and expanded VA hospital care, medical services, rehabilitative services, and readjustment medical counseling for certain veterans.

Finally, the House bill, unlike the Committee substitute, provides for VA treatment of active duty servicemen who do not voluntarily consent to VA treatment whereas the Committee substitute requires a serviceman's individual written consent for a specified period of time before he can be transferred to a VA drug treatment program while on active duty. Also, the House bill, unlike the committee substitute, specifically authorizes VA treatment, confinement and discipline of veterans civilly or criminally committed to the VA by a U.S. District Court.

BACKGROUND

Neither drug addiction nor alcoholism are new problems to the Veterans Administration. For years the VA has treated the medical consequences of both drug abuse and alcohol abuse in its hospitals. Furthermore, the VA has long recognized alcoholism as a treatable condition and has established 41 alcoholism treatment units which have met with considerable success.

VA DRUG ABUSE TREATMENT AND REHABILITATION PROGRAM

By 1968 the growing nature of the current drug abuse problem among servicemen and veterans had become apparent. During that year, data on the incidence of veterans discharged from VA hospitals with principal or associated diagnoses of dependence upon a number of addictive drugs began to show a substantial increase. The 1971 data showing the skyrocketing incidence of drug abuse in one calendar year is telling evidence of the magnitude of the problem:

VETERANS' ADMINISTRATION—ADMISSIONS MANIFESTING DRUG ABUSE OR DEPENDENCE

	January 1971–June 1971		July 1971–December 1971	
	Hospital care	Outpatient care	Hospital care	Outpatient care
Opiates and derivatives	1,481	504	5,621	2,856
Other drugs	1,717	525	2,468	842

To meet this growing trend, the VA established five drug dependence treatment centers in Fiscal Year 1971. While original plans were to establish an additional 13 treatment centers in fiscal year 1972, and 14 more in fiscal year 1973, because of the urgency of the situation the VA requested a supplement to its budget request for FY 1972, which was granted by Congress, enabling the VA to open a total of 27 more units in FY 1972. An additional 12 centers have just been activated in FY 1973, for a total of 44 centers.

DRUG DEPENDENCE TREATMENT CENTERS

Each Drug Dependence Treatment Center (DDTC) has an inpatient section and an outpatient section. The suggested inpatient staffing pattern includes a physician, nursing personnel, ex-addict counselors, a psychologist or chaplain (part-time), a social worker, a secretary, a lab technician, and a physical medicine therapist. The average inpatient section consists of 15–30 beds and is expected to treat about 200 patients during a 12-month period.

The larger centers (with an outpatient caseload of about 200) have an outpatient staff usually consisting of a physician (part-time), a nurse, a nursing assistant, ex-addict counselors, a part-time chaplain or a psychologist, a social worker, a secretary, lab technicians, a pharmacist, and a statistical clerk. Centers which have a caseload of approximately 125 outpatients use the back-up services of the inpatient staff plus some of the above personnel.

The following table lists centers presently in operation, or being activated in FY 1973.

Present Veterans' Administration Drug Dependence Treatment Centers

Allen Park, Mich.[1]
Atlanta, Ga.
Baltimore, Md.
Battle Creek, Mich.[1]
Bedford, Mass.[1]/Providence, R.I.[1]
Birmingham/Tuscaloosa, Ala.[1]
Boston, Mass.
Brecksville, Ohio.
Bronx/Montrose, N.Y.[1]
Brooklyn, N.Y.
Buffalo, N.Y.
Chicago (West Side), Ill.
Cincinnati, Ohio.[1]
Dallas, Tex.[1]
Denver, Colo.
Downey, Ill.[1]
East Orange, N.J.
Hines, Ill.[1]
Houston, Tex.
Indianapolis, Ind.
Iowa City, Iowa.
Little Rock, Ark./Memphis, Tenn.[2]
Los Angeles (Brentwood), Calif.
Martinez, Calif.[1]
Miami, Fla.
Minneapolis, Minn.
New Orleans, La.
New York, N.Y.
Northport, N.Y.[1]
Oklahoma City, Okla.
Omaha, Nebr.
Palo Alto, Calif.
Philadelphia/Coatesville, Pa.[2]
Pittsburgh (General), Pa.
Salem/Richmond, Va.[1]
Salt Lake City, Utah.
San Diego, Calif.[1]
Sepulveda/Los Angeles (OPC), Calif.[2]
St. Louis, Mo.
Syracuse/Albany, N.Y.[2]
Topeka, Kans.
Vancouver/Tacoma/Seattle, Wash.[2]
Washington, D.C.
Wood, Wis.[1]

The VA is currently relying primarily upon methadone maintenance in its centers, but is beginning to focus also on the more promising forms of psycho-social therapy. These forms include psychiatric counseling, group therapy, confrontation, practical job counseling, and social rehabilitation. Some of the DDTC's are experimenting with a drug-free approach and a few are relying entirely on psycho-social forms of therapy.

In order to provide services which are easily accessible to many veterans who do not live in close proximity to DDTC's, the VA has under consideration the establishment of satellite clinics in major population centers across the country. The committee strongly approves of this approach especially the use of storefront facilities coordinated with community-based outreach efforts, and has placed stress on this approach in the committee substitute. Such satellite clinics would be most useful to veterans being treated with methadone maintenance. They will be staffed by an ex-addict counselor, a part-time doctor, pharmacist or nurse authorized to dispense drugs, and by personnel from the DDTC who will provide, on an itinerant basis, treatment and testing as needed. Department of Veterans Benefits personnel are also involved in these clinics, as well as in the central unit, furnishing veterans assistance counselors, community services specialists, and vocational counselors as needed. Two such clinics are now open: one in Houston, Texas, and one in San Francisco, California, but many more are needed.

In FY 73 with the additional 12 DDTC's, the VA has advised that it will be able to provide treatment to over 30,000 veterans suffering from drug dependence. This caseload is expected to generate as many as 904,280 outpatient visits during this year. The system of DDTC's will be staffed with approximately 1,260 specially trained drug treatment personnel in addition to the regular hospital supportive staff. In addition, other VA hospitals will be staffed with a special alcohol or drug rehabilitation technician.

The committee notes that this 30,000 estimate is up sharply from the estimate of 19,200 included in the March 27, 1972, VA report to Subcommittee Chairman Cranston, *infra*.

The figures showing drug abuse treatment by the VA through June 30 at each VA facility are set forth in the appendix to this report.

Contracts with community programs

In addition to the utilization of VA resources, the VA has also contracted with community agencies to treat veterans. Contracts with the New York Narcotic Addiction Control Commission have been signed which will provide a limited range of basic drug treatment services to an additional 1,100 veterans. Another contract has been entered into with the West Philadelphia Mental Health Corporation for the treatment of 80 veterans, and several other such arrangements are under consideration. Under the committee substitute, such contract arrangements would be greatly facilitated.

Training

The VA has used the facilities at the Yale Drug Depandence Institute and the California State College at Hayward, California, to provide training for members of its staff who will be involved in the drug treatment programs. The Lexington and Fort Worth NIMH Clinical Research Centers have also been used for workshops for VA personnel. The Lexington facility and the VA hospital at Houston, Texas, are currently being used to provide training for laboratory personnel. In August 1971, a week long training program was provided by personnel at the VA hospital at Palo Alto, California, for 30 persons working in DDTC's. This course will be repeated periodically.

Other VA facilities are planned for training purposes. Site visits to ongoing programs and conferences for continuing education of the staffs of these centers are regularly held.

Approximately $200,000 was set aside in FY 1972 for the training of VA staff in the treatment of drug dependent veterans, and this amount will be expanded in FY 1973. In order to provide further technical assistance and evaluation, a series of site visits covering all DDTC's was conducted in the period March-June 1972. Visitation teams included VA, DOD, and the Special Action Office for Drug Abuse Prevention personnel and consultants. The Committee believes that the results of these site visits should lead to significant improvements in the effectiveness of the DDTC's.

Research

VA investigators have conducted addiction research in a number of VA hospitals. Although only approximately $250,000 was available to underwrite drug abuse resesarch in FY 1972, a meaningful addiction research program requiring a $2,000,000 budget is scheduled for FY 1973. With the VA's expanded drug program, the Committee believes the VA can make important contributions to the biological and behavioral aspects of the drug addiction problem.

In January 1972, the VA began pilot testing a drug treatment evaluation record form at selected field stations. The implementation of this form, as well as other monitoring techniques, should enable the VA to make timely program changes as needed. With the resources available in the VA health delivery system, it should be able to adjust quickly to any changes in treatment or rehabilitation which are required, as well as bring its resources to bear at the point of greatest need. The results of this program can also have great applicability to community programs.

VA ALCOHOL ABUSE TREATMENT AND REHABILITATION PROGRAMS

The Veterans Administration operates and staffs the nation's largest single system for alcoholism rehabilitation. Alcohol abuse and related disorders (liver cirrhosis, delirium tremens, neuropathy, alcohol related brain damage and other complications) represented 13% of the total VA hospital discharges for 1969. The VA has over the years concentrated on efforts to identify the early stages of alcohol abuse and to initiate rehabilitative steps for the veteran. Comparable programs have recently been initiated by the Department of Defense. The effect will be a reduction in the likelihood of a veteran becoming a hospital revolving-door emergency case when the later stages of alcohol abuse have been reached.

From 1965 to 1969, the VA witnessed a doubling of hospitalized cases with alcohol-related diagnoses in its hospital system, from 55,000 to over 105,000 cases. The majority of these cases represented serious medical complications resulting from late stage alcohol abuse.

Expenditures for the alcoholism rehabilitation program in fiscal year 1970 was only $800,000. In FY 1971, it jumped to $8.1 million, in FY 1972 to $12.5 million, and in FY 1973 a budget of about $18 million is proposed. Treatment facilities for FY 1973 will be increased from the current 41 to 55. In FY 1974, 24 new Alcohol Treatment Units are scheduled to be added, bringing the total number of such units to 79.

The following table lists VA Alcohol Treatment units in operation together with those being activated in FY 1973:

Veterans' Administration Alcohol Treatment Units

REGION 1

Albany, N.Y.
Bedford, Mass.
Brockton, Mass.
Brooklyn, N.Y.
Coatesville, Pa.
E. Orange, N.J.
Lyons, N.J.
Northampton, Mass.

REGION 2

Augusta, Ga.
Hampton, Va.
Houston, Tex.
Lexington, Ky.

[1] To be activated during fiscal year 1973.
[2] Joint arrangement activated at satellite hospital in FY 1973.

Little Rock, Ark.
Mountain Home, Tenn.
Nashville, Tenn.
Salem, Va.
Temple, Tex.
Waco, Tex.

REGION 3

Battle Creek, Mich.
Brecksville, Ohio
Danville, Ill.
Downey, Ill.
Fort Meade, S. Dak.
Hines, Ill.
Indianapolis, Ind.
Leavenworth, Kans.
Lincoln, Nebr.
Marion, Ind.
Minneapolis, Minn.
Oklahoma City, Okla.
Topeka, Kans.

REGION 4

Albuquerque, N. Mex.
American Lake, Wash.
Los Angeles (Brentwood), Calif.[1]
Palo Alto (GM), Calif.
Phoenix, Ariz.
Roseburg, Oreg.
Salt Lake City, Utah
Seattle, Wash.
Sheridan, Wyo.
White City, Oreg.

PLANNED FOR FISCAL YEAR 1973

Albany, N.Y.[2]	Shreveport, La.
Boston OPC, Mass.	Tuscaloosa, Ala.
Brooklyn, N.Y.[2]	Waco, Tex.[2]
Buffalo, N.Y.	Downey, Ill.[2]
Philadelphia, Pa.	Knoxville, Tenn.
Pittsburgh (LFR), Pa.	Leavenworth, Kans.[2]
Togus, Maine	Wood, Wis.
Washington, D.C.	Fort Lyon, Colo.
Atlanta, Ga.	Roseburg, Oreg.[2]
Bay Pines, Fla.	Seattle, Wash.[2]
Biloxi, Miss.	Tucson, Ariz.
Mountain Home, Tenn.	White City, Oreg.[2]

These specialized treatment units are varied in terms of size and treatment approaches. Units range from 15 beds to nearly 100, totaling about 1500, and provide from 3 to 12 weeks of inpatient care. Patient self-government is used with success in many units. In general, treatment includes re-education, group therapy, vocational guidance and milieu therapy with emphasis on aftercare and followup. The VA reports that the rehabilitative efforts are successful for about one-third of the patients and another third show some improvement. The treatment rendered in VA facilities utilizes the interdisciplinary approach to treatment, involving psychiatrists, psychologists, social workers and other para-professionals.

The growing acceptance of alcoholism as a physical disability rather than a result of intentional misconduct or willful neglect should bring about greater emphasis on treatment of alcohol abusers in VA hospitals. A new and very long overdue DOD directive provides that an alcohol abuser in the military has the same rights as any other sick person and will not lose his pension, retirement, medical or other rights because of alcohol abuse.

It is estimated that alcohol abuse affects about 3 million veterans. The peak incidence is in the 45 to 55 age bracket, mainly World World II veterans. The Committee recognizes the magnitude of the problem and believes that more adequate VA resources must be made available for the treatment and rehabilitation of the alcohol abuser.

Training

The maintenance of professional treatment for alcohol abusers in VA treatment programs is of paramount importance. Each Alcohol Treatment Center encourages staff participation in nearby university courses, university summer schools, and provides in-service training to staff members. Innovative treatment approaches and evaluation of existing programs lead to the development of new treatment concepts and necessitate the continuance and expansion of education and training programs.

Research

The Veterans' Administration conducts one of the nation's largest programs of intramural alcoholism research through individual and cooperative studies. The primary concerns of this research are to develop a wealth of exchangeable information which can not only increase the amount of knowledge in the field but also maximize the effect of varying therapeutic techniques in order to eliminate the problem behavior of the alcohol abuser and help him develop effective coping mechanisms.

In spite of the high incidence of alcohol abuse in the nation, very few large-scale studies have been conducted to evaluate the effectiveness of different drugs used in the treatment of the alcoholic during the withdrawal period. About 25% of all patients undergoing treatment develop withdrawal symptoms (including delirium tremens and convulsions) that are severe and can cause death.

The VA contribution to solving these problems has been through two cooperative studies. The first, "Treatment of Acute Alcohol Withdrawal," was completed in 1969. The second, completed in 1971, was entitled "Treatment of Delirium Tremens." Both studies represent large-scale projects accomplished for the first time in this field.

The former study, involving 537 patients in 23 VA hospitals, established Librium (chlordiazepoxide) as the treatment of choice in the prevention of delirium tremens and convulsions. Seventeen VA hospitals participated in the latter study of 202 patients in the treatment of delirium tremens. The study compared the relative safety and efficacy of chlordiazepoxide, paraldehyde, perphenazine and pentobarbital. Although there were no statistically significant differences in the outcome among the four groups, the use of paraldehyde and chlordiazepoxide resulted in fewer terminations because of worsening signs or symptoms.

Sixty VA hospitals are now involved in 287 different research projects. In 1970 thirty-five VA hospitals reported 90 articles were published in professional and scientific journals. Research undertaken at the VA hospitals will continue to provide a wealth of information useful in the treatment of these patients.

The VA invests more than 70 million dollars a year in medical research conducted at approximately 130 different hospitals, many associated with medical or graduate schools. This year a total of six million dollars representing a coalition of resources from various agencies will go into research related to alcohol abuse and general drug dependence. This should increase already extensive VA contributions to studies and innovations in these fields.

DISCUSSION

NEED FOR THE BILL

At present, the Veterans Administration does not have the authority to treat drug and alcohol dependent veterans (or any veteran for that matter) with less than an honorable or general discharge, except under extraordinary circumstances. As a result, many thousands of veterans who have become addicted while in the service, primarily in Southeast Asia, have been denied the treatment and rehabilitative services which they need to cope with this tragic disability. The President, the Congress, the Veterans Administration, and the major veterans organizations are all in agreement that new legislative authority permitting the VA to care for all former members of the Armed Forces with drug-related disabilities is necessary. In addition, there is similar agreement that the VA needs legislative authority to provide both inpatient and outpatient treatment to drug dependent veterans regardless of a finding of service-connection, as well as significantly broadened authority to provide appropriate rehabilitative services, and to contract, where appropriate, for the provision of such treatment and services.

Defense Department programs and less than general or honorable discharges

In the summer of 1971, the Department of Defense established a drug abuse amnesty program. The major thrust of the DOD program is the identification and detoxification of drug dependent servicemen. The Committee believes that the extensive program of rehabilitation which must follow identification and initial treatment and which is essential to the successful readjustment to civilian life of a drug dependent serviceman is properly the responsibility of the Veterans Administration. The Committee substitute includes a provision for the voluntary transfer of servicemen upon request to VA facilities for appropriate treatment and rehabilitative services during the last ninety days of the individual's tour of duty. The bill also provides for an additional treatment period of specified duration beyond the required tour of duty at a VA treatment facility, if requested by the serviceman.

In addition to the amnesty program, the Department of Defense has instituted a new procedure to review and recharacterize to "under honorable conditions" discharges involving drug abuse given before the amnesty program was instituted. This recharacterization policy, however, applies only to those administrative discharges issued "solely on the basis of personal use of drugs or possession of drugs for the purpose of such use." Information made available to the Committee indicates that the review procedure has proven to be quite slow and burdensome. Between last August when the review program was established and the beginning of this year, only 976 "bad" discharges were reviewed by DOD and, of these, only 50 were upgraded to "under honorable conditions." This procedure has not provided an effective form of relief for the estimated 18,000 drug abusing addicted veterans who were discharged under other than honorable conditions prior to the institution of the amnesty program and therefore are ineligible for VA treatment. The Committee substitute would have the immediate effect of removing the bar to VA treatment for these men, as well as very substantially broadening the scope and location of the treatment and services provided for by the VA.

During hearings on this and other legislation, the representatives of many veterans organizations testified in strong support of the treatment of all drug addicted veterans regardless of the nature of discharge or finding of service-connection, and also favored a significant expansion of the treatment and rehabilitative services which the VA is authorized to provide to these men. In his statement to joint hearings of the Subcommittee on Health and Hospitals and the Subcommittee on Alcoholism and Narcotics, Mr. Francis W. Stover, the director of the national legislative service of the Veterans of Foreign Wars stated:

"What I am saying, Mr. Chairman, is that drug addiction among servicemen and veterans is a veterans' problem. It is the responsibility of the VA. The root cause of drug addiction and use among the majority of veterans is service in the Armed Forces. The Congress should make it clear that this veterans' problem be the responsibility of the VA, the agency of Government created specifically to care for those who have fought our Nation's battles and his widow and orphan.

In response to a question as to whether he favored the full treatment of drug-addicted military veterans, even though dishonorably discharged, Mr. Stover stated:

"Yes, if they are veterans. The VA should

[1] Transferred from extended care hospital.
[2] Upgrading.

take care of them—rehabilitate them. These veterans are not heroes. But nevertheless veterans who desperately need help. The VA takes care of the aftermath of war and these drug addicted veterans are a part of the war's consequences. . . . We believe the full resources of the VA should be given to solve this problem, whether medical or otherwise. It seems ridiculous to limit the Veterans Administration capability to these drug centers. We think they should use every available resource and service to solve this problem."

"If it is determined that the VA is not able to handle it within its own system and also to provide treatment in or near the veterans' community, I think there should be provision for utilization of community and other facilities."

Comprehensiveness of treatment and rehabilitation

The Committee strongly believes that legislation to expand the VA's authority to care for drug and alcohol abusing veterans must include a specific, comprehensive and long-term program of rehabilitation. For the first time under title 38, the Committee substitute would define "rehabilitative services" generally, as well as for addicted veterans, to include group therapy, individual counseling (including appropriate referrals for legal assistance), education and training, and educational and vocational guidance and job placement in addition to any other services necessary to assist the veteran in his successful recovery and readjustment.

The Committee also believes that such VA drug treatment legislation must emphasize a multimodality, community-based approach. Unless the present VA drug treatment program is improved and expanded in these directions, it is probable that the large numbers of veteran addicts who have thus far not sought out VA treatment will be unlikely to do so in the future.

Need to expand number of veterans served

The Committee recognizes that the Veterans Administration has very substantially upgraded its drug treatment programs and facilities in the last year. VA figures indicate that approximately 20,000 drug abusing veterans have been treated by the VA to date. Present VA plans contemplate the treatment of approximately 30,000 veterans in fiscal years 1975.

However, much of this treatment is confined to detoxification and methadone maintenance, without any effective rehabilitation efforts. And significant progress remains to be made in the numbers treated as well. The estimated total of veteran addicts in the country ranges from a low of 60,000 to 100,000 or more. The Committee notes that according to Defense Department figures, between July 1, 1966, and December 31, 1971, over 21,000 servicemen received discharges termed for "drug abuse." Unquestionably, a great many more servicemen discharged during this period were, in fact then, or at some point during their service, drug abusers, but escaped detection while in service. The breakdown by type of discharge is set forth in the following table:

DRUG ABUSE DISCHARGES FROM THE ARMED SERVICES

Fiscal year	Totals	Honorable	General	Undesirable	Dishonorable
1967	147	8	20	119	--------
1968	1,036	114	336	586	----------
1969	2,998	257	1,085	1,501	155
1970	4,769	331	2,143	2,116	179
1971	7,658	1,052	4,725	1,881	--------
1st 6 [1] months of fiscal year 1972	4,478	865	2,865	748	--------
Grand total	21,086	2,627	11,174	6,951	334

[1] Estimates based upon applying ½ of the totals for calendar year 1971 to fiscal year 1971 (added to the actual figure for the half of fiscal year 1971) and ½ of such totals to the 1st half of fiscal year 1972. The totals available after fiscal year 1970 were on the basis of calendar years, not fiscal years.

The overwhelming difficulties faced by New York City alone indicate the continuing severity of the problem. There are between 85,000 and 200,000 heroin addicts in New York City alone. The Special Action Office for Drug Abuse Prevention considers 125,000 to be the best estimate of this addict population. The Addiction Services Agency of New York City estimates that a minimum of ten thousand of these addicts are veterans, who have not received any form of treatment.

As recently as June 30, 1972, the VA was treating only 585 veterans at its drug treatment centers in New York City. At the same time, local drug treatment programs were treating an estimated 3,500 veterans addicts; there were an additional 2,000 addict veterans on non-VA methadone maintenance program waiting lists, and an unknown number of such veterans on waiting lists for drug-free programs. To meet part of this need, the Veterans Administration has recently contracted with the New York State Narcotic Addiction Control Commission to provide drug treatment services to an additional 1,100 veterans.

Alternative treatment modalities

Currently, a major deficiency in the existing VA drug treatment units in New York, Los Angeles, and many other VA stations is that methadone maintenance is the only treatment modality available to veteran addicts in the accessible geographical area.

The adequacy of a drug abuse treatment program cannot be measured simply in terms of bedspace or the number of doses of methadone dispensed. The testimony at the joint hearings and indeed the entire weight of expert opinion on the problem of drug abuse indicates that effective drug treatment must stress a multimodality approach. The provision of only one modality of treatment—methadone maintenance—at VA stations such as New York City and Los Angeles has had the effect of denying VA care to veteran addicts for whom this modality is inappropriate.

The Committee is impressed by the medical and expert opinions it has received indicating that large numbers of veteran addicts are short-term addicts who have become drug dependent in a foreign land and that such individuals have a far better chance of recovery without methadone maintenance or other substitute drug dependency than the unfortunate longer term "street junkie" of our inner cities. Thus, the Committee substitute directs the Administrator to offer alternative treatment modalities to each veteran based on his individual needs.

Much is still unknown about the efficacy and the consequences of the maintenance modality of treatment. While maintenance appears to be appropriate and perhaps the only possible treatment for many addicts, there is the serious danger that maintenance will be excessively and unnecessarily relied upon as a drug treatment modality, simply because of the ease of its administration. The urgent social need to reduce street crime which results from widespread addiction—a need which the Committee feels is most pressing—should not obscure the grave responsibility of the Nation to strive for the maximum possible recovery and rehabilitation of veteran drug abusers, many of whom are young men with the potential for self-fulfilling, socially productive lives. To condemn such men to an addiction existence for many years, given the circumstances surrounding their addiction and their ages, seems to the Committee to be acceptable only as a last resort.

Treatment in community facilities

In addition, at the present time, the great distances which a veteran addict must frequently travel between his home and a VA treatment center is a significant deterrent to an individual who is otherwise motivated to seek VA treatment and rehabilitation services. Even the most motivated veteran addict, who lives 30 miles from a VA treatment center, is understandably discouraged by the prospect of a 60 mile round trip each time he visits the treatment unit.

Asked whether the VA should contract with non-VA programs and facilities to cope with this problem, the National Commander of AMVETS, Mr. Robert Showalter, testified:

"By all means, yes. Because of the geographical locations of some of the hospitals, it would mean that a veteran would have to travel 200 or 300 miles for outpatient care. So I do wholeheartedly agree that they should be contracted out to the agencies approved by the Government or the VA."

And Mr. Edward H. Golembieski, the director of national veterans' affairs and rehabilitation commission of the American Legion, testified as follows in regard to contracting with community-based programs to care for and followup on addict veterans:

While the recent advances by the VA in the treatment of addicted veterans are certainly commendable, the Committee is convinced that the Federal Government, through the VA, has a profound and continuing obligation to provide complete and comprehensive treatment and rehabilitative services to each drug dependent veteran who desires such care, particularly in view of the conditions in the Indochina theater which have proved so conducive to the addiction of Vietnam era servicemen. The VA does not now have that capability, and will not be able to develop it within its own facilities in the foreseeable future in all areas of the United States where such treatment is needed. Yet the need is there and must be met now. The Committee is convinced that the severity of the present veteran addiction problem requires that the resources of non-VA drug treatment programs of approved quality be utilized by the VA as soon as possible to the extent necessary to meet the full treatment need.

It is important to note that the Committee substitute requires that the Administrator contract only with those non-VA programs and facilities which he determines provide treatment and rehabilitative services consistent with those which the bill directs the Administrator to provide in VA facilities; and that the Administrator is required to contract with non-VA facilities only if the VA cannot provide promptly appropriate modalities of treatment as well as the required rehabilitative services. If the VA should develop the in-house capability to provide appropriate care to all veterans who request it, then there would be no need for the Administrator to contract with non-VA programs and facilities, and the Committee substitute does not require him to do so under such circumstances.

The Committee notes that the VA has stated: "We favor the basic contract authority to permit us to provide care and services in non-VA facilities, when appropriate." The Committee believes that it is not only appropriate but essential that such facilities be available to any drug dependent veteran to whom the VA cannot provide appropriate treatment and rehabilitative services within its own facilities.

The effect of the Committee substitute's provisions is that only if a veteran requests but is not promptly provided with appropriate treatment and rehabilitative services in a VA facility, or if he requests a particular modality of care which is not readily accessible in a VA program or facility is the Administrator required to contract with a non-VA program or facility for such treatment and rehabilitative services. In this way, no addict veteran will be denied VA care because an appropriate treatment modality is not accessible in a VA facility. Nor will addict veterans be forced to leave their communities and families to seek care in an unfamiliar environment. The evidence presented to the Committee indicates that the best place to bring about a veteran's rehabilitation is in his home community where the support of family and friends is available as well as

the maximum assistance in terms of living arrangements, and so forth.

Community-based outreach efforts

In order to provide the greatest relevance, credibility, and accessibility to existing VA treatment facilities, the Committee substitute requires that the VA provide care in half-way house and other community-based facilities within its jurisdiction such as store fronts located in areas with large numbers of addict veterans, in addition to the already existing traditional hospital and outpatient clinic settings. As noted, the VA has already made a beginning in this direction.

To provide the extensive new treatment and rehabilitative services mandated by the Committee substitute to as many veterans as possible, the Administrator is provided the affirmative responsibility to seek out and counsel toward treatment and rehabilitation as many addict veterans as possible. The Administrator is authorized and urged to hire or contract for the services of ex-addict veterans to carry out this responsibility as effectively as possible. Likewise, in contracting for the services of non-VA programs and facilities, the Administrator is directed to give priority to community-based, multimodality treatment and rehabilitation programs which include former addict veterans as staff counselors.

Treatment of veterans involved in criminal cases

The Committee substitute would also provide for the provision of treatment and rehabilitative services to veterans charged with or convicted of criminal offenses, but who are not incarcerated or participating under court order, and for the on-going treatment of incarcerated veterans who were receiving treatment and rehabilitative services at the time of their confinement in a local jail. The responsibility of the Administrator to provide appropriate care to such an incarcerated veteran would continue until that responsibility is assumed by a non-Veterans Administration facility or program.

In addition, in order to provide the VA with maximum administrative flexibility, the Committee substitute also gives the Administrator discretionary authority to provide in VA facilities treatment and rehabilitative services for addicted veterans who would participate in the VA program as a condition imposed by the court, but to do so only where an individual case-by-case decision is made that the veteran's participation under such quasi-mandatory circumstances and conditions will not operate to impair the voluntary character of the particular VA treatment program. In adding this provision the Committee intended to strike a balance between the needs of the particular veteran under court jurisdiction and those of the veterans in the VA treatment program. Substantial testimony presented to the Subcommittee on Health and Hospitals urged that everything be done to ensure that VA programs not assume responsibility for any mandatory type of treatment. In this regard, the Chief Medical Director of the VA testified:

"Our facts thus far indicate the critical factor in rehabilitation of a drug user is his motivation, his desire to be rehabilitated. If, indeed, he is committed [by a court] and the desire is not present, and if, needed, the commitment acts as a restraint to motivation, then we would have very little assurance that they will be successful."

At the same time, the Committee was concerned about the situation in which the VA program might in some places be the only available or appropriate program and thus be the only alternative to continued incarceration of the veteran addict in question. Thus, treatment under certain conditions was authorized in the Committee substitute.

SPECIAL PROGRAM OF REHABILITATION

The Committee substitute establishes a Special Rehabilitation Program of education and training under chapter 17 for (1) a veteran discharged after January 31, 1955, with a discharge under other than dishonorable conditions or, if not covered under (1), then (2) for a veteran with a bad conduct or undesirable discharge (unless barred by section 3103 of such title) whose addiction was acquired or aggravated in service—giving the veteran the benefit of the doubt on this question. The veteran could continue participation in this special program, regardless of discharge, for up to one year after discharge from the program of treatment and rehabilitative services.

The Committee believes that the nature of a drug or alcohol disability requires the specific, personalized type of assistance which has characterized the VA chapter 31 vocational rehabilitation program if the addict veteran is to have a realistic chance of achieving employability and making a productive and personally rewarding readjustment to civilian life. The payment of costs of education and training which the Committee substitute directs the Administrator to underwrite for eligible addict veterans is particularly important to the successful rehabilitation of the many tens of thousands of addict veterans in the country today.

The Administrator would also be authorized—as he is under the chapter 31 vocational rehabilitation program—to assist in the rehabilitation of addict veterans by the maximum utilization and the expansion of VA facilities, the employment of additional personnel and vocational rehabilitation experts, by the cooperation with other Federal and state agencies for job referral, and by contracting with approved public or private institutions and programs for additional suitable vocational training facilities.

In addition, medical evidence as well as the experience of successful drug treatment and rehabilitation programs to date indicate that a modest substance allowance is necessary for a veteran who is undergoing what frequently must be a full-time program of treatment and rehabilitation and who cannot usually find or hold a job in the meantime. The process of recovery from drug or alcohol addiction is one of the most difficult readjustment processes. Therefore, the Committee substitute provides for the payment of a monthly subsistence allowance of not less than 75% of, nor more than, the full amount of the subsistence allowance provided under chapter 31 (Vocational Rehabilitation).

The Committee wishes to emphasize that eligibility for participation in this special education program does not reward the veteran addict. Rather, the Committee substitute recognizes that the addict veteran is suffering from a disability of a particularly severe nature, and seeks to provide the addict who is motivated to recover from his disability with the comprehensive vocational rehabilitation assistance needed to give him a realistic chance of substantial or complete recovery. It is indisputable that even the most complete treatment program is of little value to an addict who is not qualified for and cannot find a job.

Eligibility for the Special Rehabilitation Program is conditioned on the continued participation of the eligible veteran addict in either a Veterans Administration program or a non-VA program which the Administrator has approved, and, following discharge from such a program as recovered, upon the veteran's continued recovery from his addiction. Thus, a veteran addict participating in the Special Rehabilitation Program would have to stay basically "clean" of illicit drugs.

In addition, the participating veteran would "pay" a month's GI bill benefit entitlement (under chapter 34 of title 38) for each month he stays in the Special program. And, except for the very few post-Korean conflict addict veterans, who had exhausted all GI entitlement (36 months generally) prior to entering the Special program and those discussed in the following paragraph who do not achieve restoration of benefits, the funds expended by the VA on the veteran's rehabilitation would be money to which he would be entitled under the GI bill.

The Committee substitute also provides that a veteran with less than an honorable or general discharge who (1) has received the benefits of this special program, (2) is not eligible for benefits under chapter 31, 34, or 35 of this title due to a less than honorable or general discharge, and (3) has successfully completed the treatment and rehabilitation prescribed by the Administrator, and has been recovered for at least one year, will be considered retroactively eligible for any benefits under chapter 31, 34, or 35 to which the nature of his discharge has been the sole bar. The period of such a veteran's entitlement would be reduced accordingly and the amount of GI bill entitlement for the participation period transferred to the Special Rehabilitation Revolving Fund.

The Committee carefully considered and found unpersuasive the contention of the Veterans Administration that the rehabilitation for veteran addicts after treatment should be carried out within the present structure of the GI bill program. Rather, the Committee determined that an addict treatment program can have lasting effect only if fully integrated with a comprehensive rehabilitation program and that the relatively *laissez faire* approach of the GI bill was not generally well suited for the education and training of a recovered addict fresh from a treatment program. The testimony strongly suggested that the rehabilitation program for such an addict must be developed on an individualized basis in terms of the degree of recovery the addicted veteran is making or has made and thus requires extensive counselling, guidance, planning and direction not a standard part of the GI bill program.

The Committee was keenly aware of the pitfalls involved in expecting a former addict to have the control and internal discipline so soon after his detoxification to be able to marshall the monthly GI bill check to meet his basic needs and to select and progress in an appropriate course of education or training at an appropriate institution or establishment given the wide variations among each veteran's qualifications, potential and the extent of his recovery. In the same way, the Committee believed that the veteran addict would need some funds available for his subsistence after the VA had assisted him in selecting and pursuing an appropriate course of education or training and thus provided for the subsistence allowance, described above.

FUNDING FOR THE SPECIAL REHABILITATION PROGRAM: SPECIAL REHABILITATION REVOLVING FUND

The Committee substitute provides for the establishment of a Special Rehabilitation Revolving Fund in the Department of the Treasury in order to finance the Special Rehabilitation Program. Monies will be transferred into the Fund in two ways: 1) in the case of a veteran who is eligible for chapter 31, 34, or 35 benefits who participates in the Special Rehabilitation Program, the total amount of such benefits to which he would otherwise be entitled for the period of his participation will be paid into the Fund month-for-month; and 2) the Secretary of the Treasury is directed to transfer monies from funds appropriated for the VA medical program as may be necessary to inaugurate the Fund and ensure its solvency no more than $5 million in any one fiscal year.

The Special Rehabilitation Revolving Fund will be largely self-supporting because the bulk of the necessary monies will be transferred from the open-ended current and future appropriations for VA readjustment benefits under chapters 31, 34 and 35 of title 38. It would need augmentation from medical care appropriations only for those rela-

tively few veterans who (A) have exhausted GI bill entitlements or (B) have undesirable or bad conduct discharges not qualifying them for VA benefits but who do qualify for drug dependence treatment because their addiction is held to have been aggravated or acquired in service and who do not subsequently qualify, by staying "clean" for a year after discharge as recovered from a VA treatment program, for retroactive restoration of GI bill eligibility.

This latter category includes, as previously noted, approximately 21,000 veterans who have received other than general or honorable discharges for drug abuse which have been in most cases (under VA policies) a bar to VA benefits. The Committee recognizes that some of these veterans will not be able to show that their addiction was acquired or aggravated in service and thus to qualify for the Fund that way, or to convince the VA, through the regular adjudication process, that their discharge was not under "other than dishonorable conditions", thus qualifying them for regular VA benefits, including the Special program. Those falling in this non-qualifying class, as well as all veterans with dishonorable discharges or those for reasons covered in the bars-to-benefits provision in section 3103 of title 38 would still be eligible for regular VA medical treatment and rehabilitate services under the basic provisions of the new subchapter—funded out of medical care appropriations.

In view of the Department of Defense amnesty program and the fact that large numbers of veteran addicts were undetected in service and therefore honorably discharged prior to the amnesty program, it is anticipated that the great majority of post-Korean addicts veterans will be eligible for the Special Rehabilitation Program. Thus, the thrust of the Special Rehabilitation Program is not to create a major new monetary benefit for veteran addicts, but rather to utilize creatively and fully existing benefit entitlements in order to extend to veteran addicts the type of comprehensive program of vocational rehabilitation they require. The Committee wishes to stress that in this way the Special Rehabilitation Revolving Fund will be maintained largely by funds which have already been legislatively mandated.

Monies from the Fund, in addition to the payment of a subsistence allowance, may also be used for payment to approved non-VA facilities and programs contracting with the VA to provide the special rehabilitative services required under the Special Rehabilitation Program. Payment to such contract facilities for the initial medical treatment of such a veteran addict would be provided out of funds appropriated for the VA medical program.

BUDGET LINE ITEM FOR DRUG AND ALCOHOL ABUSE TREATMENT AND REHABILITATION AND ANNUAL AUDIT

The Committee substitute requires that the VA annual budget include a separate line item for the treatment and rehabilitation of alcohol and drug dependent veterans under the provisions in the bill. In this way, the Committee seeks to insure that the funds which this bill would call for to provide for the urgently needed expansion of VA drug treatment programs are not diverted to meet the unexpected needs of other aspects of the VA hospital medical program. The budget item would include estimated expenditures both from medical care appropriations and sums set aside in the Special Rehabilitation Revolving Fund.

In addition, the Committee substitute directs that a comprehensive annual audit of the Special Rehabilitation Revolving Fund, and of all contracts with and payments to non-VA facilities and programs, be conducted by the Comptroller General consistent with the principles governing commercial transactions. The Committee believes that this annual audit and the report thereof will be of significant assistance to the Congress in assessing the effectiveness of the treatment and rehabilitation program carried out under the provisions in the Committee substitute, especially the operation of the Special Rehabilitation Program as financed by the Special Rehabilitation Revolving Fund.

TRANSFER OF ACTIVE DUTY SERVICEMEN TO VA FACILITIES

At hearings on September 9, 1971, the Committee was distressed to learn of a change in Department of Defense policy with respect to the transfer of active duty addicts during their service to VA facilities for treatment. Prior policy had permitted such transfers only when requested by the serviceman in question as one of three options: treatment in a military facility; treatment in a VA facility; "early out" separation. The revised policy offered him only two options: treatment in a military facility or treatment in a VA facility. The concern of the Committee is expressed in the following April 17, 1972, letter to Dr. Jerome Jaffe, Director, Special Action Office for Drug Abuse Prevention, Executive Office of the President, from Senator Alan Cranston, Chairman of the Subcommittee on Health and Hospitals:

APRIL 17, 1972.

Dr. JEROME JAFFE,
Director, Special Action Office for Drug Abuse Prevention, 726 Jackson Place, Washington, D.C.

DEAR DR. JAFFE: During your appearance before the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee on September 14, 1971, you discussed the procedures followed by the Department of Defense in providing medical treatment to drug dependent separatees. Following the hearings you provided the Subcommittee with DOD directives on these procedures.

These directives indicate that the separatee is given the opportunity to choose between treatment in an Armed Forces facility or in a Veterans Administration facility. No other choice is open to him since the directive no longer permits an addicted serviceman to be processed under the "early out" procedure. The effect of this is that if he refuses treatment in an Armed Forces facility, the September 10, 1971, directives prohibit him from declining transfer to a VA facility; "Drug dependent personnel are not to be given the option of declining transfer by Armed Services Medical Regulation Office to Veterans Administration, although strong preference for another civilian treatment facility may be accommodated in appropriate cases." The Directive closes with the following sentence: "This message supercedes any previous instructions stating or implying that the drug dependent separatee may decline transfer to a Veterans Administration facility prior to discharge."

I do not see how any interpretation can be placed on this directive other than that some servicemen are being transferred through ASMRO to VA drug programs who do not want drug treatment at the VA facility. The effect of this directive will very likely be an overcrowding of the limited VA facilities by separatees in the last weeks of their service who have no inclination to seek treatment for their illness. At the same time, the 32 drug treatment centers of the Veterans Administration have waiting lists of veterans who are self-motivated to seek treatment. Using the limited resources of the Veterans Administration to care for these veterans would be far wiser, I believe, than using these resources for the temporary housing of members of the services who are assigned to them without electing, or even with a strong indisposition for, treatment.

A better solution to the disposition of the drug dependent serviceman about to be separated from the Armed Forces would be intensive counseling by an appropriate person followed by assignment to a DOD medical facility unless he voluntarily chooses assignment for the remainder of his duty to a VA or community facility and understands that such assignment involves a commitment on his part for a protracted treatment period that could last up to a year or more.

I think medical opinion is in general agreement that a treatment and rehabilitation program for drug abusers cannot be effective unless the patient himself is motivated to seek treatment. The Chief Medical Director of the Veterans Administration, Dr. Marc J. Musser, testifying on July 20, stated in connection with the related question of civil or criminal commitment: "Our facts thus far indicate the critical factor in rehabilitation of a drug user is his motivation, his desire to be rehabilitated. If indeed, he is committed and the desire is not present, and if, indeed, the commitment acts as a restraint to motivation, then we would have very little assurance that whatever our efforts might be that they will be successful."

And in your September 14 testimony, you stated in connection with the same question: "Involuntary civil commitment, as we know it today, might require additional specialized treatment facilities since those coerced into treatment often impair the effectiveness of programs designed for volunteers. Those addicts who require coercion should not be integrated into a regular treatment milieu for they destroy the therapeutic atmosphere for others."

I would assume that since the DOD directive of September 10 you have had some experience with the assignment of separatees to program for drug abusers cannot be effective VA treatment centers for drug addiction treatment and rehabiliation. It would be of great interest to the members of the Subcommittee if you could provide a report on the effectiveness of such a procedure in enrolling separatees in continuing programs of treatment after their discharge. (I understand that significant numbers of such servicemen upon receiving discharge papers just leave the hospital.) Please indicate in your report the number of those assigned to VA facilities who left at the end of their tours of duty without completing a treatment program and the number of those who voluntarily continued their treatment programs at the end of their tours of duty. The report should also indicate the capacity of the facility to provide treatment, the number of veterans seeking treatment at the facility, and, if possible, an estimate of the veteran population in the geographic area who are drug dependent and who if adequate outreach services were provided could be expected to seek treatment at the facility.

Thank you for your consideration of the points I have made and for your continuing cooperation with the Subcommittee.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

Although no reply has been made to the above letter, it is the Committee's understanding that the success rate of treatment for servicemen transferred to the VA for treatment because they do not wish to remain in a military facility (rather than that they *elect* VA treatment) has been extremely low. Because of this and the concerns expressed and the testimony quoted in the letter, the Committee substitute includes provisions authorizing transfer of active duty servicemen to VA facilities for treatment within the last ninety days of their service only if the serviceman specifically requests such transfer for a specified period of time (and any specified extension of that period) in writing.

MEDICAL CONFIDENTIALITY

The Committee was extremely concerned about the possibility that in the past a number of addict veterans who might otherwise have sought VA treatment have not done so for fear that the fact of their disability and

information revealed during treatment would not be kept confidential.

The Committee has ample reason to believe that until recently the fear of many veterans about such VA disclosure of information relating to treatment for alcohol or drug dependence has, in fact, been well-founded. Prior to the enactment of P.L. 92–255, the "Drug Abuse Office and Treatment Act of 1972" (March 21, 1972), the Veterans' Administration regulations permitted the release of medical information pertaining to such patients to all other Federal agencies and to state unemployment and state health agencies at the request of such agencies. This release was often made without the veteran's consent. In cases where information was released without the veteran's consent, the veteran was not advised of this disclosure.

On the other hand, the application of section 408 of P.L. 92–255, rendering the records of the identity, diagnosis, prognosis, or treatment of any patient or ex-patient, maintained in connection with any drug abuse function confidential and authorizing their release for only certain very limited purposes and under prescribed conditions, has created several problems which, the Committee believes, require amendatory legislation. While we fully concur in the purpose of this confidentiality provision, its restrictive language has in some cases actually worked to the detriment to the patients concerned.

The following are some of the situations the VA has actually encountered that the Committee feels require the enactment of a somewhat broader authority to disclose records of drug treatment. Most of the following arose as an actual case or cases.

1. Several cases have arisen in which a veteran being provided drug treatment and rehabilitation by the Veterans Administration has faced criminal prosecution for a drug-related offense and his attorney has requested a statement from the VA to the effect that he has enrolled in its drug rehabilitation program, is continuing to receive treatment, and is progressing well. The attorneys desired the statements for use in the veterans' defense in attempting to obtain probation or a lesser sentence. Under section 408, the VA has been unable to provide such statements. Some of the more critical cases, such as where the person is in jail and the record of his participation in a VA drug treatment program is essential to obtaining his release, have been handled sympathetically by the VA's interpreting certain court officials as "governmental personnel" and his release from jail as a "benefit" within the terms of release exceptions under section 408.

2. For many years, representatives (recognized and accredited by the Veterans Administration) of veterans service organizations either named by the Congress or approved by the Veterans Administration and of the American Red Cross have, pursuant to law (now 38 U.S.C. Chap. 59), been recognized in the preparation, presentation, and prosecution of claims of veterans and their dependents and survivors under laws administered by the Veterans Administration. These accredited representatives have performed and continue to perform an invaluable service to veterans and their survivors, without charge to claimants. In the case of drug patients, section 408 precludes the VA from furnishing any information to or allowing the veterans' accredited representatives to review their clients' VA records. The net result of this provision is to deny these veterans the right to representation in connection with their claims before that agency.

3. Section 3404 of title 38, has also authorized, for many years, the recognition by the Veterans' Administration of attorneys of claimants and certain others in connection with the preparation, presentation, and prosecution of their claims under VA legislation. Section 408 similarly precludes the release of information from the records of drug patients to these attorneys. Although the VA has not reported any actual case in which the confidentiality provision of existing law has created a problem as regards attorneys in this setting, a similar broadening of the authority to make disclosure to these individuals is desirable to deal with this issue.

4. One of the most critical and difficult problems has arisen from the VA's inability to disclose drug-related information to prospective employers of these patients. It is well recognized that the rehabilitation of drug dependent individuals is not completed until the patient has been employed and is actively involved in a job and participating in society in general. In light of this, the VA has undertaken to contact potential employers, acquaint them with its program, and persuade them to employ partially rehabilitated drug patients. This activity has, according to the VA, worked very well and employers have been very willing to accept these drug patients as employees. Unfortunately, the confidentiality provisions of section 408 have, for all intents and purposes, completely stopped this effort since they preclude the VA from identifying drug patients as such in contacting employers and attempting to place the patients in jobs. It is readily apparent that this result is actually harmful to, rather than protective of, these veterans.

5. Throughout the country, registers are being kept of patients receiving methadone maintenance. In some cases, these are operated by State or municipal governments; in other instances, the records are kept by eleemosynary organizations or institutions; and in a few locations, private individuals maintain the registers. The purposes of the registers are to insure that a patient does not receive duplicate methadone dosages from more than one treatment center and thus injure or kill himself from an overdose, or to prevent the patient from selling the duplicate methadone dosage to others. Under section 408, with the patient's written consent, the VA now cooperates in most of these methadone registers under the authority to disclose information to "medical personnel for the purpose of diagnosis or treatment of the patient." The problem arises in connection with registers not maintained by medical personnel. Broadening of the law is necessary to provide clear authority for the VA to cooperate with all of the registers, whether or not maintained by medical personnel.

6. Where the patient is deceased, and the disclosure of such a drug abuse record, information, or fact is necessary for any of the survivors of such patients to obtain other benefits to which they may be entitled, section 408 precludes the VA from disclosing such information, which works as a hardship for the survivors. This information—where the drug patient may not have voluntarily requested in writing a waiver of confidentiality—may be required in order to develop claims for benefits to which the survivors are potentially entitled, under programs administered by the Federal Government, by other governments, by private industry, and by other entities. Again, although the situation has not arisen, specific language would be necessary to permit release of information looking toward the development of a potential claim where there has been an alleged malpractice action or other tort. There are, of course, other types of litigation with respect to which the now confidential information might also be essential.

To try to meet some of these concerns, the VA issued on July 12, 1972, VA Circular 00–72–19 "Release of Information under Drug Abuse Office and Treatment Act of 1972," which amplifies an earlier very restrictive issuance of April 20, 1972. The new Circular is as follows:

VA CIRCULAR 00–72–19

Subj: Release of information under Drug Abuse Office and Treatment Act of 1972.

1. Scope

This circular amends and amplifies Circular 00–72–10, which concerned section 408 of the Drug Abuse Office and Treatment Act of 1972, Public Law 92–255, and the release of information concerning patients from VA records maintained in connection with drug abuse prevention functions. Other interpretations are being considered and, as appropriate, will be forthcoming.

2. Background

Section 408 of the Drug Abuse Office and Treatment Act, PL 92–255, approved by the President on March 21, 1972, limits the disclosure of certain patient drug related information. These provisions were discussed in VA Circular 00–72–10, April 20, 1972.

It was recognized when that circular was issued that it did not answer many questions that would inevitably arise as the result of the law's provisions. I have asked the General Counsel to answer a number of questions. After discussing with the Special Action Office on Drug Abuse Prevention and the Department of Justice, he has provided me with the following interpretations and answers.

(1) Q. On what date did PL 92–255 become effective? Do the provisions of section 408 govern the release of information from records reflecting drug abuse treatment provided patients at any time prior to that date?

A. PL 92–255 became effective on the date of its approval by the President, March 21, 1972. The restrictions on the release of information in section 408 are limited in application to records stemming from "Drug abuse prevention functions" afforded patients on or after that date. The term "Drug abuse prevention function" as defined in the Act, is very broad and includes virtually any activity in any way related to drug abuse, i.e. education (counseling), treatment, rehabilitation, research, etc. However, the Administrator has determined that VA records disclosing drug use or drug abuse treatment provided patients at any time prior to March 21, 1972 (whether the record pertains to VA, one of the military departments, or others) will be handled in accordance with the spirit expressed in PL 92–255 with the one exception that such information may be disclosed to accredited representatives with a proper power of attorney, and attorneys representing the claimant.

(2) Q. Do the provisions of section 408 restrict the release of information between VA elements, i.e. from a VA physician to VA social workers, adjudication officials, etc.?

A. The law authorizes the disclosure of information, with the consent of the patient, to medical personnel for the purpose of treatment. All those VA employees who are part of the treatment and rehabilitative team are thus authorized to receive such information. Also, in VA form 21–526, the veteran specifically consents to the release of information concerning himself stemming from his examination or treatment. This will permit adjudicatory officials to examine the medical file when necessary to make a decision on the claim.

(3) Q. What type of written consent should be obtained from a patient being afforded drug abuse treatment in order to release information in accordance with subsection 408(b)(1)?

A. VA form 07–3288 "Request for and consent to release of information from claimant's records" should be executed by the VA patient or claimant. This form will be overprinted or stamped with the following legend:

"This information is released subject to the 'confidentiality' provision of section 408 of Public Law 92–255."

Until an appropriate stamp can be ob-

tained, the legend may be added by typewriter to the VA form.

(4) Q. Subsection 408(b)(1)(A) authorizes disclosure, with the patient's written consent, of records to medical personnel for the purpose of diagnosis or treatment of the patient. Who is encompassed within the term "medical personnel"?

A. "Medical personnel" includes physicians, dentists, nurses, pharmacists, and paramedical and other supporting personnel.

(5) Q. Who is included within the term "governmental personnel" in subsection 408(b)(1)(B)?

A. "Governmental personnel" includes personnel of the Federal, State, county, and municipal governments. Release of information to these officials, with the written consent of the patient, is authorized only for the purpose of obtaining benefits that they are attempting to aid the patient in securing benefits to which he is entitled. Again, release to such individuals will be made with the written consent of the patient or former patient has given written consent, the agency will be requested to furnish a copy of the consent for VA files.

(6) What does the term "Benefits" include?

A. Since the purpose of this provision is to aid the veterans concerned, the term "Benefits" should be interpreted liberally. Nevertheless, it will be necessary to determine in each case that some purpose beneficial to the veteran will be served through the release of the information to the governmental personnel. While it is not feasible to identify all potential benefits, that term will include welfare assistance, probation, parole (when the veteran is in custody of law enforcement officials it may be presumed that disclosure of the information will be beneficial unless circumstances clearly indicate otherwise), and efforts by a governmental agency to assist the patient in obtaining housing or employment, e.g. the special programs authorized by the Civil Service Commission for the employment of rehabilitated drug dependent persons.

(7) Q. Does the law restrict the release of drug-related information to persons representing claimants and patients, such as attorneys and representatives of organizations recognized under 33 USC 3402?

A. Information within the scope of PL 92–255, i.e. received after March 21, 1972, may be released to accredited representatives who are employees of a State government, who hold a power of attorney from, and with the written consent of, the veteran. Attorneys generally and accredited representatives who do not come within the term "governmental personnel" may not be afforded access to information within the scope of PL 92–255. Files in which there has been activity resulting in the generation of drug abuse information since the date of enactment of the law should not be released to accredited representatives of national recognized organizations, attorneys or a person recognized for a particular claim.

(8) Q. In some areas a centralized register is maintained of all patients, by name, on methadone maintenance programs. May the VA participate in such a registry program?

A. One of the purposes of these registers is to prevent a person on methadone maintenance from receiving too large a supply or too frequent a dose of methadone; thus, it is a part of medical treatment and VA information can be supplied to the control registers under that release authority. However, VA should obtain assurance from the control register that the confidentiality required by PL 92–255 will be maintained.

(9) Q. Without the patient's consent information may be released under section 408(b)(2)(C) if ordered by a "court of competent jurisdiction." What courts meet this qualification?

A. For the purposes of the release of information in the custody of the VA, under this Act, a "court of competent jurisdiction" is any Federal court. If the records are sought to be used in a hospital collection case in which the plaintiff's attorney has agreed to include the Government's claim, an order issued by a proper court must be obtained even though the veteran has consented to release.

The foregoing limitation of a "court of competent jurisdiction" to a Federal court does not preclude disclosure of information in the custody of the VA to State or municipal courts in those situations where the veteran has provided his written consent and the release is sought for the purpose of obtaining benefits (as discussed in questions 6 and 7 above) since officials of such courts are considered to be "governmental personnel."

To alleviate the apprehension of veterans and to provide full protection for veteran addicts who seek and receive treatment and rehabilitative services from the VA, the Committee has included in the Committee substitute a strict medical confidentiality provision which provides criminal sanctions for unauthorized disclosure of information but which at the same time meets the legitimate needs for disclosure identified above. The Committee substitute requires that all records made or information divulged in connection with treatment and rehabilitative services, as well as the fact of such treatment, provided under the new subchapter, be kept confidential by the Administrator except under the following circumstances: (1) if a veteran voluntarily requested disclosure (A) to medical personnel for additional diagnosis or treatment, or (B) to his attorney, or (C) to government agencies or a named person or organization (i) to obtain benefits to which he is entitled or (ii) where a VA treatment facility director determines disclosure would clearly benefit the veteran; (2) if competent medical authority determines that the veteran is a clear and present danger to himself or others and that disclosure is necessary to alleviate this danger; (3) if the veteran is deceased and the Administrator determines disclosure is needed for his survivor to obtain a benefit or bring a lawsuit; or (4) if such disclosure is authorized by a court order.

The Committee was particularly concerned that these medical confidentiality requirements not interfere with the appropriate access of veterans' organization service personnel to VA treatment records. This was the single greatest problem arising as a result of the medical confidentiality provisions included in P.L. 92–255, and the Committee expressly intends that section 659(b)(1) in the new subchapter be construed to permit disclosure of necessary treatment records to veterans' organization service officers in connection with their representation of veterans in VA claims pursuant to powers of attorney when the veteran addict signs a separate release statement expressly by waiving the confidentiality provisions regarding addiction treatment. (Such a release statement and signature could be included as an additional specific item in the present standard VA power of attorney form.)

IMPORTANCE OF PROVIDING TREATMENT AND REHABILITATION TO ALCOHOLIC AND ALCOHOL DEPENDENT VETERANS UNDER THIS BILL

Although the VA is giving primary emphasis to the treatment of drug addicted veterans and public attention is now focused on that aspect of addiction, the Committee is greatly concerned by the fact that alcohol abuse affects an estimated 3 million veterans. Indeed, the Veterans Administration estimates that one third of the total alcohol abusing population are veterans. For far too long alcoholism has been the most prevalent and yet untreated disease in this country.

The Veterans Administration operates the nation's largest unified system of alcoholism treatment and rehabilitation. In 1969, for example, alcohol abuse and related disorders accounted for 13% of total VA hospital discharges.

The Committee believes that the VA should and must play a larger role in the stepped up national fight against alcoholism. The Committee substitute will enable the VA to utilize its enormous resources in this urgent effort to a far greater extent than it is now doing. The Committee wishes to stress that the treatment and rehabilitation of alcohol dependent veterans under the Committee substitute should in no way limit the ability of the VA to care for drug addicted veterans, because the VA is provided with the authority to augment its own facilities by contracting for the treatment of both types of addict veterans.

PSYCHIATRIC CARE AND READJUSTMENT MEDICAL COUNSELING

The Committee was convinced by extensive testimony developed at hearings on veterans readjustment conducted by the Subcommittee on Veterans Affairs at the end of the 91st Congress and hearings on this legislation and by medical evidence that significant numbers of Vietnam era veterans who are not addicts have nevertheless suffered severe psychiatric problems. These problems are frequently of a subtle nature and do not always manifest themselves soon after discharge. Therefore, the Committee substitute provides that a psychosis which arises within three years after discharge, rather than an active psychosis which arises within two such years (as at present), will be presumed to be service-connected. The effect of this is to authorize the provision of unlimited outpatient care for veterans meeting these criteria of disability.

In 1951, Section 602, containing the original active psychosis presumption, was added to title 38 by Public Law 82–239. The House-passed bill—H.R. 320—had included a three-year period for active psychosis and the Senate reduced it to two years—(See Rept. No. 749, 82d Cong., 1st Sess. 1951.)

The Committee is of the view that the same justification underlying the original provision for active phychoses arising from World War II and the Korean conflict should be applied to the types of psychiatric conditions which seem to characterize the Indochina War. The purpose and rationale of section 602 were described in the 1951 House and Senate committee reports as follows:

"The Committee is of the opinion that the bill is fully justified in view of the difficulty medical science has in tracing the exact causes of psychoses. The additional presumptive period would authorize service connection in many meritorious cases which are barred under existing law. The presumption is of course rebuttable when there is affirmative evidence to the contrary. . . . (H.R. Rept. No. 239, 82d Cong., 1st Sess. 2 (1951)).

"It is generally recognized that the disease of psychoses is not only an individual problem but involves broad social aspects as well. It is urgent that those who suffer from this unfortunate malady should receive prompt and complete institutional care and treatment. Although war veterans are now entitled to hospitalization by the Veterans' Administration for non-service-connected psychosis, their admission is subject to availability of beds and their inability to defray the expenses. . . . (S. Rept. No. 749, 82d Con., 1st Sess. 2 (1951))."

In addition, the Committee substitute directs the Administrator to provide readjustment medical counseling and appropriate follow-up care to Vietnam era veterans with other than a dishonorable discharge (or a discharge barred under section 3103 of title 38) upon the veteran's request. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the full resources of the VA's medical services to those returning veterans who feel the need

for professional counseling to help them in their readjustment to civilian life.

In the sensitive field of psychological or psychiatric counseling, the Committee believes that availability and ease of access to such services must be emphasized and all unnecessary barriers removed. A recently returned veteran should know that help is available, and that if he asks for it his request will be speedily honored.

Under present VA law and regulation, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, all VA facilities to assist in readjustment will be made more visible and accessible.

The Committee believes that the provision in the committee substitute to provide readjustment counselling in all VA facilities under the general direction of the Department of Medicine and Surgery—taking full advantage of its 924 psychologists, 335 psychologists' attendants and technicians, 600 psychology trainees, 2115 social workers, 268 social worker assistants, and 479 social work trainees—can be of significant assistance to the successful readjustment of large numbers of recently discharged veterans, both addict and nonaddict.

CONCLUSION

The need for the type of approach embodied in the Committee substitute is summed up concisely and effectively in a June 26, 1972, letter to Senator Cranston from Dr. Jerome H. Jaffe, Director, Special Action Office for Drug Abuse Prevention, Executive Office of the President. The administration's chief drug treatment spokesman wrote as follows:

DEAR SENATOR CRANSTON: The press briefing of April 13th in New York City referred to in your May 11, 1972, letter, in its broadest perspective, addressed the severe situation faced by the people of New York City, its business leaders, and its social and political institutions in developing a totally coordinated health care delivery system for treating and rehabilitating the heroin addicted population of the City. Various authorities cite this population as ranging from 85,000 to 200,000 ("best estimate" at 125,000), many of whom are veterans. The message I hoped to convey at the press conference was that veterans should have access to all community-based treatment programs and not be restricted to what the local Veterans' Administration Hospital can offer at any one moment in time.

More importantly, your query concerning the general strategy which the government should employ to care for veteran addicts is timely. Title III of PL 92-255 requires the development of a general strategy for all federal drug abuse prevention functions by December 1972. We are now working with the Veterans' Administration to structure that part of the total strategy which will address the veteran drug abuse situation.

Some of the major issues which this strategy will address are:

(*a*) establishing and sustaining links and administrative vehicles for utilizing local community-based resources, both as an adjunct to the Veterans' Administration care delivery system for drug dependent veterans, and offering these veterans, through referral, a wider variety of treatment/rehabilitation modalities;

(*b*) establishing a broader variety of rehabilitation modalities at Veterans Administration treatment centers;

(*c*) establishing residential, therapeutic community facilities within the Veterans' Administration care delivery system;

(*d*) broadening the treatment base to include all veteran addicts, regardless of type of discharge;

(*e*) initiating cooperative Veterans' Administration, other hospital and medical institution research clinical studies;

(*f*) targeting Veterans' Administration capacities for skills training, supplemental education and job placement assistance for ex-addict veterans to lay a firm base for the rehabilitated veterans to resume a normal life style; and

(*g*) developing innovative outreach capability to induce drug dependent veterans into appropriate treatment/rehabilitation programs, regardless of who administers the program.

I appreciate your concern over improving delivery of treatment to heroin addicts who are veterans and hope you will continue to be in close touch with the Special Action Office whenever you feel we might be of assistance.

Sincerely,

JEROME H. JAFFE, M.D.,
Director.

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress), the Committee, with the help of some technical assistance by the VA, estimates the following costs for carrying out the provisions of the Committee substitute in S. 2108 in fiscal years 1973 through 1977:

SUMMARY OF ANNUAL COSTS, S. 2108

[In thousands of dollars]

Item	Years after passage				
	1	2	3	4	5
Total	419,120	47,120	27,893	27,893	27,893
Hospital care	185	185	185	185	185
Domiciliary care	180	180	180	180	180
Outpatient care	11,136	11,136	11,136	11,136	11,136
Rehabilitation	391,200	18,200	----	----	----
Outreach and counseling	2,027	2,027	1,000	1,000	1,000
Psychoses and readjustment medical counselling	15,392	15,392	15,392	15,392	15,392

Assumptions and estimates—S-2108

1. Veteran population Dec. 31, 1971:
a. Vietnam era, 5,597,000.
Post-Korean, 3,116,000.
2. Vietnam Era veterans:
a. Military discharges [1] for:
Drug addiction, 21,000.
Alcoholism, 1,000.
Total 22,000.
b. Veterans developing condition:
Drug addiction,[2] 60,000.
Alcoholism,[3] 150,000.
Total, 210,000.
c. Total eligible, 232,000.
3. Post-Korean Conflict veterans:
a. Drug addiction,[4] 10,000.
b. Alcoholism,[5] 84,000.
Total eligible, 94,000.
4. Estimated dishonorably discharged Vietnam era veterans having a drug or alcohol problem (from DOD), 800.
5. Costs:

a. Hospital care: Additional cost would be for estimated 200 patients at an average of 25 days @ $37, $185,000.

b. Domiciliary care: Same as for hospital care except an estimated 50 members @ $3,600 per year, $180,000.

c. Outpatient care: Fee cost per outpatient visit, $11.00; Administrative costs, $9.00; Total cost per visit, $20.[6]

40 percent [7] of total eligible (232,000) will use outpatient facilities and will average 6 visits a year—number of veterans, 92,800.

Formula—92,800 x $20 x 6 visits, $11,136,000.

d. Special Rehabilitation: S. 2108 provides to all Vietnam and post-Korean veterans with general or honorable discharges plus certain with undesirable or bad conduct discharges the following: Professional counseling, education and vocational guidance, education and training, job referral and placement, work for pay through arrangement with private industry, intensive skilled services.

Transportation associated with rehabilitation: (a) Estimated cost per veteran for these services (does not include cost of initial and followup medical treatment), $3,000; [8] (b) Number who will use service: (1) Vietnam era veterans, 37,600; [10] total 130,400.

(c) Formula: 130,400 at $3,000,[12] $391,200,000; 26,000 [11] at $700, $18,200,000; total cost $409,400,000.

e. An estimate of the first year cost for a counseling program to reach and help the veterans identified above, is as follows:

(a) Department of Medicine and Surgery requirements: 92 ex-addict counselors (GS 4-6) at each VAH not now employing them, $825,240; 37 ex-addict counselors at DOD drug rehabilitation centers, $331,890.

(b) Department of Veterans Benefits requirements 100 ex-addict counselors at U.S. Veterans Assistance Centers, $897,000.

Total cost: (229 FTE), $2,027,130.

f. Service-connected psychoses: Presumes that a psychosis developing within three years of discharge from service is to be service connected. This is an extension of 1 year, i.e., present law presumes 2 years from discharge from service. Specific data are not available which show the number of veterans having a service connected psychosis found to exist within 2 years of discharge from military service. The best estimate of the number of such eligible persons since World War II is 4,000 cases. The extension to three years should produce an additional one-third more or 1,300 cases. 1,300 at $27 per day for 320 days a year,[13] $15,392,000.

FOOTNOTES

[1] Data obtained from Department of Defense.

[2] Estimated by VA drug and alcohol service.

[3] Estimated 6 percent of 2,500,000 alcoholic veterans.

[4] Estimated 16.7 percent of number of age 44 or less veterans discharged from VA hospitals for treatment for opium addiction during 6 months ending December 1971. This percentage applied to 60,000 Vietnam era veterans with drug addiction.

[5] The proportion (2.7 percent) of the Vietnam era veterans who are alcoholics to total Vietnam era veterans was applied to total Post-Korean veteran population.

[6] Based on present fee basis cost for service-connected outpatient treatment and administrative costs estimated to be 45 percent of total cost of outpatient care.

[7] Based on experience of veterans on compensation and pension rolls utilizing VA outpatient facilities from House Print No. 86, 92nd Congress.

[8] Estimate based upon information supplied by VA Mental Health and Behavioral Sciences Services and the National Institutes of Mental Health, H.E.W., one year, one time.

[9] Same as number who will get outpatient care.

[10] Same proportion of eligible Vietnam era veterans who would use service.

[11] Estimated 20 percent would require additional rehabilitation beyond one year at $700 per person.

[12] Virtually the full rehabilitation cost for veterans in the Special Rehabilitation Program would be financed from GI bill entitlements. For example, the estimated $3,000 12-month rehabilitation cost would be fully covered if the educational assistance allowance under chapter 34 is increased to $250 as included in S. 2161 as passed by the Senate on August 3, 1972, which is pending in the House.

[13] The VA was unable to provide any esti-

mate of the cost for the readjustment medical counseling provision. The committee believes that this $15.4 million for service-connected psychosis is probably considerably on the high side and would be sufficient to cover added costs under readjustment medical counseling (for example, $6,000,000 would provide for basic counseling at $50/veteran, for 100,000 veterans plus more intensive additional counseling, at $100/veteran, for 10,000 of those veterans needing more intensive help). The committee believes that much can be accomplished in this area by the more effective utilization of the VA's psycho/social staff within DM & S, entailing only minimal additional expenditure.

SECTION-BY-SECTION ANALYSIS OF COMMITTEE SUBSTITUTE

Section 1. Establishes the short title of the act as the "Veterans Drug and Alcoholic Treatment and Rehabilitation Act of 1972."

Section 2. Subsection (a).—Amends section 601(1), which defines the term "disability" for purposes of chapter 17 (Hospital, Domiciliary and Medical Care) of title 38, to include alcoholism and drug dependence within the meaning of "disease."

Subsection (b).—Amends section 601, which sets forth definitions for purposes of chapter 17, by adding a new paragraph (2) to define the term "veteran" specifically for the purposes of the furnishing of hospital care and medical services under that chapter for a service-connected disability. For that specified purpose under the new definition, veterans with undesirable discharges (as long as the nature of such a discharge would not involve any of the conditions specified under the bars-to-benefits provision of present section 3103) would be made eligible for such care and services. Under the new definition it is possible that a very few veterans with bad conduct discharges not imposed by a court-martial proceeding would also be made eligible for such specified care and services. The new definition would not in any way alter the ineligibility of a veteran with a dishonorable discharge for such services under chapter 17, for which such a veteran is presently ineligible even for a service-incurred disability.

Subsection (c).—Amend section 601(6) (as redesignated by subsection (b)), which defines "hospital care" for purposes of chapter 17, to include "rehabilitative services" (which is defined in a new paragraph (9) added to present section 601 by subsection (f)) within such definition.

Subsection (d).—Amends-section 601(7) (as redesignated by subsection (b)), which defines "medical services" for purposes of chapter 17, to include "rehabilitative services" within such definition.

Subsection (e).—Amend section 601(8) (as redesignated by subsection (b)), which defines "domiciliary care" for purposes of chapter 17, by rewriting such definition to include rehabilitative services within such definition and to make clear that such term includes "necessary medical services".

Subsection (f).—Amends section 601 by adding a new paragraph (9) defining "rehabilitative services," which is defined to include "such professional counseling, educational and vocational guidance, education, training, and job referral and placement services (including therapeutic work for remuneration through arrangements with private industry, and essential transportation associated therewith), and such other intensive skilled services applied, on an inpatient or outpatient basis, over such a protracted period as may be necessary to assist the patient to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

The reference to therapeutic work for remuneration through arrangements is intended to make clear the authority to engage in such activities as are and have been carried out at VA facilities at Los Angeles, Palo Alto, and Menlo Park, Calif., and other stations, as to which programs the VA is currently conducting an extensive review to determine the need for more extensive statutory authority. In the interim, the VA has assured the Committee that no such therapeutic work arrangements will be discontinued or significantly reduced. The Committee looks forward to receiving a full report on the VA study as soon as it is completed.

Section 3.—Amends section 602 which establishes a presumption of service-connection for active psychoses developed within 2 years after discharge from the service, to establish such presumption in the case of any psychoses developed within 3 years of such discharge.

Section 4. Subsection (a).—Amends subchapter II of chapter 17 by adding a new section 612A (Eligibility for readjustment medical counseling).

New section 612A. Subsection (a).—Directs the Administrator (except in the case of veterans with discharges falling within the bars-to-benefits provision of present section 3103) to furnish, under chapter 17, readjustment medical counseling and appropriate follow-up care and treatment, to any such Vietnam era (a veteran with service after August 5, 1964) veteran who requests such counseling in order to assist in his readjustment to civilian life; and also directs the Administrator, in cooperation with the Secretary of Defense, to take all appropriate actions under the outreach services program, provided for in present section 241, to insure that all veterans eligible for such counseling are advised of such eligibility and encouraged to take full advantage of it.

Subsection (b).—Amends the table of sections at the beginning of chapter 17 to reflect the addition of the new section 612A made by subsection (a) of section 4 of the Committee Print.

Section 5.—Amends section 618, which authorizes certain therapeutic and rehabilitation activities to direct the Administrator to take appropriate action to make it possible for patients receiving rehabilitative services in VA medical and domiciliary facilities to take maximum advantage of their GI bill entitlements under chapters 31, 34, and 35.

Section 6. Subsection (a).—Amends chapter 17 by adding a new subchapter VI (Special Medical Treatment and Rehabilitative Services for Alcoholism, Drug Dependence or Alcohol or Drug Abuse Disabilities).

New Section 651.—Establishes a definition of the term "veteran" for purposes of this new special subchapter and thereby establishes eligibility for treatment and services under such subchapter for any person discharged from active military service, regardless of the nature of discharge (and regardless of the bars-to-benefits provisions of present section 3103) who has an alcoholism, drug dependence or alcohol or drug abuse disability (hereinafter referred to as the drug disabilities) without any need for a finding of service-connection in connection with such disability.

New section 652.—Sets forth the basic provisions governing the provision of treatment and rehabilitative services for veterans suffering from one of the drug disabilities.

Subsection (a).—Directs the Administrator to furnish any veteran suffering from one of the drug disabilities with such special medical treatment and rehabilitative services or hospital and domiciliary care as he finds reasonably necessary to effect the veteran's recovery and rehabilitation.

Subsection (b).—Specifies that treatment and rehabilitative services under the new subchapter shall include "medical examination, diagnosis, and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counseling (including appropriate referrals for legal assistance), educational and vocational guidance, and crises intervention. . . ." It also specifies that such treatment and services shall be made available in VA directly administered hospitals, domiciliary facilities, and outpatient clinics as well as halfway houses and other community-based facilities, and in non-VA public or private facilities under contract with the Administrator.

Subsection (c).—Directs the Administrator to offer alternative modalities of treatment to each such veteran receiving treatment and rehabilitative services under the new subchapter (whether in VA or contract facilities) and specifies that the alternatives offered shall be based upon the individual needs of each such veteran.

Subsection (d).—Directs the Administrator to contract for treatment and services under the new subchapter to give the greatest feasible priority to community-based, multiple-modality programs employing former addict counselors and specifically Vietnam-era veterans (as defined in present section 101(1)) and to include in such contractual arrangements the carrying out of maximum outreach efforts to identify and counsel veterans eligible under the new subchapter.

Subsection (e).—Directs the Administrator upon receiving an application for treatment and services under the new subchapter from a veteran with an other than honorable or general discharge to (1) advise him of his right to apply to the appropriate military service to obtain a review of the nature of his discharge wtih a view toward removing any bar to eligibility for the receipt of veterans benefits under title 38; (2) advise him of the current military policy regarding a review of discharges received in connection with alcohol or drug abuse offenses; and (3) advise him of all programs under title 38 and any other law to which he is or would be entitled if he had a general or honorable discharge. The subsection also directs the Administrator to offer, and, if requested, to provide any veteran within the provisions of the new subsection all appropriate assistance needed to facilitate the process of preparing and filing with the military an application for a review of the nature of his discharge.

Subsection (f). Paragraph (1).—Sets forth a special entitlement to treatment and services for any Vietnam era veteran under conditions specified in paragraph (2) of the subsection.

Paragraph (2).—Provides that in the case of a Vietnam era veteran with one of the drug disabilities (1) if he requests but is not promptly provided treatment and services in a VA-directly administered program, or (2) if there is no such VA facility or program readily accessible to the veteran and he requests treatment in a non-VA facility or program approved by the Administrator (as providing treatment and services consistent with all the provisions of the new subchapter), then in either case such a veteran is entitled to the Administrator paying to such non-VA program or facility the reasonable value of the treatment and services provided consistent with all the provisions of this subchapter (including such rehabilitation as may be provided under the Special Rehabilitation Program established by new section 654), when the non-VA facility is approved by the Administrator as providing treatment and services consistent with all the provisions of this subchapter in accordance with standards established in regulations which he prescribes (as to drug abuse, with the concurrence of the Director of the Special Action Office for Drug Abuse Prevention).

Paragraph (3).—Provides that payments for treatment and services in non-VA facili-

ties under paragraph (2) shall be made from funds appropriated for medical care of veterans and, where the veteran is eligible for the Special Rehabilitation Program established by new section 654, from the Special Rehabilitation Revolving Fund established under new section 655.

Subsection (g). Paragraph (1).—Directs the Administrator to provide (either in VA-directly administered facilities or programs or those under contract with him) for treatment and services in the case of certain veterans eligible under the new subchapter who are involved in criminal proceedings as follows: (1) for a veteran under criminal charge or conviction who is not confined and who is not required to participate in a treatment and rehabilitation program by any court of competent jurisdiction; (2) to the maximum feasible extent furnish necessary drugs and medicines for any veteran incarcerated in a local jail who was receiving treatment and services under the new subchapter immediately prior to incarceration when prescribed by the attending physician with adequate safeguards against abuses; and (3) continue furnishing such drugs and medicines to a veteran under (2) until the Administrator determines that responsibility for appropriate treatment will be assumed by a non-VA facility or program.

Paragraph (2).—Authorizes the Administrator to provide (either in VA-directly administered facilities or programs or those under contract with him) for treatment and services to any veteran under the new subchapter who has been criminally charged or convicted and who is required to participate in a treatment and rehabilitation program by a court of competent jurisdiction, but only under such conditions as the Administrator determines, on a case-by-case basis, will insure that the veteran's participation in the particular program will not impair the voluntary nature of the services provided other patients in such program.

New Section 653. Subsection (a).—Directs the Administrator to utilize all VA resources to seek out and counsel toward treatment and rehabilitation all veterans eligible under the new subchapter, especially those of the Vietnam era.

Subsection (b).—Directs the Administrator, to the maximum extent feasible, to contract for the services of or employ former addict veterans and authorize such employment or contracts without regard to United States Code title 5 provisions regarding appointments in the competitive service at pay rates without regard to the title 5 classification procedures and General Schedule pay rates, and to provide such veterans with all necessary job training.

Subsection (c).—Directs the Administrator to carry out, in consultation with the Secretary of Labor and the chairman of the Civil Service Commission, an affirmative action program under which all Federal agencies, private and public firms and persons would be urged to provide maximum employment opportunities for veterans provided treatment and rehabilitative services under the new subchapter who are determined to be sufficently rehabilitated to hold gainful employment and, in coordination with the Secretary of Labor, to attempt to place such veterans in such employment opportunities.

New section 654.—Establishes a Special Rehabilitation Program of education and training for certain veterans eligible under the new subchapter.

Subsection (a).—Directs the Administrator, pursuant to regulations he shall prescribe and in accordance with all the provisions and limitations in the new subchapter, to provide for all post-Korean conflict (those with service after January 31, 1955) veterans eligible under the new subchapter and whose discharges are under other than dishonorable conditions, a special program of rehabilitative services patterned after education and training programs for vocational rehabilitation under present chapter 31. This subsection also makes eligible for the Special Program any post-Korean conflict veterans with an undesirable or bad conduct discharge who is not otherwise eligible and who is suffering from a drug or alcohol abuse disability when the Administrator determines that such disability was acquired or aggravated in service. The duration of services under the Special Program established by this new section cannot exceed one year following discharge from the treatment and rehabilitation program as recovered.

Subsection (b).—Directs the Administrator to pay to veterans in the Special Rehabilitation Program under subsection (a) an allowance not less than 75 percent, nor more than 100 percent, of the current subsistence allowance provided under chapter 31 (presently $135). Such allowances will be paid from the Special Rehabilitation Revolving Fund established under new section 655.

Subsection (c).—Provides that any benefit payments made to the Special Rehabilitation Revolving Fund in the case of any veteran will serve to reduce proportionately such veteran's benefit entitlement on which such payments were based.

Subsection (d).—Limits a veteran's total period of participation (both before and after recovery) under the Special Rehabilitation Program established by the new section 654 to a total of 24 months except in extraordinary cases where the Administrator, in accordance with regulations he shall prescribe, approves an additional period and payment of such additional subsistence allowance as he determines necessary for a veteran to continue reasonable progress toward his rehabilitation goal.

Subsection (e).—Provides for the partial restoration of GI bill benefits (under chapter 31, 34, or 35 of title 38) for a veteran not eligible for those benefits who has successfully completed the prescribed rehabilitation program and remains recovered for at least a year after his discharge. Under this subsection, such veteran—for example, a veteran with an undesirable discharge—would become eligible for readjustment benefits to which he would have been entitled had his discharge been honorable or general, and such eligibility would be restored retroactively to the day such veteran entered the Special Rehabilitation Program. Such restoration of eligibility would continue only so long as a veteran remained in a recovered condition insofar as his disability was concerned.

Subsection (f).—Provides that any veteran who, while receiving benefits under the Special Rehabilitation Program established by the new section 654, was not generally eligible for GI bill benefits because of the nature of his discharge and who later becomes eligible for such benefits as a result of a review and correction of such discharge by the military will have the total number of months of his GI bill entitlement (restored by such review and correction) reduced by the total number of months of his participation in the Special Rehabilitation Program. For example, a veteran who had served at least 18 months would generally be entitled to 36 months of chapter 34 GI bill benefits. If such veteran had a disqualifying discharge but later became entitled to his period of earned entitlement and had participated for 12 months in the Special Rehabilitation Program, his total remaining GI bill entitlement would be 24 months.

Subsection (g).—Provides a cut-off of eligibility under the Special Rehabilitation Program established by the new section 654 of eight years after a veteran's discharge or the date of enactment, whichever is later.

New Section 655. Subsection (a).—Establishes in the Treasury of the United States a Fund known as the Special Rehabilitation Revolving Fund for the purpose of financing the Special Rehabilitation Program established by and carried out under new section 654.

Subsection (b).—Provides that there shall be transferred from the readjustments benefits appropriations item to the fund an appropriate monetary amount in the case of a veteran provided services under the Special Rehabilitation Program who is entitled to GI bill benefits (including the restoration of any benefits based on recovery as provided under new section 654(e)) as follows: the dollar amount of GI bill allowance for each month or portion thereof during which the veteran participated in such rehabilitation program. For example, in the case of a veteran with a general or honorable discharge who participated in the Special Rehabilitation Program for the maximum 24 months, (given the present GI bill rate of $175 for a veteran with no dependents) there would be transferred from the readjustment benefits account to the funds $4,200 ($175 x 24). Further, in the case of the example cited above under section 654(e), a transfer of $2,100 ($175 x 12) would be made from the readjustment benefits account to the fund based upon the retroactive restoration of GI bill entitlement for such veteran.

Subsection (c).—Directs the Secretary of the Treasury to transfer to the fund from medical care appropriations $5 million within 30 days after enactment and thereafter such sums from such appropriation item (not in excess of $5 million in any one fiscal year) as the Administrator determines and certifies as necessary to maintain the solvency of the fund.

Subsection (d).—Continues the availability until expended of amounts transferred or paid into the fund.

New section 656. Subsection (a).—Specifies that all financial transactions made in connection with the Special Rehabilitation Revolving Fund and with contracts with and payments to non-VA facilities and programs under the new subchapter shall be audited annually by the Comptroller General of the United States in accordance with general accounting principles and that the Comptroller General for the purposes of such audit shall have access to all books, records, documents, and things in connection with such transactions necessary for such audit.

Subsection (b).—Specifies that the expenses of any audit under the new section 656 shall be borne out of General Accounting Office appropriations and authorizes such additional appropriations to the GAO as are necessary to conduct any such audit.

Subsection (c).—Requires the Comptroller General to report to the Congress no later than six months after the close of each fiscal year, the results of such annual audit and specifies the scope of the audit, including a statement of future assets, liabilities, capital and surpluses or deficit, an analysis thereof, a statement of income and expenses and of sources and application of funds, and general information necessary to inform the Congress of the financial status of the fund and of non-VA facilities and programs receiving payments under the new subchapter. The Comptroller General's report would also contain appropriate recommendations by him, including a report of any impairment of capital or lack of sufficient capital, particularly for the Special Rehabilitation Revolving Fund. A copy of each such audit will also be furnished to the Administrator of Veterans' Affairs.

Subsection (d).—Directs the Comptroller General to carry out his audit responsibilities so as to comply with the provisions respecting medical confidentiality set forth in new section 659.

New section 657.—Requires a line item in the President's annual budget submission showing the estimated VA expenditures under the new subchapter, broken down so as to reflect expenditures for medical care ap-

propriations and from the Special Rehabilitation Revolving Fund.

New section 658.—Establishes procedures and requirements regarding the transfer and treatment therein of active-duty servicemen to VA medical facilities in connection with one of the drug disabilities.

Subsection (a).—Provides for the transfer of an active-duty serviceman with one of the drug disabilities to a VA medical facility for treatment pursuant to mutually agreed upon terms between the Secretary of the military Department concerned and the Administrator and subject to reimbursement by such Service. Such transfers are authorized only within the last 90 days of a tour of duty. After such a transfer, a serviceman would receive treatment and rehabilitative services on the same terms and conditions as prescribed for a veteran in the new subchapter.

Subsection (b).—Requires the Administrator to report periodically to the Secretary concerned regarding the progress of the treatment of each serviceman transferred and to release such serviceman back to the Secretary concerned when the Administrator finds that the disability is stabilized or certifies that the member is refusing to comply with reasonable terms and conditions of treatment or that treatment would otherwise no longer be beneficial to such serviceman.

Subsection (c).—Prohibits transfers under new section 658 unless the serviceman in question specifically requests transfer for a specified period of time within his remaining tour of duty and does so in writing and further prohibits the extension of such treatment beyond such specified period of time unless the serviceman specifically requests a specified extension and such request is approved by the Secretary and the Administrator.

New section 659.—Establishes very specific and generally protective requirements with respect to the maintenance of confidentiality regarding treatment and rehabilitation under the new subchapter.

Subsection (a).—Establishes the principle that, notwithstanding any other law, all records made or information divulged in connection with treatment and rehabilitation under the new subchapter shall be kept confidential by the Administrator and that the record, information, or fact of treatment may be disclosed only for the limited purposes and under the circumstances expressly authorized in new section 659.

Subsection (b).—Permits disclosure under the following circumstances: (1) if the veteran voluntarily requests in writing a waiver (*a*) to medical personnel for diagnosis and treatment, (*b*) to his attorney, or (*c*) to Government personnel or a named person or organization (for example, a veterans' organization) (i) in connection with the veteran patient or his successors obtaining benefits or (ii) when the Director of a facility responsible for treatment and rehabilitation determines that disclosure would be clearly beneficial to the veteran; (2) when the veteran is determined, by competent medical authority to be a clear and present danger to himself and others and disclosure is necessary to alleviate such danger; or (3) when the Administrator determines that disclosure is necessary for the survivor of a deceased veteran to obtain benefits through legal action. The extent of disclosure is specifically limited by the exact factual context and will be only as complete as absolutely necessary to carry out the specified purpose for which for which the information is disclosed.

Subsection (c).—Permits disclosure for other purposes if authorized by an appropriate court order under a good cause procedure and establishes the criteria for weighing the factors for and against such disclosure. When granting disclosure under this subsection, a court is directed to impose appropriate safeguards against the unauthorized use or disclosure of material covered by the court order.

Subsection (d).—Imposes upon the Administrator the responsibility to insure that any record, information, or fact of treatment under the new subchapter shall not be disclosed in any manner or for any purpose or with any effect adverse to the interests of the veteran by either the VA or any person, program or organization carrying out VA responsibilities, unless such disclosure is specifically authorized under subsection (b) or (c) of the new section 659.

Subsection (e).—Authorizes the release of purely statistical data compiled without reference to name or other identifying (either directly or indirectly) characteristics.

Subsection (f).—Continues in effect the procedures of new section 659 with respect to any former patient under the new subchapter regardless of his present patient status.

Subsection (g).—Establishes civil fines for unauthorized disclosures identical to those provided for in P.L. 92–255.

New section 660.—Requires the Administrator to submit the Congress six months after enactment and thereafter on each September 1 a report on the implementation of the new subchapter, broken down separately with respect to alcoholism and drug abuse disabilities, and an evaluation of the effective alternate treatment and rehabilitation modalities provided under the new subchapter. The report will also include (1) numbers of patients treated, (2) average duration of treatment, (3) estimates of successful rehabilitation and recovery, (4) an analysis of rehabilitation experience, (5) a full accounting of receipts and disbursements of the Special Rehabilitation Revolving Fund and an estimate of the amount of medical care appropriations to be transferred to the fund in the next fiscal year, (6) a description of outreach and employment efforts, (7) a full accounting of payments to non-VA facilities and an evaluation of services provided therein, (8) experience under the medical confidentiality provisions, (9) new program plans, and (10) any legislative recommendations.

Section 6. Subsection (b).—Amends the table of sections at the beginning of chapter 17 of title 38 to reflect the addition of the new subchapter added by subsection (a) of section 6.

TITLE AMENDMENT

Amends the title to eliminate reference to chapter 31 of title 38 in the long title of the bill.

Mr. CRANSTON. Mr. President, in closing, I want to express my appreciation to the Veterans' Administration General Counsel's office, particularly Al Bronaugh and Charles Johnston, to the Office of Legislative Counsel, particularly Hugh Evans, and to the printing clerk of the committee, Harold Carter, for their extremely competent assistance in the preparation of the bill. And I wish to pay special thanks to the leadership on both sides of the aisle for the speed with which this bill has been brought before the Senate for action.

CONCLUSION

Mr. President, in passing this bill today, the Senate will be taking its strongest action to date toward helping veterans with drug and alcohol abuse disabilities who have been unable or unwilling to receive treatment and rehabilitation services from the Veterans' Administration. The comprehensive approach in this bill is badly needed, and I know that the House Committee, chaired by my good friend, OLIN TEAGUE of Texas, who authored the initial piece of legislation in this field, will give careful consideration to the Senate provisions.

I urge all Senators to support the provisions of the S. 2108 Committee substitute which we are about to move be inserted in place of the text of H.R. 9265, the House passed bill.

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

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

[From the New York Times, Aug. 28, 1972]

POSTWAR SHOCK BESETS VETERANS OF VIETNAM

(By Jon Nordheimer)

SAN FRANCISCO, Aug. 20—The flight from Saigon and Danang reach California in 18 hours, telescoping night into day and into night again, and the big jet transports drop out of the gloom of the Pacific sky to land at Travis Air Force Base as another sunrise rims the high peaks of the Sierra Nevada range far to the east.

On board the planes are sleepy young soldiers, members of the dwindling force of American troops in Vietnam, coming home from a war in a strange land where they had served with gradations of comprehension and devotion.

They step out on the chilled tarmac and stretch and shiver. The temperature is more than 30 degrees cooler here in northern California than it had been the day before in Vietnam.

It is the first shock of reentry for the Vietnam veteran. In the coming months, as he goes out into America and tries to pick up the threads of the life he had left behind, there will be more.

For it is now becoming clear, at a time when it is almost too late to do anything about it, that a significant number of Vietnam veterans are encountering serious readjustment problems on return to civilian life that, for some at least, is as severe a test of emotional stability as any stress they encountered in the service.

The ailment has been called the post-Vietnam syndrome, or PVS, but the term is not sufficiently broad to encompass the wide range of emotional problems that some of the veterans are experiencing.

HARD TO DEFINE

Just what Vietnam service does to a young man emotionally is difficult to define, but it is related to the shattering experience of war itself, with the added ingredient that this war, unlike others, does not give many of the men who wage it feelings of patriotism, or even purpose.

The men who suffer post-Vietnam syndrome are not dramatically ill. They do not go berserk or totally withdraw. Instead they are bewildered, disillusioned, unable to cope. Their problems usually crop up after they leave the service and previous indications of trouble almost always went untreated by the military.

For the last few years, the Government has declared that the special circumstances of combat in Vietnam produced the lowest psychiatric casualty rate in the history of modern American warfare. The Defense Department contended that the rate of mental breakdowns was 12 per 1,000 troops; the corresponding rate for Korea was 37 per 1,000, and in World War II it was 101 per 1,000.

These figures are hotly disputed by private physicians who have made empirical studies of the PVS, and the debate has taken on political overtones that chilled the issue, with the Government digging in to defend its policies against what is perceived in Washington as an attack by critics of the war.

Essentially, the Government has viewed the problem as mild compared with the stag-

gering number of combat-zone breakdowns that occurred among World War II servicemen. The critics have countered that what they describe as the Government's blindness and intransigence, produced by a desire to gain public support for the Nixon Administration's war policy, were contributing to a mental health disaster for the more than three million soldiers, sailors and airmen who had served in Vietnam.

SERIOUS SOCIAL PROBLEM

There is evidence that the problem is more pervasive than has been acknowledged by the Government, and may indeed be building to a social problem of serious magnitude.

Yet it is equally apparent from an extensive survey that the problem is slow to develop and difficult to identify and that its complexities defy easy explanations.

One interpretation advanced in some psychiatric quarters is that guilt over participation in a war many see as immoral is disturbing the veteran upon his return home.

Unquestionably, that is a source of dislocation for some of the better educated and more sensitive veterans as typified by the outcries of the Vietnam Veterans Against the War, and to some extent it may be detected in many others who have made no overt antiwar expressions and may even support the country's Vietnam policies, the survey showed.

But for the majority of the emotionally distressed veterans it would appear that the restive nature of American society itself is a contributing factor, and the rapidly changing values the veteran finds at home, the hostility of his peers, the guilt of his parents and the lack of interest of his community may combine with a poor job market to keep him off balance from the moment he takes off his uniform.

A psychiatrist compared the difficulty of the Vietnam veteran to a boy at an amusement park. "He has spent an exhausting day on the scariest, most dizzying thrill rides with apparent success, but he finds it impossible to step aboard a moving merry-go-round. His equilibrium has been upset, and he can't perform a simple task of balance. When he pukes, the people watching him can't figure out why such a simple exercise is so unsettling."

AN UNKNOWN FACTOR

The survey made clear that in the majority of cases the emotional disorders of men who have served in Vietnam showed up not in the combat zone but, rather, after the return to the United States. This, unlike other wars, has been the chief psychiatric phenomenon of Vietnam for the American soldier.

In some hospitals, more than 80 per cent of the mental patients suffered breakdowns after discharge from the military service. What is not known, when these figures are compared to past experience, is to what extent the greater sophistication about mental illness has contributed to a willingness among veterans to seek professional help than in the past.

Another finding was that the Government has been less than diligent in providing resources to investigate the nature of emotional illness that the veteran brings home from Vietnam and to deliver health care services to him.

Although the rate of full-blown psychosis among Vietnam servicemen has been low, and in line with what would be expected among this age group in the general population (for schizophrenia, about 8.5 per 1,000) the emotional problems in the greater number of cases have been characterized by anxiety, disillusionment, confusion, apathy and listlessness—fairly mild disorders that nonetheless can be as disabling in a social setting as schizophrenia.

Only infrequently does the ailment reach a point where the individual becomes a problem to society and is remanded for psychiatric care. Usually, because the Vietnam veteran tends to come from a low socio-economic or minority group where his tensions and fears cannot find easy access to mental health care, his "odd" behavior or inactivity simply goes unnoticed or is dismissed as inconsequential to the community's safety.

This lack of access, it has been found, has led to the growing usage of drugs by the veteran back in the United States whether he had been addicted in Vietnam or not. The availability of drugs in this country, as it had been in Vietnam, can offer instant escape from tensions and anxiety, whether these fears have been created by the weapons of war or the more subtle hazards of civilian life.

Moreover, it was found that bureaucratic red tape and the lack of a focus of resources have cut psychiatric services to the veteran, should he seek help. The Veterans Administration has only in the last year officially recognized the scope of the problem and moved to adjust its program of care for the emotionally disturbed veteran. Yet a shortage of qualified psychiatric personnel still makes the V.A.'s 165 hospitals largely dependent on the dispensing of tranquilizers as the primary treatment schedule.

STAFFS ARE STRAINED

The best and most effective treatment of the PVS, when it is detected, would appear to be sympathetic counseling, which is what the V.A. has attempted to introduce in the last year, but the professional staffs have been strained by the rising number of veterans seeking help, particularly in the urban areas where they are doing more counseling work with drug addicts.

Another drain on manpower is the large number of neurological casualties coming home from Vietnam—men with damaged brains whose lives have been saved by the new technology of surgery and medicine but who have been deprived of the mental resources to care for themselves.

In 1967, only a small number of the V.A.'s 80,000 hospital beds were occupied by Vietnam veterans; by 1972, more than 50,000 psychiatric in-patients from Vietnam had been cared for and a larger number sought help in outpatient clinics, and admissions have grown each year.

Dr. Marc J. Musser, chief medical director of the Veterans Administration, who oversees the nation's largest total health care system, conceded in an interview that the veterans "usually have to get in pretty bad shape before they'll turn to an institution like ours for care."

He said that the V.A. was caught short by the differences in needs between the younger and older veterans, that the changes to provide care for "the new breed" were being implemented in hospitals around the country and that hospital directors had been encouraged to experiment with new programs. He remains unconvinced, however, that the differences have meaning beyond the generational approaches to life, he said, and added that the dire mental health development predicted by critics of the war had failed to materialize.

MORE CANDID VIEWS

While V.A. administrators in Washington minimize the extent of the PVS, some experts on regional V.A. staffs, the men and women personally involved with veterans, are convinced that the figures used in Washington are more revealing of political pressures than reality. For the most part, these physicians were reluctant to express their views publicly for two reasons: They feared bureaucratic reprisals for challenging the views of superiors and they felt that the absence of hard research on the problem left them exposed to challenges that their conclusions could not be supported by documentation, which they concede.

At the same time, however, they point out that the V.A.'s own evidence is scanty and rests solely on research done with veterans whom it has made contact with and little or nothing is understood about the countless troubled veterans who shun V.A. assistance because the agency represents the system the veteran is reacting against at home.

"If you're all messed up inside," remarked one V.A. psychiatrist, "it's pretty hard to seek help in a Government hospital where the first thing you see is the picture of Richard Nixon on the wall, the guy who sent you to Vietnam in the first place."

There were others with wide experience in the V.A. system who have become largely independent of it and consequently were more candid about the nature and scope of the problem.

"I'd say that 50 per cent of the men returning from Vietnam need some form of professional help to overcome the problems of adjustment," asserted Dr. Cherry Cedarleaf, a senior staff psychiatrist on a leave of absence from the V.A. Hospital in Minneapolis.

"That's not to say that one out of two veterans is crazy," she explained in an interview, "but that a sizable number of young men are returning to society as unmotivated, listless and apathetic individuals who would benefit from counseling."

Dr. George F. Solomon, an associate professor at Stanford University who has been attached for 10 years to the psychiatric research wing of the V.A. Hospital in Palo Alto, Calif., insisted that the Vietnam psychiatric casualty rate defended by the Government was "utterly misleading." He referred to the statistic that only 12 soldiers out of 1,000 broke down under stress in Vietnam.

A PROBLEM FOR SOCIETY

"I've worked with lots of veterans outside the hospital and you see a lot of things that never come to the attention of the V.A.," Dr. Solomon said in an interview.

"I think the V.A., within the limitations of its bureaucracy and budgeting and the fact that it was designed for another era, is trying," he went on. "But I don't think this problem should be perceived as just another problem for the V.A.—it should be a problem for society at large."

He said that the military services had failed to follow through on cases of emotional illness that become manifest in Vietnam. In most cases, he said, soldiers who break down there are returned to duty after a period of rest and the individual is regarded as normal unless the problem resurfaces or becomes exaggerated.

Moreover, he noted, soldiers displaying emotional symptoms are often given expeditious administrative discharges, branded as disciplinary problems instead of psychiatric. Military drug abuses are considered medical cases, he said, when they should be evaluated in relation to the stresses in Vietnam that led them to seek solace in drugs.

"I have strong feelings that drug-taking behavior prevented psychiatric casualties that otherwise would have been manifested in more traditional ways," Dr. Solomon said. "Heroin is a powerful tranquilizer."

SIGNALING FOR HELP

No one knows how many of the veterans who experience re-entry problems had first signaled for help while still in the military. The Defense Department has not published studies on the subject and, as far as could be determined, has not commissioned any.

There is no follow-up. If a soldier breaks down for one reason or another, he is considered cured if he starts acting rational after a reasonable period of rest.

An understanding of the mood of the returning Vietnam veteran is dependent on some knowledge of his Vietnam experience and the multiple pressures and frustrations he encounters on his return home. This is

set forth here, based on scores of interviews across the country with veterans, physicians and Government officials.

The italicized segments are based on conversations with Vietnam veterans who are psychiatric patients in V.A. hospitals or who have had serious adjustment problems. The segments are interspersed here because they illuminate some of the dominant psychological problems that afflict the Vietnam veteran.

NORMAN

"Why are they afraid of us? Family, friends and strangers? Why do they ask us questions about how many people we killed? I killed a few, but I don't want to talk about it. It was self-preservation. Why can't they understand that and let us alone?"

The one-year tour of duty in Vietnam has been cited as the chief asset in keeping psychiatric casualties low. From the day he entered the country, the American soldier knew the exact date of his departure, and all his efforts were directed toward surviving the next 365 days.

This knowledge was especially comforting if the individual, as was true in a great number of cases, did not support the cause he was asked to risk his life for, or if he felt the military was restrained from exercising its full might against an ambiguous enemy, further jeopardizing his personal safety. The result is that the soldier had no investment in the war and its outcome other than his own survival.

There were other advantages that militated against emotional trouble. The United States enjoyed superior fire power and controlled the skies over Vietnam. There were no enemy air or artillery bombardments, except at temporarily besieged outposts, that placed prolonged stress on the "grunt" in the field. There was also the awareness that, if wounded, the soldier could be evacuated within minutes by helicopter, and that fewer than 3 per cent of those who arrived alive at the base hospital later died. These were powerful therapeutic factors contributing to the mental health of the men in the field.

Still, there were breakdowns in the field, and in all of the years of fighting in Vietnam there were more emotional problems that came to the attention of the medical units than the combined total of those who had been killed or wounded by the tangible acts of war.

CARY

On his way into the field for the first time in Vietnam, Cary witnessed another marine cradling a dead buddy and sobbing beyond comfort. "I promised myself I'd never let that happen to me. I'd play the loner and not get attached to anyone who is going to get killed. It was like I lost all respect for love. So I built a wall around me." The wall crumbled one summer day below the DMZ. "Alpha and Bravo companies were wiped out and we were sent in to pick up the bodies. After three days in the hot sun the bodies stunk. I picked up one and the arms came off in my hands. All the time we were under fire. I couldn't help myself. I just went to pieces."

The history of military psychiatry dates back to World War I when "shell shock" was considered to be the physical impact of an artillery round's concussion on the brain, resulting in eccentric or hysterical behavior. By World War II, "battle fatigue" was interpreted by Freudian psychiatrists as a manifestation of deep, inner personality conflicts, and casualties were moved from the front lines to the safety of hospitals and the rear, and yet the illness persisted and even deepened.

The cumulative lessons of the two World Wars and Korea were refined into a plan of treatment and put into practice in Vietnam. Essentially, the thesis was that mental breakdowns in the field were due as much to physical exhaustion as to any other cause.

The patient was confined to bed rest as near his unit as possible, and impressed always with the fact that he was going back to duty as soon as possible. He was never evacuated to the rear, where his guilt over deserting his outfit might reinforce his fixation, unless he was a psychotic and helpless.

NERVOUS EXHAUSTION

This treatment of "nervous exhaustion" produced impressive statistical results and perhaps prevented more serious psychic damage. Yet the long-range effect on the soldier who returned home fully aware of his moment of mental collapse is not known. Ronald Glasser, a former Army medical officer who wrote the book "365 Days," which recorded the experiences of physicians in Vietnam, raised that point.

The new treatment works, he wrote. "The men are not lost to the fight and the terrifying stupidity of war is not allowed to go on crippling forever.

"At least, that's the official belief. But there is no medical or psychiatric follow-up on the boys after they've returned to duty. No one knows if they are the ones who die in the very next firefight, who miss the (boobytrap) wire stretched out across the tract, or gun down unarmed civilians. Apparently the Army doesn't seem to want to find out."

Military psychiatrists identified three major periods of stress for a G.I. in Vietnam: when he first arrives and is overcome by culture shock and his illusions about the war are shattered; when he goes off on his rest and recreation leave, and the last month of duty when he has to sweat out the final days of survival so he can go home alive.

"Everybody has the date he's going home circled on his calendar and the emotion is very extreme because he's getting out and leaving his buddies in the unit," observed Eleanor Kyle, a chief social worker in the V.A.'s medical and surgical program in Washington.

"There's some guilt about leaving them, but the desire to survive is greater. What effect these strong emotions have on a person's mental health is something we don't know. Some of the guys can't handle it, but many do quite well."

RICHARD

"When I was on short-time calendar was when I got all messed up in my head. I had 10 days left in my tour and they ordered me to go on bunker duty with a bunch of [new guys]. I said I wasn't pulling, not with a bunch of new guys, they'll get me killed, but they put us out there anyway. Imagine, me with 10 days to go. I was scared. I wouldn't let any of them stand guard duty alone. They would've fallen asleep and gotten all of us shot. I sat on top of that bunker for 10 straight nights, sweating out every minute. I started smoking for the first time in my life and I still haven't broken the habit, and that was two years ago."

The soldiers who survive are flown to California with the mud and dust still on their shoes. They are in a hurry to get home and they get their wish, reaching the living rooms of America in less than two days from the war zone. They are processed for discharge at the Oakland Army Terminal in four to six hours by an assembly line of doctors and clerks set up in an old post office building that looks like a cargo shed.

The new veterans are the lucky ones—the survivors—coming home sound in body from a struggle that has killed more than 38,000 of their number and wounded 303,000 more. But the war's casualty list does not end at the gate to the Oakland Army Terminal.

"THE GOOD OLD DAYS"

There are no bands there. No welcoming committees of grateful citizens. There is a black ghetto, the smell of industrial wastes, and usually a long line of traffic backed up to the ramps of the Bay Bridge to San Francisco. For the young men who pass this way, the cab ride from Building 640 to the airport is the slowest thing that has happened to them since leaving the jungles of Vietnam barely 24 hours earlier.

"One advantage of the good old days of World War II," remarked Dr. Jonathan Borus, of Walter Reed Army Research Center, who believes he is the only Army psychiatrist to have done extensive research on the problems of the returning Vietnam veteran, "was the troop ship that took three weeks to a month to come home. A man had more time to go through the transition of change, and he could have some of his fantasies about home knocked down by the other guys.

"And in the States he spent a few weeks in a processing center, which broke him gradually into civilization before he got home. Now events move too rapidly. My God, the Marines even brought them home in jungle fatigues."

PAUL

"I'd write home and tell my parents I had been in a firefight, and when I got home I found out they actually thought I spent the year in Vietnam fighting forest fires. We'd sit around those first few days watching the war news on television and my dad would say, did you do that? And I'd say, Yeah. I did that. I had to do that to go on living. And my folks got scared, man. They thought their little boy was a killer."

A lot of the veterans were having trouble at home before they entered the Army, and any expectation that things had magically changed was dissipated a few days after their discharge.

Dr. Carl R. Stuen of the psychiatric staff at the V.A. hospital in Tacoma, Wash., studied a group of disturbed patients who had served in Vietnam and learned that more than 80 percent had enlisted in the service and had not been drafted. Correlating this with other background data, Dr. Stuen speculated that enlistment had been an attempt to escape problems at home or with society, or was viewed as a way to "find a place to belong—to create an identity."

In another V. A. study compiled by Dr. Gayle K. Lumry and Dr. Gordon A. Braatz of the psychiatric staff at the V. A. hospital in Minneapolis, which contrasted the Vietnam veteran against his World War II counterpart, it was found that the incidence of schizophrenia was lower among the former group (Vietnam). But the proportion of personality disorders had climbed from 35 per cent (World War II) to 54 per cent (Vietnam).

SUICIDAL ACTS ON RISE

In large measure because of the battlefield treatment of such cases, the incidence of a classical combat neurosis like hysterical paralysis has nearly disappeared in Vietnam, Dr. Lumry said in an interview. However, there has been a corresponding rise in suicidal acts, which she suspects is related to dramatic social changes in the society and not in the combat experience.

And because the nature of the draft from 1964 to 1969 tended to draw men from the minorities and lower economic ranges of whites, she noted, this crop of veterans is more ill-prepared than perhaps any other in the ability to gather forces, shape plans and cope with a complex society and rapid transition from military to civilian life.

Dr. Lumry agreed that her findings, like the Stuen report in Tacoma, were based on research done with patients who for one reason or another had sought help from the Government, and no data existed on the faceless veterans who have remained silent and unidentified.

Still, the Tacoma and Minneapolis studies have formed the core of the V.A.'s response to the problem and the conclusion that the Vietnam veteran has not been greatly disturbed by his combat experience and that those who have suffered mental breakdowns

or severe depressions had either a predisposition to mental illness or had encountered problems at home that could not be worked out in a satisfactory manner.

SONNY

Sonny said he had wanted to enlist in the Marine Corps at 17 to make his father proud. "I wanted to turn Vietnam into a grease spot and I dreamt about coming home a hero to tickertape parades. Maybe if I came back with only a single row of ribbons I'd be proud, like I had done something for my country." His Vietnam tour ended unheroically. A corporal in his outfit struck him and he lost the sight of one eye. He tried to resume high school after his medical discharge but "could not stand the looks of my classmates when they found out I had been in Vietnam." He could not find work. One night at a party he took mescaline for the first time. "The bathroom turned into fields of Vietnamese I had killed and all I could see was blood all over the walls and the floor, and the bodies of gooks grinning at me." A few nights later he swallowed 48 sleeping tablets. "I couldn't commit suicide in a violent way. It had to be in a soft, gentle way. I had my stomach full of violence." Friends found him and rushed him to a hospital.

The PVS proponents have charged that the Government's refusal to accept Vietnam as a trauma that has had a profound and lasting psychological impact on a considerable number of veterans has resulted in a policy of official neglect to the young men it had asked to serve the country.

Dr. Robert Lifton of Yale, Dr. Gerald Caplin of Harvard, Dr. Chaim Shatin of New York and Dr. Peter Bourne of Atlanta, among others, have detected disturbing elements among nonpsychotic veterans that they feel are quite unlike the disorders that developed after other wars. Significantly, these physicians have worked primarily with veterans who have been reluctant to seek help in the V.A.'s wards and clinics. Their conclusions, while they do not consistently share one another's views, point to a malaise that is directly traceable to the Vietnam experience.

Dr. Lifton referred to "psychic numbing," the inability to love, and Dr. Shatin mentions the "grief of soldiers," the compounded shame and guilt over surviving a war where so many others had perished. And there is the question of the morality of the war itself.

MICHAEL

Michael is embittered by those veterans who express guilt over the war. He thinks they are copping out, placing the blame on Vietnam when the problem really exists deep within themselves. He sees his own troubles that way, and yet in long conversations his thoughts always seem to return to Vietnam and the agony and sweat of the war there. "I was in Vietnam three days. I was 18 years old. And we found this G.I. hung up by the river and he was shot in the knees and the shoulders and the VC had cut out his groin. They were like animals. You had to get down to their level."

He was wounded on one patrol and left for dead until his cries summoned back his unit. "But the worst for me was a chopper lift into the Horseshoe south of Danang. We were trying to land and rounds were coming through the floor. The chopper was cut up so badly we had to return to the landing zone and board another and head back into the whole goddam mess again. A friend of mine—Whitey, we called him—got killed before the chopper even landed. He got hit in the head and I held him in my arms and I swear to God I didn't even know where I was."

The tour changed his attitude about the war, which he now calls "such a stupid, wasteful thing." Back in this country he began having blackouts and unexplained attacks of anxiety. He lashed out blindly at friends. "I got to hate what I was, a sort of semimercenary. I wouldn't even wear the uniform if I could help it. It was like everyone thought you were a killer or something worse."

He works now as a lineman for New York Bell Telephone Company and believes he has his problem under control with the help of 100 milligrams of Librium a day. "Just enough to knock the edge off my nerves, just like a good shot of whiskey." But the Librium has not stopped the recurring nightmare that is always the same. He is wounded and covered with blood and the mud of Vietnam, and he sees the VC moving silently through the eel grass toward him. He screams for his buddies to come back and help, but they are all dead. Overhead, in a circling helicopter, is Whitey, but he, too, is dead.

The veterans keep returning and slip back into America with no bands playing and almost without notice. They land in California, heavy with sleep, and are processed for discharge in Oakland.

"We can separate 225 bodies a day here, 24 hours a day, seven days a week—it's efficient as hell," says Capt. Barbara Parker, the base information officer. "The paperwork is routed into data processing machines in one direction and the bodies go off in another direction and the two meet up at the end, all packed up and ready to go home."

The men are issued final paychecks and leave on a journey to retrace the steps that carried them one year earlier to an uncertain war. On their way off the base, they pass Warehouse 4, the mortuary, where other military travelers from Southeast Asia are also processed, awaiting final shipment home in crated wooden coffins.

When the paperwork is complete, the men are gathered in a briefing room where 10 color combat photographs taken in Vietnam hang on the pale green walls, and a chief warrant officer named Edward Terwilleger cautions them about excessive taxi rates to the local commercial airports.

Then Warrant Officer Terwilleger stiffens and says: "Gentlemen, on behalf of the President and the Chief of Staff, thank you very much for your service. Dismissed."

VETERANS DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1972 IS NECESSARY LEGISLATION

Mr. RANDOLPH. Mr. President, one of the stark tragedies of the Vietnam war is the residual destruction of young lives through the addiction of drugs and alcohol. These veterans are, in a sense, war casualties who are wounded or killed without honor, without purpose and, in far too many cases, without the care and treatment accorded other veterans.

I am a cosponsor with Senator CRANSTON and Senator HARTKE of S. 2108, and I commend the able Senator from California and the able chairman of the Committee on Veterans' Affairs for their total dedication to the problems of controlling addiction and providing treatment and rehabilitation. It has taken us many years and cost thousands of wasted lives to come to the realization that the alcoholic and the addict are not criminals solely because of their addiction. The prescription of punishment is slowly being superseded by the scientific knowledge that addiction is an illness and must be treated as such.

This bill would for the first time consider alcoholism among veterans as a treatable disease in the same manner as other disabilities. It also would eliminiate a Catch 22 situation in treating those veterans with dishonorable discharges who are addicted. In many cases, this addiction led to a dishonorable discharge, yet existing authority prevented treatment.

S. 2108 would authorize the treatment and rehabilitation of veterans and exservicemen with an alcohol or drug dependence condition in an humane and hopeful program. It would broaden both the eligibility and the type of services which could be provided, and it permits appropriate treatment services outside the Veterans' Administration hospital.

As a member of the Senate Committee on Veterans' Affairs, I have long felt that the barriers to easy access to psychological and psychiatric counseling should be removed. The veteran, or any person addicted to drugs, suffers from such low self-esteem that in many cases he cannot, or will not, brave the stigma of a mental hospital. To reach him or her, it is sometimes necessary to provide treatment in less formal and less rigidly structured surroundings.

Mr. President, I hope that this bill will be speedily enacted into law and swiftly implemented by the Veterans' Administration. Every tick of the clock that these diseases go untreated means another second of life that thousands of veterans unnecessarily dwell in a hellish world of fear and fantasy, and robs our society of uncounted moments in which these unfortunate humans could be functioning, productive citizens.

Mr. BOGGS. Mr. President, as a cosponsor of S. 2108 I wish to express my strong support for this legislation which would improve treatment and rehabilitation programs for veterans suffering from drug dependence or alcoholism.

I can think of no more urgent problem requiring our attention than drug abuse and I cannot think of a group which we have a greater obligation to assist than our veterans. Whatever their reason for becoming dependent on drugs or alcohol may be, they have rendered a service to their country and we have a responsibility to help them back on the road to successful rehabilitation.

S. 2108 would make it possible for us to fulfill this obligation to the best of our ability. VA services provided to addicted veterans would be greatly expanded beginning with outreach programs designed to reach veterans in need of treatment, through appropriate treatment programs, to special vocational rehabilitation and counseling programs. The Veterans' Administration has done a commendable job so far in each of these areas, but the task is a big one and there are still a large number of veterans who are not being reached.

This legislation would facilitate drug treatment for veterans who need it in a number of ways. First, it would provide that drug treatment and rehabilitative services would be available to any veteran who needs them regardless of his discharge status or whether his dependence is service-connected in the usual sense. It would also permit addicted active duty servicemen to volunteer for VA treatment and rehabilitative programs during the last 90 days of their tour of duty. We cannot afford to ignore any drug dependent veteran. The costs of doing so are too high for the individual and for society.

Nor should any addicted veteran be discouraged from seeking help because of a lack of VA treatment facilities in his own community. I am, therefore, happy to note that this legislation emphasizes that VA drug treatment facilities be located at a reasonable distance from any veteran's home. This might mean a halfway house or a store-front center for outpatient care. Or treatment might be provided at established VA hospitals where 12 new drug dependence treatment centers are scheduled to be opened this fiscal year, or at satellite clinics currently under consideration. Where this variety of facilities still does not reach addicted veterans seeking help, the VA is encouraged under this legislation to expand its contracts with non-VA facilities to provide it.

In addition, great stress would be placed on avoiding reliance on any one type of treatment available to a veteran. For some, rapid detoxification may be the answer; for others methadone maintenance may be more suitable. For still others, individual counseling or group therapy may be most effective.

The Committee on Veterans' Affairs has wisely recognized that vocational counseling and rehabilitation are critical elements in the complete rehabilitation of the addicted veterans. I am, therefore, pleased that this legislation would create a special program of education, vocational training, and job placement geared specially to the need of the rehabilitated addict.

All of these provisions are intended to encourage addicted veterans to seek individualized treatment and to return to a productive, rewarding life. I urge Senators to support them.

Mr. President, I congratulate the Veterans' Affairs Committee on this legislation, particularly the distinguished chairman. the Senator from Indiana (Mr. HARTKE), the distinguished ranking minority member, the Senator from South Carolina (Mr. THURMOND), and the chairman of the Health and Hospitals Subcommittee, the distinguished Senator from California (Mr. CRANSTON).

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill (H.R. 9265) was read a third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move that consideration of S. 2108 be indefinitely postponed.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 9265 be printed as it was passed by the Senate.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders on tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON INFORMATION AND TECHNICAL ASSISTANCE

A letter from the Secretary of Agriculture, transmitting, pursuant to law, the third annual report on information and technical assistance delivered by the Department of Agriculture in fiscal year 1972 (with an accompanying report); to the Committee on Agriculture and Forestry.

BUDGET TRANSFER TO CENTRAL ELECTRIC POWER COOPERATIVE, INC.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, transmitting information pursuant to Senate Report No. 497 relative to the approval of a budget transfer requested by Central Electric Power Cooperative, Inc., of Cayce, S.C. (with an accompanying paper); to the Committee on Appropriations.

REPORTS FROM THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunity For Greater Efficiency And Savings Through The Use of Evaluation Techniques In The Federal Government's Computer Operations", dated August 22, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Concentrated Employment Program In New York City Has Not Met Its Employment Objectives", Department of Labor, dated September 7, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Benefits Could Be Realized By Revising Policies and Practices For Acquiring Existing Structures For Low-Rent Public Housing", Department of Housing and Urban Development, dated September 7, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, on the reports made by that Office during the month of August 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT OF FOUNDATION OF FEDERAL BAR ASSOCIATION

A letter from the secretary of the Foundation of the Federal Bar Association, transmitting, pursuant to law, an audit report for the fiscal year ended September 30, 1971 (with an accompanying report); to the Committee on the Judiciary.

REMEDY FOR POSTAL INTERRUPTIONS IN PATENT AND TRADEMARK CASES

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

The petition of Lewis Gene Freeman, of Kokomo, Ind., praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Government Operations, with amendments:

S. 3529. A bill to prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes (Rept. No. 92-1098).

SENATE RESOLUTION 360—ORIGINAL RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES REPORTED BY THE COMMITTEE ON VETERANS' AFFAIRS (S. REPT. NO. 92-1099)

(Referred to the Committee on Rules and Administration.)

Mr. HARTKE, from the Committee on Veterans' Affairs, reported the following original resolution:

S. RES. 360

Resolved, That, in holding hearings, reporting such hearing, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $50,000, of which amount not to exceed $10,000, shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (1) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CHANGE OF REFERENCE—S. 3941

Mr. CRANSTON. Madam President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of S. 3941, a

bill to establish Capitol Hill as a historic district, and that S. 3941 be referred to the Committee on the District of Columbia. I have cleared the discharge of this bill with the Senator from West Virginia (Mr. RANDOLPH), chairman of the Committee on Public Works, the Senator from Kentucky (Mr. COOPER), ranking minority member of the Committee on Public Works, and the Senator from Alaska (Mr. GRAVEL), chairman of the Subcommittee on Public Buildings.

The PRESIDING OFFICER (Mrs. EDWARDS). Without objection, it is so ordered.

Mr. CRANSTON. Madam President, I am delighted at this time to announce the cosponsorship of the Senator from Kentucky (Mr. COOPER) for S. 3941. Senator COOPER has asked that his remarks relative to S. 3941 be printed in the RECORD, and I ask unanimous consent that the statement of Senator COOPER be printed in the RECORD.

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

STATEMENT BY SENATOR COOPER

Mr. President, I know that Senator Cranston has asked that S. 3941, which was referred to the Committee on Public Works, be re-referred to the Committee on the District of Columbia. Of course, I have no objection to referring the bill to the District Committee, which is the Committee having jurisdiction.

I have had an opportunity to look at the bill. Senators Cranston and Mathias are to be commended for introducing what seems to me to be a very constructive proposal, and one that I would hope might be enacted.

There is already on the calendar a bill authorizing construction of an extension of the Senate office building and a study for a Senate garage, which also contains elements of the bill Senators Boggs and I introduced as S. 3575. In that proposal I suggested a design competition to develop plans for the Capitol Hill area, and hopefully, to move toward a unified approach for both Federal facilities and any private development, and certainly for conservation of the historical aspects and character of the area.

I stated at that time that I thought architects and planners could contribute toward use of transitional forms, in appropriate scale and with respect for traditional styles, to maintain this national site, which would not only be enjoyed by visitors but would also stimulate use by the community which it serves—both Federal workers and residents of the area.

It seems to me that Senators Cranston and Mathias have a similar idea and, in fact, may have developed it more fully in their bill. I make these remarks simply to say that re-referral of the bill indicates no lack of interest on the part of the Public Works Committee, and I hope the bill will be considered, developed and acted upon.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Hermann F. Eilts, of Pennsylvania, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary to the People's Republic of Bangladesh;

Viron P. Vaky, of Texas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Costa Rica;

Frederick Irving, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Iceland;

George W. Landau, of Maryland, a Foreign officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Paraguay;

Adm. Horacio Rivero, U.S. Navy, retired, of California, to be Ambassador Extraordinary and Plenipotentiary to Spain;

FRANK T. BOW, of Ohio, to be Ambassador Extraordinary and Plenipotentiary to Panama;

Joseph A. Mendenhall, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Malagasy Republic;

Talcott W. Seelye, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Tunisia; and

GALE W. MCGEE, U.S. Senator from the State of Wyoming, and JAMES B. PEARSON, U.S. Senator from the State of Kansas, to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIBICOFF:

S. 3961. A bill to revise certain duties of the U.S. General Accounting Office relating to the audit of Government corporations and certain revolving fund accounts. Referred to the Committee on Government Operations.

By Mr. MAGNUSON (by request):

S. 3962. A bill to ratify certain payments made by the United States under the Federal Airport Act, as amended; and

S. 3963. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws. Referred to the Committee on Commerce.

By Mr. FANNIN (for himself, Mr. BENNETT and Mr. HANSEN):

S. 3964. A bill to amend section 516 of the Tariff Act of 1930. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 3965. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement periods of service performed in nonappropriated fund instrumentalities of the Armed Forces, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. MATHIAS:

S. 3966. A bill to authorize a Federal payment for certain additional rapid transit facilities in the District of Columbia and environs. Referred to the Committee on the District of Columbia.

By Mr. MCINTYRE (for himself and Mr. COTTON):

S. 3967. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the national forest system, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. JORDAN of North Carolina (for himself and Mr. ERVIN):

S. 3968. A bill to authorize the Secretary of Agriculture to make grants for research to develop techniques of and information on the growing, harvesting, and processing of tobacco to assist tobacco producers in protecting the health of tobacco users. Referred to the Committee on Agriculture and Forestry.

By Mr. MCCLELLAN:

S. 3969. A bill for the relief of United States Forgecraft Corp. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 264. A joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF:

S. 3961. A bill to revise certain duties of the U.S. General Accounting Office relating to the audit of Government Corporations and certain revolving fund accounts. Referred to the Committee on Government Operations.

Mr. RIBICOFF. Mr. President, the increasingly important and complex role the General Accounting Office is expected to play in relation to Congress makes it essential that we make optimum use of that Office's available personnel resources. I am today introducing legislation which will start us toward that goal.

This bill essentially consists of titles III and IV of S. 4432 (91st Congress, second session). The bill passed the Senate unanimously on October 9, 1970. This legislation was an outgrowth of hearings held in 1969 by the Subcommittee on Executive Reorganization on the capability of the General Accounting Office to analyze and audit Federal programs. In those hearings, we explored the operations of GAO in providing its services to Congress. Our objective was to initiate changes which would enable GAO to provide greater assistance to Congress in analyzing and evaluating Federal programs.

As an initial step in that direction this legislation changes the requirements for GAO audits of certain Federal programs from annual to 3-year evaluations. Involved are the auditing of wholly and mixed ownership Government Corporations, as well as the Federal Deposit Insurance Corporation, the Federal Crop Insurance Corporation, National Homeownership Corporation, District of Columbia Redevelopment Corporation, Federal Home Loan Banks, as well as certain revolving Federal funds. These corporations have been annually audited, in some cases since 1946, by the General Accounting Office pursuant to the congressional mandate.

In view of improvements made in the accounting systems and internal controls at these corporations, as disclosed in the annual financial audits made by the GAO, the auditing of such corporation once every 3 years will be entirely adequate. A review of 12 reports issued in calendar years 1971 and early 1972, pursuant to the Government Control Act, showed only three which contained qualifications of the opinion on the financial statements. Each of these proved to be continuing qualifications and not attributable to deficiencies in present accounting methods. An audit and report every third year as proposed in this bill will provide more than adequate information.

Much of the information presently included in annual audit reports will continue to become available to the Congress annually through the budgeting process.

The General Accounting Office believes, and I agree, that a rigid statutory requirement for annual audits does not serve the best concepts of modern accounting or auditing, and is generally out of step with current practices in the private sector. If we are to create a truly responsive and flexible structure in GAO we ought to recognize those innovations which have been adopted and proven elsewhere which can be of use to this Congress. This legislation will achieve a marked improvement in the quality of services provided by the General Accounting Office.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD along with a letter from the Comptroller General concerning the bill.

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

S. 3961

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

AMENDMENTS TO THE GOVERNMENT CORPORATION CONTROL ACT

SECTION 1 (a) Section 105 of the Government Corporation Control Act (31 U.S.C. 850) is amended by adding thereto the following sentence: "Effective January 1, 1972, each wholly owned Government corporation shall be audited at least once in every three years."

(b) The first sentence of section 106 of such Act (31 U.S.C. 851) is amended to read as follows: "A report of each audit conducted under section 105 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

(c) Section 202 of such Act (31 U.S.C. 857) is amended by adding thereto the following sentence: "Effective January 1, 1972, each mixed-ownership Government corporation shall be audited at least once in every three years."

(d) The first sentence of section 203 of such Act (31 U.S.C. 858) is amended to read as follows: "A report of each audit conducted under section 202 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT

SEC. 2. (a) Section 17(b) of the Federal Deposit Insurance Act (12 U.S.C. 1827(b)) is amended by adding thereto the following sentence: "The Corporation shall be audited at least once in every three years."

(b) The first and second sentences of section 17(c) of such Act (12 U.S.C. 1827(c)) are amended to read as follows: "A report of each audit conducted under subsection (b) of this section shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last fiscal year covered by such audit. On or before the expiration of five and one-half months following the close of the last fiscal year covered by such audit the Comptroller General shall furnish the Corporation a short form report on his audit of the Corporation at the close of the last fiscal year covered by such audit."

AMENDMENT TO FEDERAL CROP INSURANCE ACT

SEC. 3. Section 513 of the Federal Crop Insurance Act (52 Stat. 76; 7 U.S.C. 1513) is amended to read as follows:

"The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation."

AMENDMENT TO THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

SEC. 4. Section 107(g) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)) is amended by:

(1) adding a new sentence at the end of subparagraph (1) thereof as follows: "Such audit shall be made at least once in every three years."

(2) substituting the following sentence in lieu of the first sentence in subparagraph (2) thereof: "A report of each such audit shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last fiscal year covered by such audit.

AMENDMENT OF DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

SEC. 5. Section 17 of the District of Columbia Redevelopment Act of 1945 (60 Stat. 801) is amended by deleting the word "annual" from the clause "such books shall be subject to annual audit by the General Accounting Office."

AMENDMENT TO THE FEDERAL HOME LOAN BANK ACT

SEC. 6. Section 18(c)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)) is amended by deleting the word "annually" from clause (B) of the first sentence thereof.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 7. Section 109(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 756(c)) is amended to read as follows:

"(c)(1) As of June 30 of each year, there shall be covered into the United States Treasury as miscellaneous receipts any surplus in the General Supply Fund, all assets, liabilities, and prior losses considered, above the amounts transferred or appropriated to establish and maintain said fund.

"(2) The General Accounting Office shall make audits of the General Supply Fund in accordance with the provisions of the Accounting and Auditing Act of 1950 and make reports on the results thereof."

AMENDMENT TO THE FEDERAL AVIATION ACT OF 1958

SEC. 8. That part of the second sentence of section 1307(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1537(f)) which precedes the proviso is amended to read as follows: "The Secretary shall maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950:".

AMENDMENT WITH RESPECT TO THE BUREAU OF ENGRAVING AND PRINTING FUND

SEC. 9. Section 6 of the Act entitled "An Act to provide for financing the operations of the Bureau of Engraving and Printing, Treasury Department, and for other purposes" (31 U.S.C. 181d) is amended to read as follows:

"The financial transactions, accounts, and reports of the fund shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE VETERANS' CANTEEN SERVICE

SEC. 10. Section 4207 of title 38, United States Code, is amended to read as follows:

"Sec. 4207. Audit of accounts

"The Service shall maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE HIGHER EDUCATION INSURED LOAN PROGRAM

SEC. 11. Paragraph (2) of section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)(2)) is amended to read as follows:

"(2) maintain with respect to insurance under this part a set of accounts, which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950, except that the transactions of the Commissioner, including the settlement of insurance claims and of claims for payments pursuant to section 428, and transactions related thereto and vouchers approved by the Commissioner in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government."

AMENDMENTS WITH RESPECT TO CERTAIN HOUSING PROGRAMS

SEC. 12. (a) Section 106(a)(2) of the Housing Act of 1949 (63 Stat. 417; 42 U.S.C. 1456(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided*, That such financial transactions of the Administrator as the making of advances of funds, loans, or grants and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

(b) Section 402(a)(2) of the Housing Act of 1950 (64 Stat. 78; 12 U.S.C. 1749a(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided*, That such financial transactions of the Administrator as the making of loans and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

AMENDMENT TO THE FEDERAL CREDIT UNION ACT

SEC. 13. Section 209(b)(2) of the Federal Credit Union Act as added by section 1 of Public Law 91-468 (12 U.S.C. 1789(b)(2)) is amended by deleting the word "annually" therefrom.

AMENDMENT WITH RESPECT TO AUDIT OF THE GOVERNMENT PRINTING OFFICE

SEC. 14. The third sentence of subsection 309(c) of title 44 of the United States Code is amended to read as follows:

"The General Accounting Office shall audit the activities of the Government Printing Office at least once in every three years and shall furnish reports of such audits to the Congress and the Public Printer."

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 28, 1972.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate.

DEAR MR. CHAIRMAN: I am transmitting herewith a proposed bill to revise certain duties of the United States General Accounting Office relating to the audit of Government corporations and of certain revolving funds.

The proposed bill would amend the Government Corporation Control Act and certain other statutes to provide for audits of Government corporations at least once in every 3 years and for audits of certain specific funds in accordance with the provisions of the Accounting and Auditing Act of 1950, in lieu of annual audits as presently required.

Also enclosed is a list of the Government Corporations and specific funds that would be affected by the proposed bill.

The present requirements for annual audit are not entirely compatible with the flexibility needed by our Office for the maximum utilization of our professional resources which is necessary to meet the heavy demand on these resources by the increasing number and complexity of congressional requests and by the added functions vested in the Comptroller General by recent legislation. One of the objectives of the recent reorganization in our Office was to place us in a more viable position to handle our total workload. The enclosed bill is another step toward that objective and one which if enacted will not, in my opinion, dilute congressional oversight of the operations of the corporations and funds covered in the bill.

I hope that you will give favorable consideration to the enclosed bill, and I shall be pleased to discuss it with you further if you so desire.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

By Mr. MAGNUSON (by request):

S. 3962. A bill to ratify certain payments made by the United States under the Federal Airport Act, as amended. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to ratify certain payments made by the United States under the Federal Airport Act as amended, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD with the text of the bill.

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

S. 3962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10 of Public Law 87–255 (75 Stat. 527), there is hereby ratified and confirmed each payment of the United States made to the sponsor of an airport development project under the Federal Airport Act, as amended (49 U.S.C. 1101–1120), if that payment was made—

(a) Under a grant agreement authorized under section 12 of the Federal Airport Act, as amended, that was—

(1) entered into before September 21, 1961, and

(2) amended after September 21, 1961, but before January 21, 1969; and

(b) For an allowable project cost named in section 5(a) of Public Law 87–255 (75 Stat. 526); and

(c) In an amount equal to more than 50 per centum, but not more than 75 per centum, of that allowable project cost.

SEC. 2. Section 1 of this Act does not apply to a payment made by the United States that otherwise would not be authorized under the Federal Airport Act, as amended, if section 10 of Public Law 87–255 had not been enacted.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., August 2, 1972.

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

DEAR MR. PRESIDENT: Enclosed for introduction and referral to the appropriate Committee is a draft bill "To ratify certain payments made by the United States under the Federal Airport Act, as amended."

The Federal Airport Act (49 U.S.C. 1101–1120) was amended September 20, 1961 by Public Law 87–255. This amendment, in section 5, authorized the Federal Government to encourage the installation of airport runway approach lights (ALS) by providing up to 75 per centum of the authorized individual project costs. Prior to the enactment of this amendment the Federal Government was authorized to provide up to 50 per centum of individual project costs.

Section 10 of Public Law 87–255 provides that the amendments therein "shall not apply with respect to projects for which amounts have been obligated by the execution of grant agreements before their enactment. With respect to such projects, the Federal Airport Act shall continue to apply as if this Act had not been enacted."

Subsequent to the enactment of these amendments, the then Federal Aviation Agency amended agreements with several ALS project sponsors which had originally been negotiated prior to the enactment date but which had not yet been *funded*. Pursuant to these renegotiated agreements, the Federal Aviation Administration provided *75 per centum* of the authorized project costs instead of the previously authorized *50 per centum*. (See enclosed figures.)

It has now been determined by the General Accounting Office and the General Counsel of the Department of Transportation relying on Section 10 of P.L. 87–255 that the renegotiated agreements are not authorized under existing law, with respect to the increased Federal participation from 50 to 75 per centum.

There are, therefore, two possible alternatives: to seek reimbursement for the overpayments from the several project sponsors involved, or to seek Congressional ratification of the overpayments, which amounts to an approximate total of $350,299.39 for 32 projects. It is felt that the spirit, if not the letter, of the Act was observed in permitting the overpayments; that is, to encourage the installation of ALS systems by the Nation's airports.

The time, difficulty, and expense of instituting reimbursement proceedings, and the other inherent problems, strongly suggest that Congressional ratification of these overpayments is the most appropriate course of action.

We have reviewed the environmental and civil rights implication of this legislation and have determined that there is no adverse effect from the passage of this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSIS

Section 1 of the proposed legislation would ratify payments made under the Federal Airport Act, as amended (49 U.S.C. 1101–1120), for all contracts made under section 12 of the Federal Airport Act entered after 21 September 1961 but before 21 January 1969. Such ratification would apply only to allowable projects cost under that act. These dates delineate the time period within which the renegotiated contracts were entered.

Section 2 of the Act limits the ratification to only those payments indicated in Section 1 and specifically excludes all other overpayments, if any.

Section 10(d)(1) grants for "land required for the installation of approach light systems":

Region and sponsor	Item
Eastern:	
Baltimore, Md.	2,502.14
Islip, N.Y.	3,529.67
Pittsburgh, Pa.	24,989.87
Lynchburg, Va.	552.00
Subtotal	31,573.68
Southern:	
Birmingham, Ala.	78,122.00
Huntsville, Ala.	35,831.00
Raleigh-Durham, N.C.	4,460.81
Do.	78.59
Miami, Fla.	40,219.00
Do.	33,211.00
Orlando, Fla.	46,404.00
Memphis, Tenn.	14,697.43
Bristol, Tenn.	17,574.75
Lexington, Ky.	10,365.19
Subtotal	280,963.77
Southwestern:	
Oklahoma City, Okla.	1,117.15
San Antonio, Tex.	23,333.02
Do.	12,136.58
New Orleans, La.	4,176.17
Subtotal	40,762.92
Western: None	0
Northwestern: Seattle, Wash.	36,065.00
Northeastern:	
Beverly, Mass.	1,972.67
Portland, Maine	1,415.39
Subtotal	3,388.06
Central:	
Cedar Rapids, Iowa	7,268.08
Hutchinson, Kans.	2,212.73
Omaha, Nebr.	4,770.86
Subtotal	14,251.67
Rocky Mountain: None	0
Great Lakes:	
Akron, Ohio	2,175.00
Cleveland, Ohio	7,580.89
Columbus, Ohio	39,793.58
Dayton, Ohio	3,270.11
Indianapolis, Ind.	6,436.52
Lansing, Mich.	6,088.24
Subtotal	65,344.34
Alaskan: None	0
Pacific: None	0
All regions: Sec. 10(d)(1) total	472,349.44

SEC. 10(d)(2) GRANTS FOR IN-RUNWAY LIGHTING

Region and sponsor	Item
Eastern: None	0
Southern: None	0
Southwestern: None	0
Western: Oakland, Calif.	22,279.49
Northwestern: None	0
Northeastern: None	0
Central: None	0
Rocky Mountain: None	0
Great Lakes: None	0
Alaskan: None	0
Pacific: None	0
All regions: Sec. 10(d)(2) total	22,279.49

Section 10(d)(3) grants for "high intensity runway lighting", *except* those grants for "installation of high intensity lighting on designated instrument landing runways by the Administrator":

Region and sponsor	Item
Eastern: None	0
Southern: None	0
Southwestern: None	0
Western: None	0
Northwestern: None	0
Northeastern: None	0
Central: St. Louis, Mo.	35,600.46
Rocky Mountain: None	0
Great Lakes: None	0
Alaskan: None	0
Pacific: None	0
All regions sec. 10(d)(3) total, less exception	35,600.46

Section 10(d)(4) grants for "runway distance markers":

Region and sponsor	Item
Eastern: None	0
Southern: None	0
Southwestern: None	0
Western: None	0
Northwestern: None	0
Northeastern: None	0
Central: None	0
Rocky Mountain: None	0
Great Lakes: None	0
Alaskan: None	0
Pacific: None	0
All regions:	
Sec. 10(d)(4) total	0
Sec. 10 grand total	530,229.39

By Mr. MAGNUSON (by request):

S. 3963. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws, and I ask unanimous consent that a communication in connection therewith be printed in the RECORD together with the text of the bill.

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

THE SECRETARY OF THE TREASURY,
Washington, D.C., August 10, 1972.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws."

Section 27 of the Merchant Marine Act of 1920, as amended (46 U.S.C. 883), generally prohibits the transportation of merchandise between points in the United States in vessels other than vessels built and documented under the laws of the United States or owned by citizens of the United States. Presently the exclusive penalty for violation of the section is the forfeiture of the merchandise involved. Seizing the merchandise creates enormous administrative problems such as storage of the merchandise, disposition of perishable cargoes, transportation of bulk shipments, and assignment of Customs personnel to make necessary arrangements. The proposed legislation would as an alternative to the seizure of the merchandise provide for the assessment of a monetary penalty in the value of the merchandise against the vessel owner, agent or operator, or against persons such as the consignee, with a commercial interest in the importation. As under existing law, the Secretary of the Treasury would be authorized to remit or mitigate any penalty or forfeiture assessed under the section.

The Department urges enactment of the proposed legislation in order to provide Customs officials with a more effective and administratively easier means of enforcing section 27 of the Act.

There is enclosed a comparative type showing the changes that would be made in existing law by the draft bill.

It will be appreciated if you will lay the enclosed draft bill before the Senate. A similar proposal has been transmitted to the House of Representatives.

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

Sincerely yours,

GEORGE P. SHULTZ.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law proposed to be made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is underscored):

SECTION 27 OF THE MERCHANT MARINE ACT OF 1920, AS AMENDED (46 U.S.C. 883)

SEC. 27. That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture [thereof] *of the merchandise (or the value thereof to be recovered from any consignor, seller, owner, consignee, agent or other person or persons so transporting or causing said merchandise to be transported)*, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by section 18 or 22 of this Act:

S. 3963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883), is further amended by deleting the word "thereof" where it first appears and by inserting in lieu thereof "of the merchandise (or the value thereof to be recovered from any consignor, seller, owner, consignee, agent or other person or persons so transporting or causing said merchandise to be transported)".

By Mr. FANNIN (for himself and Mr. BENNETT):

S. 3964. A bill to amend section 516 of the Tariff Act of 1930. Referred to the Committee on Finance.

Mr. FANNIN. Mr. President, today, on behalf of myself and Senator BENNETT, I am introducing a technical amendment to section 516 of the Tariff Act of 1930. The amendment is intended to give a complainant the right to appeal an adverse ruling under the Countervailing Duty Act. At present only importers have the right to judicial review of an administrative decision that a bounty or grant exists with respect to certain imported merchandise.

The countervailing duty concept is almost as old as international trade itself. For centuries it has been recognized that the encouragement of exports through Government subsidy distorts the natural and most efficient allocation of resources in international trade and creates false competitive advantages. The device most commonly used over the years to counteract the harmful effects of such subsidies has been the countervailing duty. The countervailing duty is simply a duty imposed by the importing country to offset the unfair advantage created by the subsidy.

Our general countervailing duty law was originally enacted as a part of the Tariff Act of 1897. It was reenacted in the Tariff Acts of 1909 and 1913, widened in scope in 1922, and, in its present form, embodied in section 303 of the Tariff Act of 1930. Under its provisions, whenever a foreign government has subsidized a dutiable import into this country, the Secretary of the Treasury is required to determine the amount of the subsidy and to impose an additional duty on the import equal to the net amount of the subsidy.

There is nothing unique about our countervailing duties statute. Almost every major trading nation has something of a similar nature. Many international trade treaties have contained its equivalent. GATT, the most comprehensive and universal trade agreement in world history, recognizes and treats with such laws.

Mr. President, under the existing statute, in addition to the lack of a time limit for administrative action, no appeal procedure is provided for a domestic manufacturer in cases where the Treasury Department decides not to act on a complaint or in the event of an adverse decision. This interpretation was affirmed by a recent decision of the Court of Customs and Patent Appeals in *United States* v. *Hammond Lead Products, Inc.*, 440 F.2d 1024. The Court stated that the Customs Court lacked jurisdiction to review a complainants' challenge that Treasury had failed to assess a countervailing duty. Thus, we are faced with a situation where an importer has the right to judicial review under the statute but a domestic manufacturer is denied his day in court.

The amendment that is being introduced today would enable our domestic producers to begin using effectively an instrument that we have already on hand, one designed for the sole purpose of insuring fair competition.

A countervailing duty is not a barrier to free trade. On the contrary, it is a means of promoting free trade. While a protective tariff is designed to offset the real competitive advantage of a foreign producer—in other words, to restrict competition—a countervailing duty is designed to insure that products compete according to their relative merits.

Mr. President, this amendment also provides that countervailing duties assessed under a final court decision will be applicable as of the date the Secretary of the Treasury publishes a negative decision on an American manufacturer's petition under the Countervailing Duty Act.

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

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

S. 3964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 516 of the Tariff Act of 1930 (19 U.S.C. 1516) is amended to read as follows:

"SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS.

"(a) The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, the rate of duty and the additional duty described in section 303 of this Act

(hereinafter referred to as 'countervailing duties'), if any, imposed upon designated imported merchandise or a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, that the proper rate of duty is not being assessed, or that countervailing duty should be assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reasons for his belief including, in appropriate instances, the reasons for his belief that countervailing duties should be assessed.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, that the classification of the article or rate of duty assessed thereon is not correct, or that countervailing duties should be assessed, he shall determine the proper appraised value or classification or rate of duty or the countervailing duties in accordance with section 303 of this Act, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin, or, in the case of countervailing duties after the date such notice to the petitioner is published in the Federal Register shall be appraised or classified or assessed as to rate of duty or countervailing duties in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct or that countervailing duties shall not be assessed, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate of duty assessed upon or the failure to assess countervailing duties upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty or that countervailing duties shall not be assessed and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon or failure to assess countervailing duties upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs offer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28, United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

"(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

"(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, or, in the case of countervailing duties, after the date of publication of the Secretary's decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

"(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section."

By Mr. MATHIAS:

S. 3966. A bill to authorize a Federal payment for certain additional rapid transit facilities in the District of Columbia and environs. Referred to the Committee on the District of Columbia.

ADDITIONAL METRO FACILITIES FOR VISITORS TO ARLINGTON NATIONAL CEMETERY AND THE SMITHSONIAN INSTITUTION

Mr. MATHIAS. Mr. President, in a message to the Congress early this year, President Nixon outlined a broad plan for Federal partnership in the observance of the American Revolution Bicentennial here in the National Capital area.

The President suggested a many-faceted effort involving both the District of Columbia and the suburban areas. The program includes both major improvements for the benefit of the 3 million people resident in this area and efforts to improve the facilities which are used primarily by the millions of tourists who visit Washington each year.

In 1976, our bicentennial year, it is projected that visitor traffic to Washington may average up to 100,000 people daily. Adequate transportation to and from the sites tourists are most interested in is an absolute necessity.

A key to any transportation plan is the Metro system, now under construction with plans for initial operations in 1974. By the summer of 1976, two of the major lines running through downtown Washington are scheduled to be fully operational. The outward reach of the system is expected by then to be providing service as far as Ardmore and Silver Spring in Maryland and Rosslyn and Huntington in Virginia. The bonding authority granted the Metro system by this Congress hopefully will provide the key to keeping construction on schedule. Legislation now in committee authorizing public acquisition of the four local bus companies serving this area hopefully will provide the key to a fully integrated bus-rapid transit system for the benefit of residents and tourists alike.

In his message on the bicentennial in the National Capital area, President Nixon recommended construction of a Metro station at Arlington National Cemetery. Such a station would promote smoother tourist flow to the cemetery and would offer the arriving visitor one more convenient point at which to transfer from private to public transportation to reach the Capital itself.

In his message, the President also discussed plans for the development and enhancement of the Mall in order that it might become a more attractive focal point for the many millions of tourists visiting the Capital. As planning has progressed, it has become evident that an additional entrance to the Smithsonian Institution Metro station would not only provide further convenience to visitors but would also contribute significantly to their safety.

The legislation I am introducing would authorize the Federal Government, through the Department of Transportation, to spend up to $7,385,000 for the additional station at Arlington Cemetery and the additional entrance at the Smithsonian Institution.

President Nixon has set as a goal the realization by 1976 of a dramatic improvement in the quality of life in Metropolitan Washington for all whose physical or spiritual home is here. In the impressive program which the President has outlined, this is one small—but important—point. I would hope that the Congress will be able to act promptly on this legislation so that the necessary planning can go forward to include these facilities in the rapid transit system we all are looking forward to seeing in operation.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 3967. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the National Forest System, and for other purposes. Referred to the Committee on Agriculture and Forestry.

SAVE SANDWICH NOTCH

Mr. McINTYRE. Mr. President, I introduce a bill to save Sandwich Notch, located deep in the White Mountains of my State of New Hampshire.

Sandwich Notch is one of the most unusual natural areas remaining in the United States. One of its unique features is that unlike most notches which were too inaccessible for human habitation, Sandwich Notch played an important role in the history of New Hampshire.

The Notch's long history is filled with the vastness of life that existed in this picturesque hamlet snuggled in the White Mountains. In fact, as early as 1795 a cart track was approved that opened up a transportation route through the forests of the notch.

This tiny trail grew in importance as it was realized that it was the shortest route to the sea from Vermont and northern New Hampshire. The small road grew into a commercial highway by the early 1800's and farms, homes, and taverns began to dot the route through the area.

Today, this notch remains remarkably untouched with its waterfall, numerous

ponds, and thick forests that make it one of the finest examples of New Hampshire scenery. It abounds with game, including a dense population of moose, practically extinct elsewhere in New England.

But, Mr. President, New Hampshire has seen a rapid growth in recent years. Growth that has taken, and will continue to take, some of its most beautiful regions.

I rise today because New Hampshire—and, indeed, all of New England—is threatened by the loss of Sandwich Notch. Were the Notch to be developed we would all be losers.

I believe that this would be a profound setback to those of us who are concerned about the environment and who want to see certain areas preserved for their scenic, recreational, and wildlife features.

My bill is added to the efforts of countless citizens in New Hampshire who are now engaged in an effort to save the Notch. Local residents, outdoor organizations, fish and game clubs are all working to build public support for this worthwhile cause.

I would also like to point out, Mr. President, that this is a bipartisan effort. The Governor of New Hampshire, both Members of the House of Representatives, and my distinguished colleague in this body, NORRIS COTTON, all support this project.

Special credit should also go to the Society for the Protection of New Hampshire Forests, and its executive director, Paul Bofinger, for the yeomen work done in this area. Were it not for the society's constant educational and informational efforts to save New Hampshire's precious forestlands the effort to save Sandwich Notch might never have gotten this far.

It is with this in mind, Mr. President, that I introduce this bill to authorize and direct the Secretary of Agriculture of the White Mountain National Forest, and thereby assure the citizens of New Hampshire and its many visitors the untold beauty of this most important region.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2818

At the request of Mr. PROXMIRE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 2818, a bill to prohibit the use of diethystilbestrol (DES) in raising livestock.

S. 3880

At the request of Mr. MATHIAS (for Mr. SCHWEIKER) the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 3880, the National Diabetes Education and Detection Act.

SENATE RESOLUTION 361—SUBMISSION OF A RESOLUTION TO REFER A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.) Mr. MCCLELLAN submitted the following resolution:

S. RES. 361

Resolved, That the bill (S. 3969) entitled "A bill for the relief of United States Forgecraft Corporation", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

INTERIM AGREEMENT BETWEEN U.S. AND U.S.S.R.—AMENDMENT

AMENDMENT NO. 1486

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

Mr. JAVITS submitted an amendment intended to be proposed by him to 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.

VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1487

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. HUMPHREY. Mr. President, the amendment I am submitting today, to add a new title to H.R. 8395, Vocational Rehabilitation Act Amendments of 1972, will provide for Federal matching funds for State programs of vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty on those who retire after completing the required years of service.

Originally introduced on June 8, 1972 as S. 3690, and referred to the Senate Committee on Labor and Public Welfare, the Public Safety Officer Retraining Act closes a serious gap in our manpower and vocational rehabilitation programs. We depend upon the protective services of our public safety officers, for which they must develop highly specialized and demanding skills. Yet all too often, when the utilization of these skills is abruptly terminated by disabling injury or required retirement, the serious need of these public servants for a continued useful and productive life is ignored by society. The nationwide dimensions of this need are indicated by 1970 statistics showing 38,583 firefighters injured in the line of duty and over one-third of the 43,171 assaults on policemen resulting in injuries.

The legislation passed by the House includes under the definition of "vocational rehabilitation services," recruitment and training services to provide employment opportunities in public safety and law enforcement, among other fields. I believe the inclusion of my amendment in the bill as finally enacted by Congress meets an important requirement to expand this definition to serve those who are denied the opportunity to continue being employed in these fields.

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

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

AMENDMENT NO. 1487

At the end of the bill add the following new title:

TITLE —PUBLIC SAFETY OFFICER RETRAINING ACT

SEC. . This title may be cited as the "Public Safety Officer Retraining Act".

SEC. . The Manpower Development and Training Act of 1962 (76 Stat. 23) is amended by adding at the end thereof the following new title:

"TITLE VI—PROGRAMS FOR RETRAINING PUBLIC SAFETY OFFICERS

"STATEMENT OF PURPOSE

"SEC. 601. It is the purpose of this title to provide a method whereby a State may utilize Federal matching funds, together with its own funds for the purposes of establishing and conducting manpower and related programs for vocational counseling and retraining of public safety officers who have become disabled as the result of injury sustained in the line of duty or those who retire after completing the required years of service.

"DEFINITIONS

"SEC. 602. For the purposes of this title the term—

"(1) 'Secretary' means the Secretary of Labor;

"(2) 'public safety officer' means, pursuant to regulations issued by the Secretary, a person who is employed by a Federal, State, or unit of general local government in any activity pertaining to—

"(A) the enforcement of the criminal laws, crime prevention, control, or education, including highway patrol;

"(B) a correctional program, facility, or institution;

"(C) a court having criminal jurisdiction, where the activity is determined by the Secretary to be potentially dangerous because of contact with criminal suspects, prisoners, or parolees, or

"(D) firefighting, done voluntarily or otherwise, with or without compensation.

"AUTHORIZATION FOR GRANTS

"SEC. 603. The Secretary is authorized to make a grant to any State which meets the requirements of section 604 equal to an amount, not to exceed 75 per centum of the cost of the activities undertaken by a State pursuant to the provisions of this title.

"APPLICATIONS AND CONDITIONS

"SEC. 604. (a) Any State which desires a grant under this title shall make application to the Secretary at such time, in such manner, and containing or accompanied by such information as he deems reasonably necessary.

"(b) No grant may be made under the provisions of this title unless the Secretary finds that—

"(1) after consultation with said State, the effectiveness of Federal manpower and related programs for the vocational counseling and retraining of public safety officers within such State can be facilitated or improved by additional State efforts and activities; and

"(2) such application (A) described how such additional efforts and activities will be undertaken in support of existing Federal programs, (B) demonstrates that such efforts and activities are not inconsistent with programs assisted under other titles of this Act, (C) demonstrates that such efforts and activities will contribute to carrying out the purposes of this title; and (D) provides as-

surances that the State will pay the non-Federal share of the cost of such activities.

"RULES AND REGULATIONS

"SEC. 605. The Secretary may prescribe such rules and regulations under this title as he deems necessary.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 606. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

CONFORMING AMENDMENT

SEC. 3. Section 302 of such Act is amended by inserting "or title VI," immediately after "title II," the first time it appears.

Mr. McCLELLAN. I submit along with Senator HRUSKA a proposed amendment to H.R. 15883, an act for the protection of foreign officials. This amendment is rooted in my profound concern for the tragic events of Munich during the past week.

The bill under consideration recognizes that the United States as a host country has a particular responsibility to protect the person and property of foreign officials, including ambassadors, agents, employees and their families, while such persons are present within our territorial confines. However, the measure would not offer any expanded protection for foreign citizens, who might visit our shores as official guests of our country as members of an Olympic contingent. Thus, had the situs of the kidnaping and subsequent murder of the Israeli standard bearers been Milwaukee rather than Munich, our response would have been limited to State law-enforcement resources. No Federal jurisdiction would exist despite the fact that our responsibilities would at least parallel those which exist vis-a-vis visiting diplomatic personnel.

It is still too early to judge the actions of West Germany in response to this Arab terroristic lunacy. However, it is at least clear that the state governments of West Germany now realize that their Federal government cannot be limited to a mere consultative role with regard to such matters. State governments simply cannot cope alone with crimes involving international politics and diplomacy.

Hopefully, we will never again witness the political assassination of visiting athletes in any country. Nonetheless, our criminal laws must recognize such behavior as a violation of Federal as well as State law and authorize the use of Federal law-enforcement resources in such cases.

The amendment I propose will extend the umbrella of Federal protection to cover official guests of the United States as designated by the Secretary of State so as to include visiting athletes in international competition.

I urge its adoption.

FEDERAL REVENUE-SHARING ACT—AMENDMENT

AMENDMENT NO. 1489

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

Mr. EAGLETON (for himself and Mr. CRANSTON) submitted an amendment 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.

Mr. CRANSTON. Mr. President, States such as California, Pennsylvania, and Maine have recognized the deplorable property tax burden carried by our low income elderly, and have passed laws to reduce their property tax burdens. Unfortunately, Federal law cancels out these benefits for individuals on public assistance. For example, under current Federal law, for every dollar of tax relief provided by a State, an elderly homeowner loses a dollar of old age assistance. If our goal is to allow our elderly to live with the dignity and respect to which they are entitled, we must allow them to retain their homes and maintain them at acceptable standards.

This tax relief amendment, which I am pleased to cosponsor with Senator EAGLETON, will remove a major Federal barrier to the realization of this goal. By providing for the exclusion of property tax rebates in computing income under public assistance programs, this amendment will allow the States to grant property tax relief without fear that the payments will be deducted from the recipient's next assistance check.

Current Federal law governing public assistance grants requires that the State agency take into consideration any other income or resources of the recipient in determining his monthly need.

While States are authorized, and in some cases required, not to consider certain types of income in making their determination of need, there is no specific direction to the States regarding property tax benefits. Since these property tax rebates are not specifically exempted, State departments of social welfare construe these payments as income, to be deducted from the old age allowance. The result is that many elderly homeowners who receive old-age assistance, for example, are not able to benefit from a property tax rebate because their grants are reduced by an equivalent amount. For this reason, a State such as California, which is committed to providing its elderly citizens with property tax relief, is reluctantly forced to exclude 78,000 old age assistance homeowners from their property tax relief provisions.

I find this situation intolerable. In California the maximum old age assistance housing allowance for an individual is $63 per month. But there are many cases in which property taxes take more than $50 of this amount, leaving the recipient only 10 or 12 dollars to pay for utilities, insurance, upkeep, and home repairs. With an average total income of $187 per month, it is these elderly who are in greatest need of tax relief. Under present Federal law, they are denied over $16.9 million per year in tax relief, or an average of $250 per home, per year in California alone. Meanwhile other senior citizens, who are financially much better off, are allowed to receive benefits.

Among the hardest hit by rising property taxes, and the most in need of relief, are our senior citizens who receive old age assistance. HEW studies indicate that over 54 percent of these recipients live in seriously substandard housing; 15 percent of their homes have no running water, and 30 percent have no flush toilets. Largely because of excessive property taxes they are unable to set aside enough of their income for maintenance or repairs. Many recipients, including more than one-quarter of old age assistance homeowners in California, are unable to meet their basic requirements for food, clothing, and shelter.

In order to help remedy this situation, and to provide much needed funds, our bill will amend the Social Security Act to exempt property tax relief benefits from income for purposes of calculating need under old age assistance. In this manner we can allow the States to provide required relief to our elderly citizens who need it most.

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

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

AMENDMENT NO. 1489

At the end of the bill, add the following:

TITLE IV—MISCELLANEOUS PROVISIONS

CERTAIN TAX REFUNDS NOT TO BE CONSIDERED AS INCOME OR RESOURCES UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 401. The Social Security Act is amended by adding at the end of title XI thereof a new section as follows:

"CERTAIN TAX REBATES NOT TO BE CONSIDERED AS INCOME OR RESOURCES

"SEC. 1121. As used in sections 2(a) (10), 1002 (a) (8), 1402 (a) (8), and 1602 (a) (14) of this Act, the terms 'income' and 'resources' do not include any amount received by an individual from any public agency as a return or refund of taxes paid by him on real property or on food purchased by him."

AMENDMENTS NOS. 1490 AND 1491

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

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

AMENDMENT NO. 1492

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

Mr. RIBICOFF. Mr. President, the Finance Committee's claim that all but four States and the District of Columbia will receive more under the bill now before us than under the House bill is somewhat misleading and premature.

The reason most States may get more money is that the committee wants to add $1 billion to the House bill's $5.3 billion.

No States, especially the urban States who are scheduled to receive the bulk of this $1 billion, can rely on getting this new money. The reason is simple. In order to distribute the $5.3 billion of pure revenue sharing funds, the committee established a trust fund which would bypass the congressional appropriations process and thus guarantee distribution to the States.

The committee has not, however, treated the $1 billion social service fund in the same way. The committee bill simply authorizes the appropriation of the money for the social service fund. Be-

cause this fund must also go through the entire congressional appropriations process, no one here today can say how much, if any, of the $1 billion will ever reach the States.

The committee has held this new fund out as the equalizer for the urban States. Unless the committee's formula for distributing the $5.3 billion is improved, it will be just that—the one and only place where the urban States receive their due.

I, therefore, submit an amendment whch I intend to propose to H.R. 14370, creating a social service trust fund. By creating a trust fund we would insure the existence of the $1 billion and its distribution to the States. Unless we make such a change it is possible that not a single dollar of this social service fund will reach the States and localities.

Mr. President, I ask unanimous consent that a table listing the amounts each State would lose if the $1 billion is not appropriated.

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

Amounts in millions States receive under Subtitle B.

Alabama	$10.6
Alaska	.8
Arizona	9.6
Arkansas	4.8
California	134.0
Colorado	11.8
Connecticut	17.5
Delaware	2.9
District of Columbia	6.3
Florida	34.3
Georgia	15.7
Hawaii	3.2
Idaho	1.8
Illinois	65.3
Indiana	19.9
Iowa	7.0
Kansas	6.5
Kentucky	9.3
Louisiana	14.1
Maine	2.5
Maryland	21.5
Massachusetts	36.0
Michigan	47.0
Minnesota	15.8
Mississippi	5.5
Missouri	21.4
Montana	1.7
Nebraska	4.9
Nevada	2.8
New Hampshire	1.4
New Jersey	50.4
New Mexico	7.5
New York	118.0
North Carolina	12.7
North Dakota	1.5
Ohio	55.1
Oklahoma	8.7
Oregon	8.2
Pennsylvania	57.4
Rhode Island	6.2
South Carolina	6.4
South Dakota	1.7
Tennessee	12.3
Texas	57.4
Utah	6.1
Vermont	1.1
Virginia	19.9
Washington	15.5
West Virginia	4.3
Wisconsin	17.2
Wyoming	.8

NOTICE OF HEARING CONCERNING SURFACE RIGHTS IN INDIAN LANDS

Mr. JACKSON. Mr. President, I announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs will hold open, public hearings on September 14 and 15 on H.R. 11128, a bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes.

I have scheduled hearings on this measure before the full committee because of the complexities of the issues and the lateness of the session. A hearing before the full committee will permit our members to have the benefit of the official views of the administration and the Navajo and Hopi tribal officials prior to reaching a judgment on the bill.

The hearings will be held in room 3110, New Senate Office Building and will begin each day at 10 a.m.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings scheduled by the Subcommittee on Parks and Recreation on the bills listed below have been postponed to September 21 and 22. This was done to accommodate the Secretary of the Interior and permit him to appear as a witness at these important sessions, which will begin each day at 10 a.m. in room 3110 of the New Senate Office Building.

September 21, 1972—S. 715 and H.R. 10751, to establish the Pennsylvania Avenue Development Corporation of 1972.

September 22, 1972—S. 2342, S. 3174, and H.R. 10220, to establish the Golden Gate National Recreation Area in the State of California.

ADDITIONAL STATEMENTS

REMARKABLE PROGRESS IN RHODESIA

Mr. FANNIN. Mr. President, one of the amazing stories of the past decade has been the determination of the Rhodesian people to carry on alone in the face of unreasonable and unfair international economic and political sanctions. Despite enormous odds, there has been great progress within Rhodesia both for the white and the black population.

Sanctions imposed by Great Britain and the United Nations are an unjustifiable intrusion into the affairs of a responsible government.

Our own Government acted wisely when we resumed the purchase of Rhodesian chrome. I believe that we should continue this policy.

The unfairness of the sanctions against Rhodesia was again demonstrated within the past month by the ridiculous decision to bar Rhodesians—both black and white—from the Olympic games. These same athletes and Olympic officials who demanded the ouster of Rhodesia because of racial policies apparently ignored completely the blatant racial action being taken by the Uganda Government to expel tens of thousands of nonblacks from Uganda.

Mr. President, we see very little printed in today's newspapers or broadcast on television giving us a true picture of what is happening in Rhodesia. Arizonans, however are fortunate that they have been given some excellent insight by the outstanding editor of the Tucson Daily Citizen, Paul A. McKalip.

Mr. McKalip went to Rhodesia in June and spent a week in that country. He was able to compare what he saw this summer with what he saw in Rhodesia 7 years earlier before the break with the United Kingdom. The Citizen editor wrote two articles which were published in the Tucson newspaper on August 1 and August 2.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD so that Senators may be informed of the remarkable progress that has been made in Rhodesia in the face of great odds.

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

SEVEN YEARS AFTER INDEPENDENCE—RHODESIA'S POLITICAL STRUCTURE DEMONSTRATES ITS STABILITY

(By Paul A. McKalip)

"Bad news travels fast" is an old expression. In today's world of instant communication, one must add "and far."

For most of its 80-year history, a place called Rhodesia in the southern part of Africa below the equatorial belt was little known beyond the fact that it was one of the lucrative colonies of the British colonial empire.

For adventurous world travelers and readers of National Geographic magazine, it was known also for the world-famous but remote Victoria Falls on the fabled Zambezi River.

Just seven years ago, Rhodesia became another "hot spot" on the world geopolitical map when the minority white government issued its unilateral declaration of independence from mother England.

UDI, as the action became known, was seen as the only means by which the quarter-million Europeans, mostly of English origin, could avoid an overnight sellout of Rhodesia's long westernized-style development to the overwhelming majority of African natives who are still primitive bush dwellers.

The Rhodesian government in power had seen already the turmoil and chaos which had resulted from similar grants of independence to other colonial holdings of European nations in black Africa.

In some of them, such as the Congo, ambitions and old animosities of rival native tribes exploded into mass destruction of property and population.

Nevertheless, the news of Rhodesia's declaration of independence, after failing to win an acceptable accommodation with the British government, started political and economic repercussions which continue today.

By coincidence more than design, in fact motivated principally by a long desire to see the Victoria Falls, I was in Rhodesia in the spring of 1965, six months before UDI.

I visited Salisbury, the beautiful, modern capital city, and talked with many persons in and out of government.

One thing was obvious. The white minority, far from repressing and exploiting the Africans, was pursuing a policy of development, of education and economic opportunity for all of the nearly five million people of Rhodesia.

England, however, was being rebuffed in its effort to impose its own political policy for Rhodesia and could not accept such affront by the "bad boy" of the British Commonwealth family.

Eschewing military response to UDI in the months following November, 1965, when such response admittedly might have quelled the rebellion in the fashion of earlier colonial tactics, England sought to strangle the rebellion by imposing sanctions.

The United Nations is committed by its charter to remain aloof from the internal affairs of nations. It is a proper policy. In the case of the Rhodesian sanctions proposed by England, the United Nations approved on the flimsy, transparent grounds that the Rhodesian action represented "a threat to world peace."

This summer I returned to Salisbury by deliberate intent born of sustained interest in the problem, the people and the future of a land with great resources, attractions and potential.

Some personal observations were at once enlightening and reassuring.

The country was obviously peaceful. The national police force is composed of only 4,000 members. Three-fourths of them are Africans. In the British tradition, the police do not even carry arms.

Africans and Europeans were going about their business in trade, industry and agriculture side by side. It is true that the black Africans mostly still are in the ranks of unskilled labor, but there is no arbitrary barrier to their economic advancement.

In the four-star, top-rated Jameson Hotel in Salisbury, the reception office was staffed by blacks and whites alike wearing the formal striped trousers and morning coats. The accounting department was staffed by Africans.

There were also blacks among the guests in the hotel, and in the dining room and in the cocktail lounge. There is no color barrier in any public place.

At Government House, the residence now of the Rhodesian state president which formerly was occupied by the British colonial governor, the guard complement, including officers, is entirely African.

On the political front, likewise, there was a new commitment and determination to make the best of England's final rejection of the independence settlement proposals which had been negotiated and approved by representatives of the two governments.

I arrived in Salisbury shortly after the "bad news" of the British government's official "No" to the bilateral proposals had been announced, making headlines around the world.

There was consternation, disappointment approaching disbelief, but no sense of despair.

It was recognized that some of the more immediate political gains assured for Africans in the proposed settlement would be likely to come more slowly. Their political progress would be linked to the practical pace of educational and economic progress.

It was also recognized that the struggle for economic progress, both industrially and agriculturally, would have to continue for both Africans and Europeans under the added burden of sanctions.

But if the outside world expected restlessness or even possibly upheaval in the wake of the Rhodesian setback, it was nowhere evident.

If anyone had cause to be despairing or angry, it might have been most of all the indomitable Ian Douglas Smith, prime minister and rallying force in the Rhodesian Front government in the 10 years before and since UDI.

I was fortunate to arrange a private interview with Smith early in my visit. The seven years of challenge and frustration since UDI had worn on him but lightly.

He is a rather slightly built man whose strength is reflected in strong features of face and especially piercing eyes.

Now only 53 years of age, and looking boyishly younger in some respects, his dedication to Rhodesia and the future of 5 million people is unswerved by adversity.

When I entered his office, he invited me to sit at the side of his large, well-ordered desk. He swung his chair sideways to allow him to stretch out his legs and half recline as he conversed easily but intently.

Almost at once, without being asked the obvious question, he volunteered his disappointment at the British "No" to the settlement. He went on to point out that the sanctions had been imposed to force Rhodesia to negotiate an agreement with the British government on the territory's political future.

"This government did negotiate and did come to agreement with the British government. This government approved the agreement and it was the British who finally rejected it," he declared.

He made it clear that he felt any legitimacy for sanctions had been wiped away by the British and that sanctions in the future would be less respected by other nations even though they might remain on the U.N. books.

Smith recognized, as a practical politician, that the British government could not afford to allow sanctions to be revoked officially.

It is, of course, that realism which has allowed Ian Smith to steer the small country successfully through countless dangerous shoals during the past 10 years, before and after UDI. Now he assessed the future this way:

"I believe any sort of settlement at this moment would be an embarrassment to the British government of the United Kingdom. I believe that at the moment they have lost their will to settle.

"Therefore, the contract we made has been closed by the British rejection."

The prime minister said essentially the same thing in a public statement a couple days later and concluded with this exhortation to Rhodesians:

"Let us be realistic and accept the fact that the only practical way forward is to get on with the job under our existing 1969 Constitution, sanctions and all."

The Rhodesia Herald, large national daily newspaper published in Salisbury, headlined the prime minister's public statement this way: "Smith Firm: We Are Not Talking to U.K." And a subheadline carried his words in quotation marks: "The contract has been closed . . ."

The Rhodesia Herald generally is strong in its opposition to the Smith government and outspoken in criticism of its policies. The Herald's editorial comment the next day on the above news was, therefore, significant:

"We agree with most of Mr. Smith's assessment of the situation . . . There will be no recognition. Sanctions will continue in official force.

". . . The present situation is normal, and will continue to be so for as far ahead as one can see. The country must make the best of it.

"And a good best can be made.

". . . Rhodesia's greatest asset is her people. If her people—all of them—are able to give of their full potential, then the sky's the limit."

There has been substantial evidence that Rhodesia's people, European and African, are agreed on the country's potential and on their dedication to it.

In the face of continuing armed threats from Communist-trained outside guerrilla forces to the north, African natives in rural areas of the country have been quick to join in reporting and thwarting occasional incursions.

African and white military police share the duties of border patrol.

One of the most important symbols of the stability of the new government is the office of president, which has been occupied by Clifford W. Dupont since the 1969 Constitution was adopted.

Dupont is a polished gentleman of English heritage. He was deputy prime minister under Smith before the 1965 independence move. After the ties with Britain were severed, Dupont was first named to the position of officer administering the government. That position was created above and apart from politics to take the place of the British crown's representative.

Now, as president, he also is above politics and parliament and serves principally in a ceremonial and symbolic capacity. His office assures the continuity of government as a viable entity. It is he who officially calls and opens each parliamentary session.

With Clifford Dupont as the representative of government and Ian Douglas Smith as active leader of the government, it is clear that colonial Rhodesia has produced a breed of indigenous Rhodesians who are equal to the challenge of "making the best of it."

It is too bad that "bad news travels fast," probably because it is the most sensational or alarming kind of news.

A look at the situation in Rhodesia first hand and in depth reveals the whole truth about a country which has emerged from British rule with faith in itself and in its future, given only time and opportunity.

What About Those Sanctions—Embattled Rhodesia Is Making Good Despite Britain

(By Paul A. McKalip)

Seeing is believing.

And seeing the progress in Rhodesia, after seven years of struggle for independence from Great Britain, is to believe that the little country in southern Africa is well on its way to succeeding.

No shots have been fired by the British against the Rhodesians as they were in America's War of Independence two centuries ago. In this one, the British government chose to wage political and economic war.

The cutting off of diplomatic relations with the rebel government in Salisbury was awkward, perhaps, because it affected Rhodesian passports and therefore travel.

The real weapon that was relied upon to subdue Rhodesia was the sanctions which Great Britain imposed with the support of the United Nations.

Well, what about sanctions? How are things going in the land-locked nation? Things are going well indeed. I can report that from firsthand observation, inquiries and interviews during my recent visit to Rhodesia.

UNEXPECTED BOOM

Having been there seven years ago, just before the country announced its unilateral declaration of independence (UDI), I had a good basis for comparison.

One would expect to find the country and its people in a kind of holding operation, but certainly not in anything like an economic boom. That's what it is, though.

A growth rate of 11 per cent last year, the establishment of 1,600 new industrial enterprises in the past six years, home building at a record pace and much of it for Africans, a steady rise in both immigration and tourism, and a shortage of skilled labor add up to all the boom the Rhodesian economy could possibly stand at this time.

If an American needed an object lesson which he could understand, and feel, this was it:

Upon my arrival, a U.S. $10 bill bought $7 Rhodesian. Before I left, during which time the British pound had been floated again and had shaken the international money market, a U.S. $10 bill was good for only $6 Rhodesian.

The Rhodesian dollar has been strong all along, and inflation has been controlled.

CARS GALORE

There were other object lessons readily apparent. Two old friends, Douglas Garner and Sam Brewer, met my wife and me at the Salisbury airport. We went out to Brewer's automobile for the ride to the hotel.

The car was a brand new Peugeot sedan. There were plenty of other late-model French cars on the streets, including Citroens and Renaults. There were also German BMWs and Mercedes, and Italian Alfa Romeos. And scads of Japanese Toyota and Datsun trucks.

The only makes conspicuously missing were British and American, except for a few very old ones.

Where did the new vehicles come from? Questions such as that kept coming forth, but not the answers. Understandably. The "who" and "how" of import-export trade are closely held secrets.

As one industrial spokesman said later, "We don't like to say we trade with anybody. That protects everybody."

As we drove into the city, we passed huge warehouses. In the early years of sanctions, they had been built to store Rhodesia's unsold tobacco crop. Tobacco was the backbone of the country's agriculture, and the backbone was undergoing strain.

The tobacco's all gone now, except for the current crop. Meanwhile, the squeeze forced a diversification of agriculture which has proved only beneficial.

Farther on, we drove past a large plant with the initials "WMI" on the flag flying over it. Those initials provided a partial clue to the automobile question. They stood for Willowvale Motor Industries.

Before 1966, the plant had been occupied by English Ford. When the English picked up and left under the sanctions ban, the Rhodesians turned the facility into an automobile assembly plant of their own. The parts get there for assembly—somehow.

CAPITAL CONSTRUCTION

Arriving in downtown Salisbury, which is the capital and principal city of the country, the first sights were towering new office buildings that hadn't been there in 1965.

Two tall construction cranes were busy in the erection of other new buildings, one destined to be an eight-story, 250-room luxury hotel.

Later on, we took a drive through the residential suburbs. There were rows of new houses in European neighborhoods being occupied by arriving immigrants and whole subdivisions in areas set aside for Asian Indians and for Africans.

There are approximately 300,000 urban Africans who live and work in Salisbury, together with some 115,000 Europeans. The racial groups work together at all levels of commercial enterprise, share all public and recreational facilities, but live in separate housing areas.

That is the limited extent of separation and generally it is preferred that way by the various groupings. As one minister in the government put it, "the future will be determined by racial harmony," which he felt does exist at present.

AFRICAN LIVING

In the African residential sections, there are homes ranging from modest single and duplex rentals to attractive homes being purchased and luxury residences custom built in the $50,000 to $100,000 range by wealthy Africans.

One African bus company operator, for example, has built a three-story house on a hillside lot in Marimba Heights. In the African tradition of multiple wives, which is still prevalent and legal, one of his wives occupies the second floor of the house and the other wife has the third floor.

Outside Salisbury is the imposing new headquarters building for Rhodesia Broadcasting Service and Rhodesian Television. Aside from all the latest electronics equipment, some of it imported "somehow," there was a beautiful Wilton rug, at least 16 by 30 feet, on the main studio floor.

"Oh, that," explained Harvey Ward, head of RBC/TV News Service, "why, since sanctions we make our own rugs in Rhodesia."

There is, in fact, little except for the heaviest industrial equipment and sophisticated machine tools which isn't being made now in the country.

Television sets? Made in Rhodesia. Stereos and other electronics? Newsprint for the big newspaper in Salisbury, and other papers? Made now in Rhodesia, together with toilet tissue (brand name "Wish") and paper products which were almost nonexistent in the early period of sanctions.

The list goes on: furniture, from fine office equipment to high style home furnishings. Pharmaceuticals, made in a spotless new plant. Dishes and tableware. Steel. Truck and bus bodies. Clothing for the whole family.

CHEAPER, BETTER

During an internal air flight, I sat with a manufacturer of men's clothing from Johannesburg, South Africa. He told me frankly that if it were not for import quotas on Rhodesian clothing in South Africa, he would be hard put to compete and stay in business. His customers told him frankly they would rather buy the Rhodesian product.

Cheaper, because of cheap labor, but shoddy in quality? No, admitted the South African manufacturer, "Rhodesia's clothing is not only cheaper but also better."

J. C. Graylin, chief executive of the Association of Rhodesian industries, said that the 1,600 new industrial projects launched in just six years were equal to what would have taken 26 years under continued British authority.

"We're under siege," he explained the surge simply. It still isn't easy going.

"The biggest problem is generating capital for all our development needs," Graylin said. "We can't borrow capital abroad." That's one pipeline on which the British have been able to keep the valves pretty well closed.

Imports of critically needed items, materials and equipment must, therefore, be controlled carefully to match approximately with exports.

But even though gasoline, 100 per cent imported, was rationed a few years back, it is now pumped without limit at any service station. One is surprised to see familiar signs such as Mobil and Shell plus BP (British Petroleum), Caltex (a Texaco affiliate) and Total (French).

The British-owned Rhodesian Herald would greatly like some new presses. The Herald's editor, Reese Meier, conceded that under the circumstances the presses aren't as essential right now as other things. His wants are far down on the import priorities list.

OPTIMISM

Rhodesia's minister of foreign affairs, J. H. Howman, took a position of optimism about the trade problem. He expressed the opinion that "sanctions are only a nuisance now" and would continue to erode slowly.

Since Britain's rejection of the settlement agreement which the two governments had worked out, there is "no enthusiasm anywhere for the continuation of sanctions," Howman observed.

He noted that informal relations with much of the world, many nations in Europe, Asia and Africa, are good. "It is ridiculous to suggest that Rhodesia is a non-state."

The facts of life—stable government, a stable dollar, a booming economy, a united people who have not flinched—seem to bear out Minister Howman's contention.

DEATH OF MRS. EVELYN WALKER ROBERT

Mr. TALMADGE. Mr. President, I was very saddened by the death Wednesday of Mrs. Evelyn Walker Robert, the wife of Lawrence Wood "Chip" Robert, one-time treasurer of the National Democratic Committee and leader in party activities.

Affectionately known to her many friends as "Evie," Mrs. Robert was one of America's most charming ladies. She was an extremely intelligent and hard-working woman, who spent a great part of her full and productive life helping others and doing humanitarian work.

Mrs. Robert was born in Atlanta and loved and respected throughout the State of Georgia, as is Chip Robert, a graduate of Georgia Tech, and long a leader in State and national political circles.

Georgians mourn the passing of Evie Robert, and Mrs. Talmadge joins me in extending our heartfelt sympathies to Chip Robert and the entire family.

I ask unanimous consent than an article from the Washington Post on the death of Mrs. Robert be printed in the RECORD.

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

[From the Washington Post, Sept. 7, 1972]

EVIE ROBERT, SOCIETY LEADER, DIES

(By Jean R. Hailey)

Evelyn Walker Robert, better known as Evie, who had been a leading hostess in Washington and fought a valiant battle against a kidney ailment for five years, died yesterday at George Washington Hospital.

She was the wife of Lawrence Wood (Chip) Robert, at one time treasurer of the Democratic National Committee and a former assistant secretary of the Treasury.

Mrs. Robert and her husband had spent the weekend at their home near Warrenton, Va., and she had driven them back to Washington, where they reside at the Mayflower Hotel, Sunday night. After their return she complained of not feeling well and went to the hospital.

She had been a frequent patient there, where she used a kidney machine twice a week. Her husband had purchased the machine for her and she had donated it to the hospital with the condition that it remain available for her use.

Mrs. Robert was the granddaughter of Alice McClellan Birney, one of the founders of the PTA in this country. She planned to attend a tribute to her grandmother later this month.

She was born 63 years ago in Atlanta while her mother was stopping over there en route to Washington.

Mrs. Robert attended school in Paris and liked to point out jokingly that she went to five colleges in her early years but graduated from none.

She made her debut in Washington and was presented to the Court of St. James', where she met the then Prince of Wales. They became lifelong friends.

The story is told that she once turned down the Prince of Wales when he asked her to dance, a think unheard of when royalty makes a request. She explained that she didn't accept because she was taller than he was.

Later, as the Duke of Windsor, he and his duchess were guests at her home here and the Roberts were guests of the Windsors in Nassau.

Mrs. Robert, once described as a New Deal glamor girl and lobbyists' Lorelei, was noted for her Washington parties, where she liked to combine celebrities, diplomats, senators and cabinet officers. To these she would add society figures and then, perhaps, somebody's secretary.

She was an avid horse-woman and counted many well-known generals among her friends after becoming acquainted with them while riding at Ft. Myer. She loved animals and presented a number of various species to the Atlanta Zoo.

Mrs. Robert was also a working woman. One time she wanted to move some chicken houses on a large farm she had on the Eastern Shore of Maryland, so she borrowed a jeep and moved them herself.

Mrs. Robert said it was more fun than riding a horse or elephant. And ride an elephant she did, dressed as a Far Eastern princess, when the Greatest Show on Earth came to town in 1940.

Perhaps her best job was that offered her by the late Eleanor (Cissie) Patterson, publisher of the old Washington Times-Herald, who thought of her as a daughter. Mrs. Patterson asked Mrs. Robert to write a column, which Mrs. Robert did, calling it Evie's Rib. It was published for a number of years.

Mrs. Robert, whose trademark was a necklace of black pearls, dwelt in high society. She and her husband, for example, were close friends of the Roosevelts.

But salesgirls, news vendors, chauffeurs, children, panhandlers and dressmakers also were among her friends. On occasion, she would call up her favorite beauty parlor and invite all its employees in for cocktails.

Considered a great beauty, she was also a capable business woman and aided her husband, whom she married in 1935, in both his political and business endeavors.

In his absence, she took care of his mail, relayed to him what was important and attended to the rest herself. She was his confidential secretary when he was treasurer of the Democratic National Committee and sometimes his substitute as greeter at conventions.

In addition to her husband, she is survived by a daughter, Alice Birney Jones.

REPORT FROM THE HEARTLAND

Mr. PEARSON. Mr. President, this week's issue of Newsweek magazine contains a descriptive article about a small community in my State, the community of St. Francis, Kans. The article describes both the problems and the promises of St. Francis and thousands of other small communities across rural America. The problems of such communities are characterized by the statement of the school superintendent when he stated:

We are exporting our only resource, our children. There is nothing to come back to, jobs or farming.

The promise is symbolized by a businessman who had moved from a large city to locate in St. Francis when he said:

We didn't know what living was till we got here.

Mr. President, I ask unanimous consent that the article about a typical farm and small town community be printed in the RECORD at the conclusion of my remarks.

Mr. President, we have become, in many respects, an urbanized nation. The great cities dominate the American scene and the problems which beset these consume the energies and resources of our Federal, State, and local governments. In many respects, this massive urbanization, this great gathering in of people and industry is a symbol of modern progress and a sign of America's greatness. Yet, as the urban crisis has deepened and the problems of the cities have defied solution, we have come to recognize that this urbanization has been mismanaged, too many of the metropolitan areas are overcrowded and overburdened, too many of our rural communities are underpopulated and underdeveloped.

As we review our past and assess the present, many of us have come to recognize that we must seek a more equitable rural-urban balance in the future. We must slow the exodus from farm and small town America. We must improve economic and social conditions in rural America so that those who prefer to live in small communities will have a meaningful opportunity to do so.

This is essential to the national welfare for two reasons. First, we need to relieve the pressure on the cities. Second, we must prevent the future decline of rural communities because they are such a vital source of national strength and because they make such an important contribution to the American character.

Mr. President, for these reasons I have long urged a national commitment to the goal of rural development and balanced national growth. We are beginning to make some legislative progress, but much more remains to be done. Congress must continue to focus its attention on the need for rural development throughout the decade of the seventies.

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

REPORT FROM THE HEARTLAND

(By Frank Morgan)

ST. FRANCIS, KANS.—In this Rodgers and Hammerstein country, where cerulean skies stretch endlessly over golden plains, people are beginning to think everything's going their way—temporarily. Long freight trains loaded with wheat crawl away from the twelve-story grain elevator each day while farmers exultantly wave them on. With bumper crops harvested, the farmers have watched wheat prices shoot up 20 per cent in only a few weeks, due mainly to Russia's unexpected purchase of 400 million surplus bushels. In addition, the cool, wet summer guarantees excellent wheat planting in September and good growth over the winter, as well as plenty of winter feed for beef cattle. There are trials facing St. Francis—perhaps even terminal illness for part of the prairie way of life—but for the moment they are masked by all the outward and visible signs of ease.

All but untouched by the turmoil facing most Americans—urban strife, the war, rising crime, chronic joblessness, soaring taxes, inflationary prices and a deteriorating quality of life—the 1,800 people in this remote northwestern Kansas farm community are leading what in the '70s has to be called an idyllic life. Homes are left unlocked even while owners are on vacation in the Rockies or at Disneyland. The last murder in Cheyenne County, of which St. Francis is the county seat, was in 1962, and a crime wave is two successive nights of vending machine breakins at a filling station on Route 36. The three local policemen, who spend most of their time snagging speeders, note license plate numbers of all cars in town after 10 p.m. each night. "If anything happens, someone out that night did it or saw it," says one lawman.

The drug menace passed through—thirteen arrests last year for possession of marijuana weed, as it's called here—but it is only a minor irritant now, thanks to Sheriff Ray Lee's heavy surveillance of every single teenage party ("We go through the incinerators the next morning to see if it was a beer party or not") and tips from local anti-drug young people. An occasional carload of hippies stops in St. Francis, but not for long. Sheriff Lee says, "We visit with them a while and try to make it clear that they'd be happier somewhere else."

HOMEGROWN

There has never been any racial conflict in St. Francis, simply because there is not a single black family living in the county. Women's liberation is incomprehensible to farm wives who drive tractors, operate milk routes and manage the accounts. Many working residents are poverty-stricken, earning less than $3,000 a year, but don't know it because of the low cost of living and homegrown food. Succulent beefsteak tomatoes accompany every meal, which always includes at least three vegetables, a huge platter of steak or other meat, salads and desserts—more calories than most city dwellers consume in a day.

On Saturday nights the Riverside Golf Club throws a smorgasbord party, the churches offer a basket supper, and the only movie house in town, currently showing "The Godfather," is generally packed. Many head for the Elks Club in Goodland, 33 miles southeast, for a "red beer" (beer mixed with tomato juice) and a sirloin-steak dinner for $3.75 (also offered: lamb fries, or "Rocky Mountain oysters" as the deep fat-fried lamb testicles are named). At the Elks Club, they dance every dance while Eddie Frank's Orchestra mixes oldies with polkas. Country and Western is out, despite what the Easterner may think: "I'm a hick but I can't stand that stuff and no one else I know can either," says Don Krien, a young St. Francis farmer.

A big affair in the last few weeks, sandwiched in between the annual Cheyenne County Fair and the St. Francis Fall Golf Tournament, was the unveiling at the Farmer's Co-op of the newest John Deere tractor—$14,000, including air-conditioned cab, radio and stereo tape deck.

There's a remoteness to St. Francis that is not wholly geographical. The network evening news programs come on at 5:30 when most men are in the fields, playing golf, or at the office, and wives are fixing supper. Practically no one here saw the Democratic convention because July is wheat-harvest time, with eighteen-hour days for the entire family. But the people are not as unsophisticated as the Easterner's sterotype might have it. A well-stocked and used city library in the basement of the courthouse subscribes to more than 50 magazines, ranging from Successful Farming and Irrigation Age to Opera News, Saturday Review and Ebony (despite the absence of blacks). There's a constant flurry of concerts, lectures and programs at women's clubs, schools and churches, and a university extension course in Elements of Art was heavily subscribed this year.

ADVERSITY

For all their good life, St. Francis people have a gnawing apprehension that the town as it is now is dying. Farmers who have known drought, dust storms, hail, floods and ever-fluctuating prices are facing a new adversity, and it is ominously different. "We are exporting our only resource, our children," says Carl Sperry, superintendent of St. Francis's two schools and an educator here for 25 years. "There is nothing to come back to, jobs or farming." Cheyenne County's population has declined from 7,200 in the Dust Bowl 1930s to 4,200 today—a result of the small farmer being squeezed out, farms getting bigger and no new jobs opening in the town.

Raymond Zimbelman is typical of the St. Francis and Midwestern farmer. He and his wife Dorine were both born on farms in St. Francis. He attended high school here ("no one thought of college in those days,

you went to the farm"), then went to work on his father's spread, which he bought in 1951. His oldest daughter, 24, is a registered nurse in nearby Yuma, Colo. Another daughter, 18, left last week for Fort Hays State College ("I'm just glad to get out of here, it's so dull living in a small town," she said on returning from seeing the town movie for the second time last week). The only son, 16, is a junior in high school, a center on the varsity football team and a calf-raising 4-H member who has helped farm since he was 10. He plans to go to college and has made it pretty clear that he doesn't want to farm. 'That's just as well," says Zimbelman. "I do not know what we'd do if he wanted to."

"What we're seeing," says Zimbelman, who at 50 is considered one of the "young farmers" in town, "is the first generation of farmers who aren't turning their land over to their sons. Some boys don't want to farm. But we both can't afford to live off the one place anyway, and my son won't be able to afford starting out on his own. He'll go off to college, I'll retire and that will be the end of the farm my father homesteaded."

St. Francis did attract one new enterprise last year. Consolidated Freight Trucklines of Chicago moved twenty drivers from Chicago to St. Francis as a way station between the Denver and Kansas City route. Ironically, the twenty drivers have been moving into the farm homes abandoned by the farmers and have taken to country living with gusto: they buy horses, their children join 4–H and enter exhibits at the county fair, their wives bake bread and raise their own vegetables. The truck drivers wear nothing but cowboy boots, hats and clothes. "You'd think they were cowboys," says one native, "only the Chicago accent gives them away."

And the town has had a few urban expatriates. Arthur Kruger, 42, moved his family from Denver in 1971 and bought out the local clothing store. "Things were just getting worse and worse," Kruger now says of his old life, "—taxes, forced busing of my kids, and we just wanted the opportunity for better life we knew existed in a small town." Kruger now takes his two young sons out golfing at Riverside two or three afternoons a week, and he and his wife are active in the Lutheran Church. "We didn't know what living was till we got here," he says.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, the Hartke Foreign Trade and Investment Act of 1972 has been directed to the restoration of some balance to the international trade picture. Recognizing the impact of unfair international practices, the Hartke approach is designed to save American jobs and preserve our diversified industrial base.

In the past, many of the charges of unfair competition have been leveled at the Japanese. Ironically, they are now being subjected to the same type of ruinous competition in a field long thought to be a Japanese preserve—high quality cameras.

Faced with an invasion of world markets by Chinese, Soviet, and East European cameras, the Japanese are now being forced to relocate some of their production facilities abroad. Properly applied antidumping procedures might have afforded the Japanese some relief against a similar Western onslaught, but are apparently of no avail in trading with the socialist bloc.

The Japanese case puts in clear relief the danger to our diversified industrial base. We have already lost the quality camera market. Many of our electronic industries are presently headed down the same road to industrial oblivion.

Mr. President, a recent issue of Forbes magazine has recounted the current plight of the Japanese in a most interesting fashion. Because of its implications for our own trade quandry. I ask unanimous consent that the Forbes article be printed in the RECORD.

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

LOOK WHO'S CRYING NOW

Mounting wage rates, foreign dumping, unfair competition. Sounds like an American businessman talking. Actually, those are the wails of Japanese executives suddenly worried about one of their prestige industries: cameras.

When Japanese businessmen launched their postwar invasion of foreign markets, one of their first victories was in cameras. In the early years, their Nikons and Canons and Minoltas pushed Germany's Leica and Rolleiflex brands hard. Then, when the single-lens reflex camera captured the bulk of the quality market, the Japanese, especially with the Asahi Pentax, walked off with almost all the prizes. Today quality cameras are close to being a Japanese monopoly.

Western businessmen raised the expected cry of "unfair competition from cheap Japanese labor." Since a Japanese worker earned almost a third less than a German worker, it was impossible to compete with the Japanese, German camera manufacturers complained. What added insult to injury, they said, was the fact that Japanese cameras were imitations of German cameras. The Nikon was a copy of the Contax, the Canon of the Leica, the Yashica of a Rolleiflex model.

Actually, the Japanese cameras were better, as well as cheaper, but the low price unquestionably was a factor in making them so popular.

Fifteen years later, look at who is undercutting whom. Last year the Zenit camera, a single-lens reflex, began selling in Japan for the equivalent of about $45, a third less than a comparable Japanese camera. The Zenit is made in the U.S.S.R. In West Germany, Canada and the U.S., the Communist Chinese now sell cameras called the Seagull and the Pearl River. The former is an imitation of the best-selling Japanese Minolta SR–2 line, but is priced an average one-sixth less. In Australia, East German camera makers are undercutting Japanese list prices by as much as 50%.

The Communist-made cameras are not top-quality cameras. In that market, price is never an object. In the medium-quality market, however, price always is, and that is where the Communists are offering the Japanese stiff competition. They're now selling as many cameras in the United Kingdom as the Japanese, for example, although the value is nowhere near as great: U.K. photographic imports from Japan last year ran to $7.8 million, as compared with $800,000 from East Germany and less than $918,000 from the Soviet Union.

For Japan, it is one of their first tastes of the same U.S. problems they took advantage of during the Fifties and Sixties. There are mounting labor costs. Wages are growing at 15% to 20% a year. Ten years ago, the typical Japanese factory workers earned 29 cents an hour. Today that figure is $1.46. With labor 80% of the cost of a camera, Japan's longtime cost edges is rapidly evaporating.

Then there is the desire of the Communist Chinese, East Germans and Russians for dollars and other currencies, the same eagerness that characterized Japan during the past two decades. This means that the Communists are willing to sell a camera overseas for less than it costs to make; they can always make up the difference on the home market. "When they want dollars for any reason, they don't care what price they sell at," says Sam Kusumoto, head of Minolta operations in the U.S.

And adding to the headaches of Japan's camera industry was the yen evaluation, which forced most of the companies to raise export prices 15%. (Over half of the cameras produced are exported.) For example, Nikon Fs went from $230 to $265.

Like the Japanese, the Communists have been quick to see why cameras are an ideal entree into international trade. Their high labor content, of course, gives low-wage countries a big advantage. Their relatively high price and small size minimize the importance of shipping costs. And the technology, once developed, can easily be copied.

To offset their increased labor costs, the Japanese are setting up plants in Southeast Asia. Yashica is making cameras in Hong Kong, where costs will average 20% lower. Ricoh and Canon have gone into Taiwan Mamiya is manufacturing in Korea.

The Japanese are also making some other sensible moves. They are shifting more of their production from moderate-priced ($100 to $250) cameras to expensive ($250 and up) ones. In all probability, they would have done this even if the Communists had not entered the medium-quality market. The Japanese are keenly aware that as wages rise a nation must produce higher and higher quality goods, because it will be increasingly unable to compete with low-wage countries in low-quality goods. Even before they started producing cameras in low-wage areas like Hong Kong, Taiwan and Korea, they already had started producing low-quality textiles there.

What the Communist camera threat did, therefore, was merely to step up the move abroad.

Still, the gods must be laughing. Here are the Japanese, long a target for charges of unfair competition. And now they're being undercut by the Communists.

SOCIAL SERVICES PROGRAM

Mr. ROTH. Mr. President, during the past several weeks, I have on many occasions spoken with other Senators concerning the social services program, an open-ended Federal program which I consider the equivalent of "back door" revenue sharing.

As you may recall, the Federal commitment for the funding of social services practically exploded during the past 2 fiscal years as State after State discovered and took advantage of the liberal financing provisions of the program. In one State alone, the Federal contribution increased by 42,000 percent; in other States, increases of several hundred percent are quite usual.

For instance, although the original social services budget estimate for this fiscal year was $1.2 billion, it is now estimated that at least $4.7 billion will be spent on the program. This would be about a sevenfold increase since fiscal year 1971, when we spent $746 million in Federal money for social services. Frankly, these large and apparently disproportionate increases in spending disturb me deeply. It is for this reason that I have worked with the distinguished senior Senators from New Hampshire and Washington (Mr. COTTON and Mr. MAGNUSON) to impose some sort of spending ceiling on this social services program. Unfortunately, our efforts have not

met with complete success thus far, but I am hopeful that a ceiling will be adopted by the Senate before we adjourn.

Whatever its level, however, such a ceiling would serve as merely an interim measure. For years beyond 1973, Congress must undertake an honest assessment of this program's worth. There is no doubt that the threat posed by the vastly increased spending for social services is a very serious problem; but perhaps more serious is the almost complete lack of information as to how this money is spent, because without such data we have no way of knowing whether our money is being wasted or spent soundly.

At this time, there is no single person or agency who knows how many State programs are being financed under social services; similarly, nobody knows exactly what the State programs are. And, as many Senators might suspect, since we do not know how many or what kind of programs are being financed, we have no idea how well the social services program has achieved its stated goal of keeping persons off welfare. Personally, I doubt seriously that the number of trained professional social workers in this country has increased several hundred percent during the past 2 years; and, I doubt that the "social services" made available to the blind, disabled, and the poor have increased several hundred percent in the past 2 years. I am certain that even if the number of social workers and the number of programs have increased, there has not been a corresponding decrease in the welfare rolls.

Despite my personal doubts, however, I consider this program too important for a decision as to its future to be based solely on personal conjecture or speculation. Rather, I believe that Congress should have available to it as much concrete, factual data as possible. It is for this reason that I have requested the General Accounting Office to undertake a study of the social services program. Specifically, I have asked the GAO to consider providing the Congress with reports on:

The effect that social services have on helping welfare recipients achieve self-support or reduced dependency; and,

The manner in which the Department of Health, Education, and Welfare and several States account for Federal dollars spent on social services and the type of State programs being financed with these dollars.

Such information will, I believe, be extremely valuable to the Congress and assist us in assessing the effectiveness of this enormously expensive program. I ask unanimous consent that the text of my letter to Comptroller General Staats be printed in the RECORD.

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

WASHINGTON, D.C., *September 1, 1972.*

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accouting Office, Washington, D.C.

DEAR MR. STAATS: Recent articles in the press and discussions in Congress have highlighted a significant problem with that part of the Nation's welfare program dealing with social services. Because of certain provisions in the Social Security Act and broad Federal regulations, the Federal Government has an open-ended commitment to match three Federal dollars for each dollar that States spend on social services to the poor. The definition of social services—developed by the Department of Health, Education, and Welfare—covers almost anything imaginable, except education.

This open-ended social service commitment has apparently become an unofficial revenue-sharing program and has caused the amount of Federal funds spent on social services to increase from $345 million in fiscal 1969 to an estimated $4 billion in fiscal 1973.

The Senate Committee on Appropriations tried to hold down the tremendous cost growth of the social service program through placing a limitation on the amount of Federal dollars that could be spent on social services. The limitation, however, was eliminated in conference. Although there will undoubtedly be further attempts to institute cost limitations, such limitations will only provide short-term solutions.

Social services certainly have some proper role in our Nation's welfare program. But to adequately assess what this role should be and arrive at long-term solutions for making the welfare program more effective, the Congress needs information on program performance and the manner in which States are spending Federal funds. The Congress does not know whether services are effective, or even what specific State programs are being financed with Federal social service dollars.

I urge, therefore, that the General Accounting Office undertake work to provide the Congress with the answers. Specifically, I request that you consider providing the Congress with reports on:

The effect that social services have on helping welfare recipients achieve self-support or reduced dependency, and

The manner in which the Department of Health, Education, and Welfare and several States account for Federal dollars spent on social services and the type of State programs being financed with these dollars.

I can assure you that such reports would be extremely useful to the Congress.

I look forward to your response.

Sincerely,

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

COMPROMISING LEGAL SERVICES TO THE POOR

Mr. HUMPHREY. Mr. President, I fully share the serious concern of those Senators who worked diligently for months on end to achieve enactment of effective legislation to continue and expand the war on poverty, only to find it necessary to make significant compromises in the final conference report on this legislation to avoid a second veto by the President that would have halted existing economic opportunity programs altogether.

Not only was it deemed necessary to drop the authorization of a vitally needed child development program, leaving it to an uncertain future, after Senate passage, as separate legislation; not only was it deemed necessary to cut back total authorizations by $1,031,900,000 below what the Senate had originally approved for fiscal 1973, and $918.2 million below its authorizations for fiscal 1974; not only was it necessary to give the President even more than a controlling role in the appointment of the Board of Directors of a newly authorized Legal Services Corporation to meet his unique definition of an independent, nonpolitical agency; no, none of this was sufficient. To save the war on poverty from ending in total defeat under the present administration, it was deemed necessary for the Senate and House conferees, deeply committed to these programs, to agree that the entire title creating the Legal Services Corporation, which supposedly had been worked out over lengthy negotiations with an administration which publicly gave this Corporation its support, must now be stricken from the bill. While the present legal services program in the Office of Economic Opportunity does continue to exist on paper, it should be clearly recognized that this program has been without a director since February. That fact in itself demonstrates an absence of commitment by the Nixon administration to giving millions of poor Americans the access to legal services that is demanded if we are to bring into reality the promise of equal justice and opportunity.

In previous Senate debate on the Economic Opportunity Amendments of 1972, I stated my profound concern that effective legal aid not be denied to over 25 million poor Americans who must be guaranteed the equal protection of the laws. It is the denial of this protection that is the harsh reality of poverty. It is the height of hypocrisy to counsel a poor family that ours is a government of laws when, under those laws, they find no recourse in the face of an eviction notice, or outright fraud, or unexpected interest charges that make it impossible to meet loan payments, or a civil or criminal action without adequate defense counsel. Equality before the law means that low-income persons must have the same access to justice as do more affluent Americans.

I urge the administration to recognize the intent of Congress that the war on poverty must no longer be a halfhearted skirmish—a firm position expressed in congressional action to authorize funding levels for economic opportunity programs at $200 million above the budget request for fiscal 1973 and $300 million above the actual spending level for the last fiscal year. I call upon this administration to raise the OEO legal services program to its full scale of operation as authorized by Congress. And I insist that the next Congress put itself immediately to the task of enacting legislation to end the exploitation and despair of millions of poor Americans who are without effective recourse to legitimate systems of settling disputes—the bedrock foundation of respect for the law.

TVA WEIGHS THE SOCIAL AND ENVIRONMENTAL NEEDS OF TENNESSEE WITH REGIONAL PLANNING

Mr. BROCK. Mr. President, the Tennessee Valley Authority's contribution to Tennessee and the other States of the Tennessee River Valley is immeasurable. In countless areas the TVA has served as the catalyst for growth in the seven State region.

Today, TVA has a new challenge: to walk the narrow path between the current economic needs of our citizens and

the impact meeting those contemporary needs will have on our environment over the long term.

The Tennessee Valley Authority is in perhaps the most opportune position to set an example for the rest of the Nation on how this tightrope should be traversed. The regional scope of the TVA permits it to plan development measuring its impact, not just on the people in the local area but valley wide, and not just this year but for the foreseeable future.

Mr. President, in an address before the Oak Ridge Rotary Club of Oak Ridge, Tenn., TVA Chairman A. J. Wagner made an excellent analysis of the questions we must answer if regional planning and environmentally sound development is to succeed. The interaction of social needs and environmental protection is perhaps the most complex relationships we face in determining the shape of the American future. The relationship between population, food supply, resource availability, pollution, technology, and industrial growth are all mutually interacting aspects of a dynamic system, many of which are difficult to quantify in traditional economic terms. It is vital that we develop a systematic approach to weigh these considerations so that we may efficiently and effectively allocate our resources meeting the demands of the future.

Because it represents a cogent and thoughtful perspective, and because it illustrates the remarkable insight of a fine public servant, Mr. President, I ask unanimous consent that the entire text of Chairman Wagner's speech be printed in the RECORD.

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

REMARKS BY A. J. WAGNER, CHAIRMAN, TENNESSEE VALLEY AUTHORITY, BEFORE OAK RIDGE ROTARY CLUB, OAK RIDGE, TENN., AUGUST 3, 1972

Since the beginning, a prime obstacle to civilized advancement has been man's penchant for extremism. Polarization of ideals and ideas has been the stumbling block in the way of world peace, of humanitarian causes of every stripe throughout history. And today, in this Nation's newfound and long overdue concern over the state of our environmental condition, it threatens to dissipate invaluable time, energies and resources—where there are none to spare—from the everlasting quest for true and full equality in life.

We suffer still from a "we—they" complex. "If only *they* would stop developing, building, industrializing, polluting, (choose your own word depending on the special interest you espouse), then *we* could have a clean and safe society."

Last month's issue of *Tennessee Survey of Business* reported on a graphic example of this syndrome. A University of Tennessee marketing survey explored the extent to which Tennesseans are willing to pay the cost of cleaning up the environment. The survey, while limited in scope, revealed some shocking but predictable feelings. While some 85 percent of those interviewed agreed that environmental quality was a matter of extreme importance, over 60 percent would be willing to pay only a token amount to remedy environmental problems, and over 30 percent stated they would pay *nothing* to improve *any* aspect of our environment. In short, when brought to the realities of actually paying more for goods and services and other basics to solve environmental problems, the majority do not manifest the will to act. For too many of our people, the problem is not personal. It belongs to someone else, some place else.

To be sure, there are some purposeful polluters who act in single-minded pursuit of quick personal profit, dumping their wastes needlessly at the deliberate expense of the public's air, water, and land. When such situations are discovered, there can be no compromise. They must be stopped. But at the root of our troubles we will not find a cause so simple as the greed of a few men. In truth, all men are polluters. And in the main, our environmental problems are produced in fulfilling human wants that are basically reasonable and necessary.

Certainly, this Nation and its people stand at least partially guilty before the charge of materialism. But adequate housing, protection from extremes of weather, proper diet, personal mobility, meaningful employment and enjoyable leisure are basics which can hardly be considered excessive. Yet each has a marked and lasting impact on our environment. Collectively, fed by the increasing needs of a growing population, they form the real environmental dilemma we face today.

In this setting, there are no simple answers. The scope of environmental quality demands that we patiently and persistently identify the true dimensions of our problems and the consequences and the costs of alternatives available for their solutions. It calls for a broad overview, a balanced approach that recognizes the interlocking nature not only of our environmental problems but of *all* living things. We in TVA are deeply committed to this approach, and it is in this context that I want to discuss a few of the major environmental issues facing our Tennessee Valley region today.

As a point of beginning, any honest assessment must deal with what will be necessary to meet the legitimate needs of all Valley people, not only in this decade but through the end of this century and beyond. This issue is basic to all others. A recognition and concern for this fact is why so many of you in Oak Ridge are working to develop peaceful uses of the atom, and to avoid adverse environmental effects in the process. Unfortunately, however, much environmental talk today refuses to face up to these hard questions at the outset, and that refusal leads to some myopic views and gross misconceptions about what *is* and what is *not* possible as we move to shape the future of the region.

What do we know about the years just ahead? How many people will we have in this Valley and what can, should, and must be done to provide the basics of quality living for those people? How many jobs, how many homes, schools, how many hospitals, how much energy and what kind of quality must be built into these ingredients?

Let's look at some hard facts. This week there are two million more Americans than there were last summer. Although the nationa birthrate has been declining for several years, the mathematics of motherhood is still adding more than one percent per year to the Nation's population.

In our region, conditions are similar. By the end of this century, the Valley region is projected to have a population approaching 9.9 million, an increase of more than three million people from its 1970 level. Some 2.3 million people are at work in the region today. Jobs to serve the Valley a generation from now must climb more than 50 percent, an addition of around 1.4 million to the labor force. This is not just a statistic to satisfy someone's notion about a growing economy. It is the very human and social problem of finding useful and satisfying outlets for the hopes, the ambitions and the talents of the young people growing up here today.

Of course, these projections are not absolute. Many factors, some over which we have control and many others over which we do not, will affect current trends. But what we *do* know is that no amount of wishing can change the inexorable fact that many more people are going to make increasingly heavy demands on our finite resource base as we move swiftly toward the year 2000.

Remember, we cannot deal with a world as we might *wish* it to be. We are living here and now in a *real* world and these are *real* people we are talking about. The parents of the children to be born in 1990 are already here. Zero population growth may well be the ultimate answer to many of our problems, but the simple truth is that it cannot be realized immediately and no decision in this regard somewhere down the road can change the fact that the people already here and those who inevitably will follow must be provided the best living and working conditions possible.

This, then, is the basic framework within which our decisions must be made. People, and their demands for food, clothing, shelter—and the industries and businesses to provide these necessities—are going to come. And if we don't recognize this inevitable fact and begin now to plan for and control this movement, then the worst fears of all of us who are *sincerely* interested in the environmental future will be realized.

Our problems extend beyond what might be termed mere people pressure. *Where* the people are is an issue that must be considered in tandem with *how many* people there are and will be. For more than seven out of ten Americans, home is now an urban setting and, if present trends continue, by the end of this century the ratio is expected to climb to 9 of 10. Nationally, our cities, for decades, have had to cope with an enormous influx from the countryside, and they have never recovered. The city migrant increasingly finds his dream of the good life has become a nightmare of congestion and decay, while his country cousins have too often been left in areas of lonely decline.

One alternative to solving our problems here in the region is to shove them off on someone else, some place else. In a word, continued outmigration to Cleveland, Detroit, Chicago, and other major metropolitan centers. But is this a fair choice for people? Is this the opportunity for quality in life we hear so much about?

Such callous disregard for the millions of Americans who have not shared fully in the abundance of this, the richest Nation in the history of the world, is totally unacceptable. It stifles and destroys the lives of those who, unprepared, migrate to the industrial slums of our large metropolitan centers. And it adds intolerably to the seemingly unsolvable problems of those beleaguered officials who are trying so desperately to cope with too many people in too little space with too few resources.

The soul-searing ugliness of hard-core poverty is the chief environmental ugliness we still have to combat in this Nation. The idea that there is "an inherent richness in rural poverty," as one well-meaning person tried to explain to me recently, is pure myth. If there is any "richness" in poverty—rural or urban—it escapes me. And it is long past time for those of us secure in our suburban ranchers to understand it for what it really is.

It has been suggested that continued economic growth cannot be part of our future in this Valley. Instead of sending our talented young people and our poor to Detroit, it is apparently feared that we would bring Detroit to the Valley, wrecking our environmental hopes in the process.

But there is another alternative—a course that can enable us to have economic gains and still maintain the overall quality of life we hold so precious. Here in the Valley, planned industrial growth is helping disperse population, countering the national trend toward sprawling metropolitan clusters.

Eighty percent of this region's new industrial jobs are being created outside the metropolitan centers. The people who are filling these new jobs still have access to open space, to green fields and forests and lakes and streams. Here lies opportunity to create a life-style that can be a living model of the best of *both* economic and environmental excellence. This opportunity should be easy to understand here in Oak Ridge—a living and working example.

What we are suggesting is a viable alternative to the concepts of "no growth" or, on the other hand, mere "growth for growth's sake."

The balanced approach to planning for the region's future is the critical factor. We cannot concentrate on city, suburb, or countryside alone. If we really expect to provide present and future citizens with the opportunity to stay and live and work in this region, and if we expect to sustain a livable environment in the process, we must move now to create a rural-urban mix of people and jobs and services on a regionwide basis. We need to help create a system of cities, towns, and villages with open space within and in-between.

The alternative to such planning is chaos, compounded of unfettered development and maximum adverse impact on the environment. Look at typical urban development today with its sterile, treeless tracts and highway strip growth. Imagine those areas a couple of decades from now. I think you can see in your mind's eye the same pollution and decay that now afflicts old inner cities, except that it would be compounded on a scale too devastating to fully comprehend.

Given these predictable parameters of both the problems and the opportunities facing the Valley, we can make some judgments, based on sound fact rather than wishful thinking, about what we have to do to get the kind of quality we want out of life.

We must have a balance between controlled water supply and the need for scenic streams, preserved in their natural state for the aesthetic value they provide. Maintaining this balance requires that we assess all of the factors involved and come up with the best possible use of a particular watercourse, the one that will serve the greatest number of people over the longest period of time.

If the people now living and those inevitably to be born in the Duck River area of middle Tennessee, for example, are to stay in the area, building that blend of urban opportunity and rural heritage we are seeking, they must have a controlled, safe water supply. If the people of the lower Little Tennessee are to alleviate their crying need for jobs and improved incomes, they must be allowed to take advantage of the unique potential of the water and land resources available to them.

But the people of this Valley also need their Obed, Emory, Buffalo, and Hiwassee Rivers, preserved and protected. This is the balanced approach to regional development at work. In some areas it calls for carefully coordinated development. In others it demands the preservation of land and water in its present condition. This is true in respect to all of our basic resources. The inevitable pressures of people and their legitimate needs dictate that neither the status quo nor unbridled change can hold sway. We must have a blending of the best of both.

A catalyst for much of the environmental and economic progress over the past four decades has been electric energy. It will remain a vital factor in any hopes for quality living in the Valley of the future. Producing the growing amounts of electricity required in this region presents difficult, but not unsolvable, problems. For example, to meet energy needs over at least most of the remainder of this century will require the mining of coal—and some of that coal will have to be obtained from surface mines. Again, we need to separate fact from fantasy. Idealistically, we might *wish* we had not had to have the ultimate weapon of destruction that created this city of Oak Ridge. We might also wish we did not have to face the environmental problems produced by strip mines. But considering the alternatives, we did, and we do. The "real world" question is, what do you do about it?

We can begin by saying that destruction of the American landscape cannot be tolerated as a byproduct of strip mining. We can work to develop techniques and technology to reclaim and restore most strippable land, and we can say that where such techniques are not applicable the land must not be mined.

We now have the necessary technology to reclaim most mined lands, restoring their productive and aesthetic value. Indeed, it is of more than passing interest to note that this technology has been and is continuing to develop rapidly. Men have been going into the black holes of deep mines for centuries and still human and environmental hazards remain. But we now have the ability to extract a vital and valuable mineral resource by strip mining without destroying the countryside in the process.

It can be done. Is it being done? TVA can help, but it can't do the whole job alone. As the only major purchaser of coal in this country requiring reclamation of its suppliers and in working to refine the technology to enable even more effective reclamation, we are trying to show the way. The real stumbling block is public desire, the need for an informed citizenry and the will of their elected representatives to develop and apply national solutions to a national problem.

This, again, is the broad, balanced approach at work. It says, in effect, use technology to *serve* man's needs rather than allowing him to become the servant of technology. It says we can control the hazards of mining, of ash and gaseous air pollution—and this is what TVA and other concerned conservationists are working to accomplish.

For the first time in man's history, we have the opportunity to disprove the myth that muck and money are inseparable, that man must destroy to create. Through wise application of scientific knowledge, we can replace the concept of planned obsolescence that has prevailed too long in our throwaway society with a new emphasis on reuse and recycling of resources and wastes.

A prime example is the joint efforts by TVA, the Commonwealth Edison Company, the Atomic Energy Commission, and the total electric industry to build and operate the Nation's first liquid metal fast breeder reactor plant on the TVA system. Our goal is to demonstrate that the breeder can produce electricity efficiently and reliably with a minimum impact on the environment. It has the potential to extend the useful life of our basic energy sources by many centuries. It is environmentally cleaner and holds the promise of being more economical than present generation methods.

These same concepts of testing and demonstrating need to be expanded to address all of the broad questions facing this Nation and its hopes for a better way of life.

New technologies for improved transportation, communication, waste processing and new techniques for education, rural health, recreation—to name just a few—are needed to foster successful, integrated town-country communities. This is where efforts like the new city of Timberlake come in. Here we have the opportunity to test many new ideas within the context of a viable, living community. It extends the concept of "new towns" beyond the "bedroom community" stage, where residents merely spend a few hours away from their jobs. It would have its own economic base, the modern industrial complex on Tellico Lake—a complex that can show the way to a nonpolluting industrial society while providing the jobs and income so vital to halting the forced flight of our people to some overcrowded metropolis. This same spirit is at the heart of an effort just beginning in the lower Elk River area, an effort designed to expand social, cultural, and economic opportunities without sacrificing the uncluttered quality of rural life.

How much land will be needed for future business and industry? How much for homes and community services? Which natural and scenic areas must be preserved to assure balance and provide for a wide variety of recreational experiences? Where will trees grow and which areas should remain in farm land? TVA is seeking answers to these hard questions—answers based on the possible and the plausible as well as the desirable. But, in the end, society—and that means all of us—must make the decisions on the directions we want to go.

This is why it is so critically important that the public have access to creditable and accurate information upon which to base those decisions. If we are to act intelligently, we simply must be able to distinguish between what is fact and what is personal opinion. As I indicated at the outset of our discussion, in a climate of polarization this difference is not always clear.

There will be differences of opinion, of course. This is as it should be. But success will depend on the extent to which we form our opinions on the basis of facts rather than hunch. It will depend on the use of reason rather than emotion, on a sincere desire to provide real *help* instead of mere *headlines*.

Our goal in this region should be to provide people with alternatives involving a variety of living and working environments, aiming at the highest possible quality in each, offering the greatest benefits for the greatest number over the longest period of time.

Perhaps you have heard about the tourist who asked the distance between this atomic city of Oak Ridge and Cades Cove in the Smoky Mountains. The answer someone gave: "About 150 years." This is our great challenge. We must be about the task of bridging this time span, pledged to keep the best of both eras.

EFFECT OF BILLS TO CONTROL BARBITURATE DIVERSION ON PHYSICIANS AND PHARMACISTS

Mr. BAYH. Mr. President, during the past year, the Subcommittee To Investigate Juvenile Delinquency, of which I am chairman, has been investigating the problems of barbiturate diversion and abuse. Barbiturates, like amphetamines, are not viewed with the concern that we view morphine and heroin, although we know that when used improperly, barbiturates may be even more debilitating. Casual attitudes toward these potentially destructive drugs, coupled with a readily available supply, appear intimately connected with the current trend in barbiturate abuse.

Many witnesses, including former barbiturate addicts and law enforcement officials, have told the subcommittee that barbiturates are obtained illicitly from friends, street dealers, physicians, pharmacies, or by pilfering abundantly supplied family medicine cabinets. Others have suggested that a significant percentage of the persons abusing barbiturates obtain them originally through legitimate channels and then resort to self-medication, nonmedical use, or even illicit dealing. Newspaper reporters work-

ing with the district attorney in New York City obtained barbiturates with prescription blanks printed at nominal cost, bearing the name of "Dr. D. M. Sugob" which, spelled backwards, reads "Bogus, M.D.". These prescriptions showed no BNDD number as required by law. A youngster, age 16, himself formerly a barbiturate addict, remarked that it is less of a "hassle" to obtain "downers"—barbiturates—than it is to purchase cigarettes.

Although specific numerical estimates differ, there appears to be a consensus that a significant proportion of legitimately produced barbiturates find their way into the illicit market. Mr. John Ingersoll, the Director of the U.S. Bureau of Narcotics and Dangerous Drugs, recently told the subcommittee that:

Unlike the case of all other major drugs of abuse it appears that barbiturates are supplied exclusively from what begins as legitimate production.

In April, I introduced two bills designed to provide a more effective means of dealing with the problems of barbiturate diversion and abuse. The first bill, S. 3539, would provide for the rescheduling of four commonly abused shorter-acting barbiturates from schedule III to schedule II of the Controlled Substances Act. This change would subject these particular barbiturates to stricter production and distribution controls as well as more stringent import and export regulations. The second bill, S. 3538, would require all manufacturers and producers of solid oral form barbiturates to place identifying marks or symbols on their products.

On July 20, I introduced S. 3819 to require manufacturers to incorporate inert, innocuous tracer elements in schedule II and III substances. Law enforcement officials have testified that the markings and tracers would assist them in tracing barbiturates diverted to the illicit market back to the original production and distribution sources.

We are not sure whether all of these measures will be necessary to deal effectively with the diversion and abuse of barbiturates. The subcommittee will continue its consideration of these bills during the coming months before recommending specific legislative action.

Many legitimate inquiries regarding the rescheduling of barbiturates have been raised by physicians and pharmacists. It is important to remember that the scheduling of a controlled substance in schedule II is intended to accomplish one objective, to deter or prevent diversion of the substance whether by fraud, theft, pilferage, or burglary. Rescheduling will also effect changes in the manner barbiturates are handled by physicians and pharmacists. A brief discussion of these changes follows:

SECURITY

All "practitioners" must store schedule II drugs in a securely locked, substantially constructed cabinet. BNDD indicates that locked desks, file cabinets with locks, wood or metal cabinets with locks, or small safes meet this requirement. The Controlled Substances Act defines the term practitioner as follows:

A physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

ORDER FORMS

A triplicate order form is required for each distribution of a controlled substance listed in schedule II. The purpose of the order forms is to permit BNDD to trace the movement of the substances and to enable agents to spot diversion, for example, excessive orders or leaks. Forms are not required when schedule II drugs are procured by a patient pursuant to a written prescription or when they are dispensed or administered directly to a patient by a registered individual practitioner. The forms are free.

RECORDS AND INVENTORIES

All dispensers of schedule II drugs are required to maintain exact records regarding the distribution and maintenance of these drugs for at least 2 years from the date of the entry. Individual practitioners must maintain these records separately from other records. Pharmacists and institutional practitioners must maintain records and inventories separately and keep schedule II prescriptions in a separate prescription file. An individual practitioner is not required to keep records with respect to nonnarcotic substances in schedule II which he dispenses in any manner unless he regularly charges his patients, either separately or together with charges for other professional services, for such substances so dispensed. Thus, when he substitutes his services for those of a pharmacist, records must be kept. The act provides the following relevant definitions:

The term "individual practitioner" means a physician, dentist, veterinarian, or other individual licensed registered, or otherwise permitted, by the United States or the jurisdiction in which he practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacist, a pharmacy, or an institutional practitioner.

The term "institutional practitioner" means a hospital or other person (other than an individual) licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which it practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacy.

The term "pharmacist" means any pharmacist licensed by a State to dispense controlled substances, and shall include any other person (e.g., a pharmacist intern) authorized by a State to dispense controlled substances under the supervision of a pharmacist licensed by such State.

The term "prescription" means an order for medication which is dispensed to or for an ultimate user but does not include an order for medication which is dispensed for immediate administration to the ultimate user. (E.g., an order to dispense a drug to a bed patient for immediate administration in a hospital is not a prescription.)

PRESCRIPTIONS

First, a pharmacist may dispense schedule II drugs only pursuant to a written prescription signed by the prescribing individual practitioner, except that in the case of an emergency, a pharmacist may dispense a schedule II substance upon receiving oral authorization of the prescriber provided that:

The quantity is limited to the amount required to treat the patient during the emergency;

The pharmacist reduce the prescription to writing;

If the prescriber is not known to the pharmacist a reasonable effort is made to verify the authenticity of the authorization; and

Withing 72 hours the prescriber supply a written prescription to the pharmacist.

Second, the refilling of a prescription for a controlled substance listed in schedule II is prohibited, except when authorized by a physician.

Barbiturate abuse is a problem that should concern us all. It reaches into every strata of American society. Barbiturate abuse can lead to psychological or physical dependency, or both. Barbiturate withdrawal is a serious medical emergency requiring hospitalization. It is more dangerous than heroin withdrawal and can be deadly.

The abuse and diversion of legitimately produced dangerous drugs into channels other than legitimate medical, scientific and industrial channels should be a primary concern for all citizens. While the current focus of concern today is on heroin addiction, it would be folly to overlook the present and prospective role of legitimately produced dangerous drugs such as barbiturates.

DR. IRA A. MORRIS, WINNER OF JOHNS HOPKINS HOSPITAL'S DANIEL BAKER, JR., MEMORIAL AWARD

Mr. BEALL. Mr. President, as a member of the Health Subcommittee of the Committee on Labor and Public Welfare, I have long been interested in the health care available to the citizens of the Nation. Of particular concern to me is the development and maintenance of trained health care personnel to wage the battle against all forms of disease in this country. It is, therefore, most encouraging to learn of a doctor who possesses an extraordinary dedication to his patients, substituting friendly conversation and genuine concern for institutional coldness and factory-like efficiency.

Such a man is Dr. Ira A. Morris, this year's winner of the Johns Hopkins Hospital's Daniel Baker, Jr., Memorial Award for dedication and attentiveness. Dr. Morris has combined personal involvement with medical proficiency.

I ask unanimous consent that the article entitled "Hopkins Cites 'People Doctor,'" published in the Baltimore Evening Sun of August 17, 1972, be printed in the RECORD.

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

HOPKINS CITES "PEOPLE DOCTOR"

(By Robert Douglas)

Although the horse-and-buggy doctor making friendly house calls has ridden off into medical history, his legendary concern for

patients is something many physicians strive for today.

Dr. Ira A. Morris apparently is one who does. He is this year's winner of the Johns Hopkins Hospital's Daniel Baker, Jr., Memorial Award, for dedication and attentiveness.

Dr. Morris, attacking institutional coldness with a warm handshake and sympathetic conversation, says he tries to put into practice his belief that patients must be approached with an eye to their personal problems.

The social and domestic problems of a sick person frequently are related to the physical illness, he continues, and so it is hard to deal with that problem without recognizing the first.

"I can remember when my father was in the hospital when I was young and how appreciative we were when the doctor came out to talk," Dr. Morris recalls.

LIKE GOLDEN RULE

He says he tries to treat his patients as he would want to be treated—a simple extension of the golden rule.

Talking things out is a vital part of patient care, in his view. Unfortunately, most doctors do not spend enough time with their patients, according to this father of two young children.

Although he recognizes that time binds, he insists, "There is just no substitute for sitting down and talking to the patient and his family."

Of course there is more to Dr. Morris's method than talk.

He will "follow a patient he has treated from one ward to another even when he is no longer responsible for the patient," according to Jeannette Montanari, a staff worker in the division of clinical pharmacology. "He takes a personal, as well as professional interest in his people."

The combination of innumerable extra checks and sincere interest in his patients convinced 293 of Dr. Morris' senior colleagues to select him from a field of 78 as the twentieth recipient of the Baker award.

Presented to the Hopkins physician "most outstanding in providing attentive, sympathetic and devoted care to patients in the best tradition of the art of the practice of medicine," the award carries $1,000 and a personal plaque to go along with the permanent one which now bears his name in the lobby of the hospital's Marburg building.

A surprise banquet was held not long ago when Dr. Morris discovered he would receive the ward, established by Mrs. Baker in memory of her husband who owned the Standard Lime and Stone Company before his death as a patient at the Hopkins.

Dr. Morris's delicate touch with people also extends to his relationship with other staff members.

"He doesn't seem to antagonize others even though they know he is there checking to make sure an order is carried out," Karen Atkins, an assistant head nurse in the intensive care, unit, says.

Dr. Gary Kammer echoed this and adds that the Hopkins award winner mixes his "pliable personality" with "everyday pragmatism."

SWITCHED FROM RESEARCH

"In treating patients Dr. Morris brings to bear what is known in modern medicine and makes it work," the senior assistant resident continues. "He can take what he reads in a journal and apply it."

The desire to work with people drew the 31-year-old physician from a research fellowship program to the Hopkins in 1970.

For two years at the National Institutes of Health, Dr. Morris had worked on riboneucleic acid and protein synthesis, research begun during medical school at Harvard.

The change from the laboratory research to the wards at the Hopkins was easy and logical, the Boston University graduate explains. "I like research, but in 1970 I wanted to get back to clinical medicine. The staff training at Hopkins is excellent and enables me to blend clinical work with academic medicine."

The mixing of both interests steered the Rockville resident into the hospital and away from private practice.

"Hospitals provide academic research, and have emergency and intensive care practice, unlike private practice. A difference," he went on "comparable to playing golf and watching a televised match."

INSTRUCTOR IN MEDICINE

As a recently appointed instructor in medicine on the Hopkins faculty, Dr. Morris plans to remain for some time teaching and researching in the field of clinical pharmacology—a new area of medical research Hopkins entered three years ago.

Dr. Morris's studies center upon discovering a drug to treat shock patients.

Most of Dr. Morris's clinical work seems to lead to people, and frequently into their personal lives.

Treating a middle-aged businessman who has had a heart attack, Dr. Morris may try to convince the businessman to slow down and avoid certain activities. The final leg of treatment for a poor patient may include a personal call to a social worker.

"Thank you's" may return via notes or grateful spouses, but generally "Most people are grateful and I can generally detect it," Dr. Morris says.

One 84-year-old patient did not want his gratitude missed, so he left a silver covered copy of the Old Testament imported from Israel. Dr. Morris recalls being surprised because he actually spent very little time with the man.

A substantial part of the doctor's day is spent working on emergency room care. With his promotion to faculty instructor in medicine came the newly created post of associate physician-in-charge of the medical emergency service (all emergency care not requiring surgery). Long range planning and daily organization of emergency care also are among his new responsibilities.

Dr. Morris has some ideas for improving emergency room care. One is giving nurses expanded responsibilities. This would free doctors to work in the areas most needed and enable patients to be treated faster.

The harsh reality of an emergency room is a long way from the easy, calculated pace of the horse-and-buggy doctor, or even TV's jack of all medical trades, Marcus Welby, M.D.

"The image Dr. Welby gives is normally a desirable one," Dr. Morris says. "He represents an ideal doctor for most Americans—but makes people expect too much."

OLYMPIC TRAGEDY FORCES CONSIDERATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the senseless murder of 10 members of the Israel Olympic team by Palestinian terrorists is a flagrant commission of the crime of genocide.

It is a tragedy for both Germany and Israel, agonizingly reminiscent of past horrors, that these young men should have been struck down in the midst of international athletic competition. We can only condemn such cold-blooded tactics which subvert the dignity of human lives to political ambitions. The grief of the families of the victims is a grief which we must all share in a world where innocent human life is so cheap as to be marketed for nationalistic aims.

This act of lawless terrorism must force us again to consider the importance of the United Nations Convention on Genocide. It is the stated conviction of the convention that international cooperation is imperative to free mankind from the odious scourge of such actions directed at national, ethnic, racial, or religious groups.

The Genocide Convention, which the United States has not yet ratified, resulted following the extermination of millions of Jews during World War II. The International Military Tribunal decided that the mass murders of the Jews in Germany was not a war crime and thus lay outside its jurisdiction. The United Nations then declared genocide an international crime. The U.S. representative to the United Nations signed the Genocide Convention 2 days later. The Convention, according to article 13, was to take effect 90 days after the 20th country ratified the Convention. This occurred on January 12, 1951.

Twenty-four years have now passed without the United States becoming a party to this important document. Seventy-five other nations have become party to it.

Tragedies as the one in Munich must not be allowed to continue. Such incidents, international in scope, must be brought under control by the nations of the world acting together. What is really at issue here is the attempt to curb the grievous excesses of mankind. The time has come when genocide must be outlawed by internationally accepted treaties. The Genocide Convention seeks to set a higher standard of international morality in the face of such crimes against humanity as occurred in Munich. We must not be content with our outrage. I urge the Senate to ratify the Genocide Convention swiftly and place the United States in active opposition to such atrocities.

PRISON REFORM

Mr. BURDICK. Mr. President, I was interested to hear the remarks of the distinguished Senator from Oklahoma (Mr. BELLMON) on a subject in which I have a deep interest. In noting the first anniversary of the tragedy at Attica, a New York State correctional facility, he has lamented the record of this Congress in passing legislation concerning reform of our corrections system.

In his remarks, my distinguished colleague repeated the statement of the President, that:

> No institution within our society has a record which presents such a conclusive case of failure as does our prison system.

It is with regret that I must concur in this statement, but at the same time I must ask Senator BELLMON to join me in efforts to enact constructive legislation.

Since the tragedy of Attica, the present administration has sent to Congress two proposals in the area of corrections, neither involving the kind of major change necessary to do what must be done. One of these proposals is now Public Law 92–293. The other was sent up only 2 days ago.

Let us look at the record of proposals which others have made in this field of corrections:

The legislation proposed by Senator

BELLMON, S. 662, is most worth while in its purpose. It would authorize research and demonstration grants to establish model penal systems. This authority, however, has already been given by Congress, in the Safe Streets Act Amendments of 1970, as stated by the administration in its testimony before my subcommittee.

Legislation which I introduced, S. 2732, which the distinguished Senator characterized as "an important part of the rehabilitation process," has also been a subject of study by the Subcommittee on National Penitentiaries because it concerns jobs that will enable ex-offenders to live in a lawful manner. This legislation, however, has been vigorously opposed by this administration, despite its own studies which conclude that such an approach is necessary.

While I can understand the interest of an administration in suggesting modifications to legislation which will make its implementation more effective, I cannot understand a studied refusal to sit down and discuss such modifications.

Nine months ago, I was pleased to hear the man who was serving as Attorney General endorse the concept of safe and effective alternatives to prison commitments, a proposal which had been rolling around in my mind for some time. I have introduced the legislation necessary to authorize such a program, and I am hopeful today that partisanship will not be a barrier to its enactment.

Third, I have found in my many visits to penal and correctional institutions that the administration of parole is one of the serious causes of disruption and difficulty in them. Under my direction, the subcommittee staff has prepared legislation reorganizing parole procedures for the U.S. Board of Parole, which has been agreed to in principle by the administration—but with the proviso that no legislation be enacted this year.

I believe that the record of the current Congress in the area of corrections is good. We have provided new treatment programs for the institutions which restore hope to inmates, we have provided new resources desperately needed for the community supervision of those offenders who can benefit from this kind of treatment; we have provided the additional correctional officers needed to preserve the safety and security of inmates and institutions, and we have appropriated funds to ultimately replace some of these walled fortresses with treatment-centered institutions.

I invite the Senator from Oklahoma and other Senators to join in these constructive efforts to reduce the recidivistic crime which threatens the safety and security of our Nation.

TRIBUTE TO BORIS YOUNG

Mr. TUNNEY. Mr. President, throughout this great land many hundreds of thousands of people are selflessly dedicated and devoted in tasks to help others. Standing at the pinnacle of this group is the remarkable Boris Young, who will be honored by his peers at a testimonial banquet on October 1 at the Century Plaza Hotel in Los Angeles.

Boris Young is a leader's leader. His inspiration has been directly responsible for many thousands of people to make personal commitments to work on behalf of important community welfare programs. Mr. Young had early in life recognized the importance of the interrelationships between the goals and aspirations of the young State of Israel and the United States.

There are some significant parallels between these two countries. Each was born as a democracy to fulfill the hopes and dreams of its people. Each has had to fight for survival. At the start, each has had to go abroad for help to achieve its own economic development. The United States as a fledgling nation sent Benjamin Franklin and other emissaries to Europe to borrow funds to aid our Nation. Israel created its bond sales program as a means of generating economic muscle.

There are differences, too, in the circumstances of the birth of these nations. The United States was born in revolution by men wanting to be free. Israel was given nationhood by the common consent of world opinion through the United Nations in 1948 following the slaughter of 6 million Jews in Europe. Now, almost 25 years after the founding of Israel, that nation has developed into our most stanch ally in the Middle East. This tiny nation provides the foothold of democracy in that important section of the world.

The central core of Boris Young's work for nearly one-third of a century has been intertwined with the fate of Israel. He has constantly been in the forefront of American leadership striving to help in its dynamic development, to help insure the survival of this small nation, despite the fact that Israel is isolated and surrounded by a sea of hostile forces scores of times larger than itself both in population and land mass.

Championing the weak when right is on the side of the weak is a hallmark of Mr. Young's character.

He could have had a different kind of life. Mr. Young attended Harvard College and Columbia Law School, earning high honors. He also devoted himself to causes he felt were important.

Soon after graduation he became a member of the staff of Gov. Herbert H. Lehman, of New York, and won high praise for his important research contributions.

A rich, remunerative career in business was waiting in the wings for Boris Young. But he turned it aside to work in the area of his dreams—to help the fledgling State of Israel attain statehood, to help it provide a refuge for Jews salvaged from the genocidal mania then sweeping Europe and at the same time to establish a foothold for democracy in the Middle East.

In those formative years he was an inspiration to many as he rallied support for the small state-to-be.

As it was no surprise that when the Israel bond organization was developed, Boris Young's association with that group began. In January 1951 he directed the Israel bond campaign in Boston, the first one in any major city in America. This inaugurated the program which has helped to give more than $2 billion in loans to aid in the rapid growth of this developing nation. These loans, let the record be clear, have always been repaid promptly when due, complete with stipulated interest.

Subsequently, Mr. Young became supervisor for the sale of Israel bonds in the New England area before moving to Toronto to launch the Israel bond program in Canada.

He spent 1 year as city manager of the Los Angeles bond office in 1954 and for the following 6 years headed the Philadelphia program for bond sales. He returned to Los Angeles in 1961 and now, after 11 more years of service, he is leaving the Israel bond organization. His enviable record shows that wherever he went, year after year, he helped to break existing records of participation in terms of dollars raised for Israel to pursue its development program, in percentage increases over his own and other community efforts and in recruitment of volunteers to aid in this important program both for Israel and the United States.

Boris Young turns people on. The leaders he developed for the bond campaigns became inspired leaders for many major philanthropic endeavors. He helped many to set a purpose and goal to their lives by working on programs to help others.

When Boris Young made his decision to leave the bond program, many of the lay leadership who worked with him were quick with praise.

Attorney Eugene L. Wyman, a distinguished leader in California, declared:

> Boris Young has made a contribution to the State of Israel, and therefore to the United States perhaps unequaled by any man in this country.

Business executive Amnon Barness, chairman of the Board of Daylin, Inc., said:

> Boris Young is a man who has lived and breathed Israel 24 hours a day. His contribution must not only be measured by the millions of dollars in Israel Bonds he has been responsible for selling. Any evaluation must include the inspiration he has given countless thousands of people encouraging them to devote their energies to the cause and survival of the State of Israel.

Victor M. Carter, well-known California philanthropist who now serves as chairman of the board of Tel Aviv University, called Mr. Young "one of the most successful persons in the history of fundraising . . . the most capable, most hardworkwing, most dedicated person in his field."

Joseph D. Shane, attorney and investment banker, described Boris Young as "a man with dimension and imagination" noting that he had "served Israel with unparalleled dedication."

Joseph N. Mitchell, president of Beneficial Standard Corp. said of Mr. Young:

> He has responded to the challenge of the needs of the State of Israel far beyond that which might have been expected . . . He is truly a man of accomplishment and a person who will never be forgotten by those who know him.

It is most fitting that a tribute dinner honoring Boris Young will be held to further the sale of Israel bonds. It is a

tribute to this remarkable man that the important and distinguished leaders who have served as general chairmen for the various campaigns through the years will serve as cochairman for this occasion. They will be joined by an outstanding woman representing the women's division of all campaigns.

The cochairmen of the dinner are: Messrs. Wyman, Barness, Carter, Shane, and Mitchell as well as Hershey Gold, Los Angeles businessman and current general chairman of the Los Angeles Israel bond campaign, and Mrs. J. Louis Freibrun, chairman of the board of governors of the Los Angeles women's division of Israel bonds.

Mr. President, it is with a great sense of pride that I ask Senators to join me in a unanimous salute and tribute to Boris Young, who has devoted his life for the cause of his people and the State of Israel.

TESTIMONY OF LT. JACK STONEBRAKER ON BEHALF OF THE FRATERNAL ORDER OF POLICE IN SUPPORT OF S. 2507

Mr. BAYH. Mr. President, I invite the attention of Senators to the testimony of Lt. Jack Stonebraker, Jr., national legislative committee chairman for the Fraternal Order of Police in support of S. 2507, which passed the Senate on August 9, 1972. On September 14, 1971, Lieutenant Stonebraker appeared before the Subcommittee To Investigate Juvenile Delinquency and urged the passage of legislation to prohibit the sale of Saturday night special handguns to the public. I believe it is especially significant that this measure has the support of the Fraternal Order of Police, an organization of more than 140,000 members.

In his testimony, Lieutenant Stonebraker cited statistics from the FBI uniform crime reports which showed that during the 1960's, 561 law enforcement officers were killed in the line of duty. Handguns were used in 81 percent of these deaths.

I should like to update these figures for the Senate. From 1970 through April 1972, 260 more police officers have been killed in the line of duty. Thus, during the past 12 years, a total of 821 of our law enforcement officers have been killed—78 percent by handguns.

I ask unanimous consent that the testimony of Lieutenant Stonebraker on behalf of the Fraternal Order of Police be printed in the RECORD. I should also like to commend him for his work as a dedicated police officer in the city of Muncie, Ind., for the past 16 years.

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

TESTIMONY OF LT. JACK STONEBRAKER, JR.

My name is Jack Stonebraker, Jr. I am National Legislative Committee Chairman for the Fraternal Order of Police, the oldest and largest of National police organizations. I am a full-time Police Officer, serving as such for the last fifteen years, in the city of Muncie, Indiana. I come to Washington, D.C. bi-weekly to promote legislation beneficial to police officers nationally, and to the professionalization of law enforcement so we may enjoy the preservation of life, liberty, property, and the pursuit of happiness as these were granted by the Constitution and the Bill of Rights.

Mr. Chairman, thank you for affording me the privilege of presenting facts in behalf of the Amendments to the Gun Control Act of 1968, introduced by Senator Birch Bayh and his colleagues. I am most happy that the Committee is considering this legislation which would provide more stringent regulations governing the sale of firearms not suitable for sporting purposes. I wish to state that we in professional law enforcement are not opposed to the true sportsman nor his weapons, provided their use remains within the confines of the code and the statutes. As professional law enforcement personnel, we feel primary concern and interest in providing the citizens with the protection of their lives, property and rights.

As this Committee knows, in 1968, Congress enacted Public Law No. 90-618—"Gun Control Act of 1968." This law, as passed by Congress, was for the purpose of providing support to federal, state and local law enforcement officials in their fight against crime and violence. This Act was passed with the intent of limiting the accessibility of the small calibre, inexpensive handguns, which prior to that time were largely imported from foreign manufacturers. The amendment as introduced would strengthen, we feel, the current statute, in that "domestically" manufactured weapons would be required to conform with safety standards and sales criteria.

Under ordinary circumstances the Policeman's life is not an enviable one. Within the past two or three years, the burdens laid upon law enforcement officials have been greatly increased. The danger which is present in even relatively common times has been compounded by a series of developments of which this Committee is well aware. The tremendous increase in violent demonstrations on and off the campuses has added to the perils with which the police officer is faced.

The crime rate increases steadily. In many cities the streets are not safe at night and there are areas where the passerby is not safe even in the daytime. Many businesses and industries in the larger cities are folding simply because they are burglarized and robbed so often. During the first six months of 1971: robberies were up 17%, aggravated assault—8%, and murders—11%. It is in these three categories of crime that guns are most commonly used.

Obviously, an orderly society is impossible without adequate and efficient policemen and statutes which are to be enforced.

The Fraternal Order of Police feels that a series of measures should be enacted by the Federal Government to make police work more attractive and safe. One of these measures is the Amendment to the Gun Control Act of 1968. I don't think I need to emphasize that all crime is, in reality, interstate in character.

In the commission of violent crimes we find that weapons—to wit: guns—are used between 65% and 70% of the times. The *Uniform Crime Report—Crime in the United States*, published annually by the Justice Department, indicates the tremendous percentage of increase in violent crimes and the use of weapons in the same. From 1960, to 1969, 561 law enforcement officers were killed in the line of duty and firearms were used in 96 percent of these incidents.

I need not point out to you that the death of a police officer is a financial burden upon the community as the funds invested in his training, etc. are lost completely and a replacement must be trained and schooled. Nor need I tell you that the overwhelming majority of policemen are family men. Nor do I need to emphasize that the death of a policeman or law-abiding citizen results in nearly every instance with the most serious consequences to his widow and children; to say nothing of the grief and sorrow they undergo. To quote F.B.I. Director, J. Edgar Hoover, "When a law enforcement officer dies at the hands of a killer, part of our system of law dies with him."

Permit me to quote the words of Detective Harry Koch, of the Maricopa County, Arizona, Sheriff's Office, who wrote: "A Part of America Died. . . .

Somebody killed a policeman today
And a part of America died . . .
A piece of our country he swore to protect
Will be buried with him at his side.

The beat that he walked was a battlefield, too,
Just as if he had gone off to war;
Though the flag of our nation won't fly at half-mast
To his name they will add a gold star.

The suspect who shot him will stand up in court
With counsel demanding his rights,
While a young, widowed mother must work for her kids
And spend many long, lonely nghts.

Yes, somebody killed a policeman today . . .
Maybe in your town or mine,
While we slept in comfort behind our locked doors
A cop put his life on the line.

Now his ghost walks the beat on a dark city street,
And he stands at each new rookie's side;
He answered the call . . . of himself gave his all,
And a part of America died . . ."

We, in law enforcement, feel the restriction on the availability of inexpensive, small calibre handguns would be beneficial to law enforcement and society in general. I could cite example after example in which the small calibre, domestic handgun—the so-called "Saturday Night Special"—has been used in crimes of violence and the victims were honorable individuals living within the legal framework of society.

Reasons for the use of this type of weapon are obvious—the gun is inexpensive, easily obtained, easily concealed and it is lethal. The weapons are sold, with no questions asked, to non-residents, criminals, and immature juveniles.

Previous testimony before Committee hearings has called for the Gun Control Act to "prohibit the domestic production of these junk guns."

I believe that Congress must act—must act upon this Amendment without delay—before the incidents of criminal misuse of these guns reaches astronomical proportions.

I need not tell the members of this Committee that we are engaged in a war with crime, a war which we are losing. Adequate and efficient police forces are not the only necessity in the fight against crime. The Fraternal Order of Police feels that the whole field of criminal law must be intelligently and thoughtfully worked over so that the criminal may not spend months or years awaiting trial after committing lawless acts; meanwhile committing other crimes. Liberal judicial trends have a "demoralizing effect" on law enforcement. It is disconcerting to know that you have arrested a violent criminal and meet him coming down the street. We feel that the courts must face reality and realize what a cancer crime has come to be to the country as a whole.

First steps first—that is why we, on behalf of the Fraternal Order of Police and its National President John J. Harrington, urge the passage as quickly as possible of this amendment which would assist toward the objectives we all seek—a stable, orderly and prosperous society.

Gentlemen of the Congress, I sincerely appreciate the opportunity to appear before you and ask your most serious and sincere deliberations.

CAMPAIGN SPENDING

Mr. HARTKE. Mr. President, last year I offered an amendment to the Federal Election Campaign Act which would have outlawed campaign spot advertisements of less than a minute's duration. Although that amendment did not pass, I continue to believe that such a provision is necessary to insure increased dialog on substantive issues during election campaigns. So long as the use of 60-second commercial messages for campaigns remains prevalent, we will continue to countenance the selling of elective offices. All that the 30- and 60-second messages can do is to permit slick slogans and repulsive mudslinging.

Our system of representative government requires an informed electorate to function effectively. No candidate for public office can communicate his position on any issue of importance in 1 minute or less. If we require candidates to use at least 5 minutes of commercial time, we will encourage them to stand up to the scrutiny of the American people and be judged by their character, their ideals, and the power of their vision.

Mr. President, I ask unanimous consent that two articles which highlight the importance of this subject be printed in the RECORD.

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

HERE'S WHAT I'D DO ABOUT POLITICAL TV SPOTS

(By John E. O'Toole)

Recently I found myself in Washington, D.C. In an earlier and more innocent era, that might be the last place you'd look for an adman. But in the balmy autumn of 1971 many of us were there at the cordial invitation of the Federal Trade Commission.

Washington is a city from which has been heard, in recent months, a lot of commentary about our business which might make the most hardened of us reluctant to tell our kids what we do for a living.

And as I was cabbing it back to National Airport, I thought about all the elected officials in that very city who had used television in their campaigns in ways that would never be tolerated for product advertising. I thought of abuses and misuses which, were they for a product, would never get past a continuity acceptance department. And I got mad. Not only because of the importance of the electoral process, but because of the inequity of many of the thinking electorate accusing us of "packaging candidates" and "selling Presidents."

And we can do something about it. All of us in advertising agencies and particularly people in broadcasting. We can learn from the mistakes of 1970 and make 1972 the year some maturity enters the whole area of political campaigning on television.

There is some evidence that mistakes were made in '70. A week after the November elections Foote, Cone & Belding interviewed more than 1600 people through our Monthly Information Service and the Gallup Organization. We wanted to know if voters shared our concern with the way TV was used. We found three-quarters of the sample favoring restrictions or control of political advertising on television. Most were concerned about the inequity of TV time and funds among the candidates. Of those favoring restriction, 23% felt the content wasn't truthful or honorable enough. That percentage was higher here in the West, interestingly enough.

Well, how did we reach this sorry state?

It all began back in 1952—the first election in which television advertising was employed. General Eisenhower, with the help of Robert Montgomery and Rosser Reeves, did a series of spots in which he answered questions asked by voters usually ending with: "Let's clean up the mess in Washington."

From there, for twenty years, the political use of television has, for the most part, gone downhill.

There have been some brilliant exceptions. The Kennedy-Nixon debates, for example—a format so candid and revealing it has been skillfully avoided by presidential hopefuls ever since. There has been little subsequent use of debates and longer length expositions. In the 1968 campaign, 70% of the TV advertising was in "spots." Meanwhile, television was getting a larger and larger proportion of the campaign media expenditure, 58 million dollars in 1968. And television time got more and more expensive. As a result, the standard campaign today is a big reach/frequency spot effort of 10, 20, 30 and 60-second commercials: the most expensive form of communication this side of Telstar. And if you can't afford it, you don't play. Even if you're an embryonic Abe Lincoln.

With that much cash going into media, needless to say a lot of people got their mitts into the creative work. A lot of people who don't share with most of us a certain respect for the powerful tools of mass communication and for the rationality of the individual.

Professional image-builders began to emerge and take over the creation and production of the messages. In the public mind, these people were lumped into the pejorative designation "Madison Avenue," although many of them didn't represent any recognized advertising agency.

But they talked like the worst huckster stereotype. And the statements they made about their craft—statements that would get one forcibly ejected from any reputable ad agency—sounded like this:

"Our job is to glamourize them and hide their weaknesses."

"It's much more important to know the man than to know his stand on an issue."

"If I had only three weeks for a campaign, I'd pick a pretty boy."

"He was a beautiful, beautiful body and we were selling sex."

"Voting is an emotional response."

Well, friends, in my opinion that's a sad compendium of cynicism.

The people behind those statements are making some mistakes about product advertising, too. But I won't get into that right now. Their fundamental error, if not sin, is in equating the communications program of a candidate for public office with the advertising of a consumer product.

If you say it's just like advertising packaged goods, the simile breaks down immediately. Most packaged goods are minor purchases. Most depend for their survival on establishing a predisposition to repurchase. The consumer's most effective response to a disparity between advertising claim and reality is never to buy it again.

When you "buy" a Presidential candidate as a result of this advertising, you're stuck with the "purchase" for four years—with results that can be far more devastating than not getting your teeth as white as you'd hoped.

If you draw the comparison with a big-ticket purchase, the analogy crumbles just as quickly. An appliance, an automobile, an insurance policy are not sold by advertising. They are sold by a dealer or an agent. Advertising can only establish, in the mind of the prospect, an appropriateness between his need or life-style and the product, then direct him to the personal salesman and the actual product.

Unfortunately, this essential second step is missing if you apply the same techniques to selling a candidate. And the candidate offers you neither a money-back guarantee nor any kind of service warranty.

Furthermore, none of the safeguards imposed upon contemporary television advertising apply to political spots. Even the libel laws are suspended.

The NAB and network continuity acceptance departments wouldn't think of challenging the statements, claims and promises made by a political commercial. Indeed, I wonder if the FTC is going to insist on the same kind of documentation from candidates as it demands from automobile manufacturers in 1972.

So it's not only insulting to the issues and office involved to equate them with claims for a can of soup, it's potentially quite dangerous.

But it's been done. Done consistently since 1952. And I'd like to show you some examples.

There have been commercials that didn't mention, much less provide an opinion on, a single issue.

FILMS

JFK—"It's Up to You"
Nixon—"Nixon's the One"
Taft—"One Man Who Can Win"

There have been commercials that never once showed you the candidate.

Buckley—"John Wayne"
Evans—Water ID

There have been commercials so caught up with image-building you wouldn't know there was a political campaign going on.

FILM

Agnew—"My Kind of Man"

Some just registered the product name.

FILM

Lindsay—"Snow Removal"

But primarily the theme has been disparagement.

FILMS

Smith—"Police are Pigs"
Humphrey—"Laughing Man"

When communication like that can form an important part of a major political campaign, there's something very wrong. And since the advertising industry is being blamed for it, I think we ought to initiate some remedies.

One possibility is for advertising agencies not to accept a political account. This is the simplest solution. It's our solution at FCB at the moment. But I'm not sure it's the right solution. I think the talents that reside in an agency could, under the right conditions, be ideal for creating and placing meaningful messages for a candidate. What are those conditions? Well they certainly aren't a high-level, saturation barrage of spots.

The system adopted in England seems very reasonable to me. Under the Independent Television Act, political commercials are forbidden. However, during general elections the BBC and ITA allocate a certain number of free broadcasts to each party, the number based generally on the membership of the party.

In the 1970 elections, the Conservative and Labour parties each received five TV broadcasts of ten minutes duration and seven radio broadcasts of either ten or five-minute length. The Liberal party was given three TV broadcasts and four radio.

After a year-long study headed up by Newton Minow, the Twentieth Century Fund recommended something similar for the U.S.—one of the few nations in the world, incidentally, that allows political candidates to purchase TV time.

The Fund suggested that, during the last five weeks of a presidential campaign, all TV and radio stations simultaneously carry six prime time half-hour programs featuring the candidates and attempting to "illuminate campaign issues and give the audience insight into the abilities and personal qualities of the candidates."

That sounds pretty reasonable, too. As an absolute minimum, I think we should have

the restrictions on TV expenditures put forth in the bill approved by the Senate on August 5. This bill—which would also rescind the ridiculous equal-time proviso, at least for presidential candidates—made so much sense to both parties that it passed with an 88–2 vote.*

(* Note: However, this provision was eliminated from the bill as it finally passed both houses.)

But the House has turned it into a partisan political joke composed, as far as one can perceive through the procedural pandemonium, of a multiplicity of different plans.

Equally important is the kind of message to be used. Notice the word "message." The idea and terminology of political TV "spots" should be dumped forever, 10-second, 30-second, even 60-second lengths are inadequate and inappropriate for presenting a candidate to the voter.

These lengths defy a discussion of issues and encourage the shallowest kind of imagery, the shoddiest kind of logic and the most reprehensible kind of mud-slinging.

I'm in total agreement with Ward Quaal of WGN Continental Broadcasting who will not allow a political message of less than five minutes on his stations. If, in an uncharacteristic display of responsibility, the broadcasting industry would follow Quaal's example and set a five-minute minimum on political messages, many of the abuses would automatically be eliminated.

I don't think any political image-builder would risk the ennui inherent in five minutes of groovy music and up-shots of a grinning candidate. I don't think they could successfully refrain from giving us a glimpse of their man for five minutes or manage to elude every issue. And I am at least hopeful that they would see the peril in a full five-minute implication that the other guy is a fascist freak. But just in case, I would suggest a few simple guidelines that would not unduly restrict the creative construction of the message.

And these guidelines would be a code for political broadcast messages that the candidate himself would assent to in writing, before he or his supporters would be sold time on any station.

One, the message should be designed to help the voter know and understand the candidate, his character and his ability to communicate.

Two, the message should establish what the issues are which the candidate feels are important.

Three, the message should clearly state where the candidate stands on these issues.

That's all. It's very simple. So simple that I'm sure many of the professional image-builders would smile at the naivete of such an ingenuous proposal. They'd probably point out that longer lengths would blow their reach and frequency and render their TV campaign ineffective. I have a little too much faith in the intelligence of the American voter, having dealt with him as a consumer for some time, to buy that.

And, like a good adman, I also have some research. There was a study done on political broadcast advertising by the School of Journalism and Mass Communication at the University of Wisconsin. It was done in areas of Wisconsin and Colorado among 512 voters after the 1970 campaigns.

Here's the last paragraph of the introduction: "The results of this study suggest that a moderate number of high-quality, substantively informative advertisements may be more effective than a saturation presentation of superficial image-oriented spots."

And here's the final sentence of the study: "Thus, the most effective advertising strategy would be one that allocates campaign funds away from a high frequency of exposure approach into a more modest number of ads containing substantive informational content that is presented in an interesting and entertaining manner by skilled producers."

I'm urging the broadcast industry to set a minimum length of five minutes on all political messages. And to insist that the content concern itself with the candidate, his view of the issues and his proposed solutions.

And I'm urging all of us in the advertising business not to be beguiled into making commercials that confuse a candidate and an office with a deodorant.

If these minimum standards of responsibility aren't observed—if we have an encore of those abuses that characterized television campaigning in '70—those fragile strands of public confidence that we're trying so hard to maintain for advertising could be eroded entirely.

GFWC CLUBWOMAN'S COMPLETE PROGRAM OF THE MONTH: POLITICAL SPENDING—ON WITH REFORM?

(By Mrs. Harold M. Burkholder)

Important bulletin—As we go to press, President Nixon signed the Federal Election Campaign Act of 1971 which became effective in April, 1972.

The new law imposes a limit on what a candidate for federal office can spend on communications, particularly TV. The question is: will the new law take care of the inequities in campaign spending?

True, this law is better than nothing, but closing up all loopholes is a big order.

Looking back, the Corrupt Practices Act adopted in 1925 never was strictly enforced. No one wished to prosecute those who gave him money for his campaign.

We offer you herewith a study of the situation facing candidates for federal office, a situation which still may prevail, despite the law, as the same question is relevant: will it be enforced?—Dorothy Burkholder.

Politics has got so expensive it takes a lot of money even to get beat with.—Will Rogers.

Political campaign costs are rising sharply across the nation, and winners as well as losers are bitterly complaining. The situation is getting so far out of hand that many claim only a candidate with a bulging campaign treasury can hope to win.

The strategies which are inherent to politics are age-old, but television, relatively new on the scene, is compelling candidates to raise such vast sums of money in order to compete, that it may have damaging effects on the entire American system of government.

The Congressional Quarterly noted "the outstanding political upsets of 1970 have been made by men of great wealth, presenting their politics to the voters on television and spending their way from obscurity to success in a matter of weeks."

Columnist James Reston had this to say about the influence of television on political campaigns: "it has unbalanced the political system in favor of the men in office and the men of wealth."

THE PROBLEM

In order to be elected today to the United States Senate, a candidate may need to raise several millions of dollars. The disturbing, but realistic factor in this is that any donor of $5,000 or $10,000 wants something in return—for his business, his cause, or himself.

The largest sums given candidates come from anonymous contributors which obscures the extent to which a public servant might be obligated to private interests.

Right here we must recognize that the problem is not one restricted to any single political party, but one which crosses all boundaries and affects all areas of the country.

The largest chunk of the political dollar today is spent on television, and this slice is getting bigger yearly. In 1966, during the off-year congressional elections, broadcasting expenditures rose 60 percent over 1962. Costs in the 1968 presidential election shot up 70 percent over 1964. And they're continuing to climb.

To get a clear picture of this, one has to listen to the experts, to hear what candidates—both those elected and those defeated—have to say.

There is a unanimity of expression: discouragement, a good deal of plain alarm over the financial needs which many term a "national scandal."

In New York during the last Senatorial campaign, Richard Ottinger's campaign manager, Steve Berger, commented on his candidate's unsuccessful bid for the Senate seat. *"Campaign spending is out of hand, we'd better do something fast."* Ottinger had spent a fortune in his effort, nearly $2 million alone for television time.

In Minnesota, the campaign chairman for the unsuccessful Republican candidate, Clark McGregor, commented: *"I've gotten disillusioned with the process . . . The increment of money is the ultimate determinant—building image and so forth—is the opposite of everything we believe is democracy."*

In California, Jess Unruh's finance chairman had this to say about his candidate's losing bid for governor: *"Really, the guy with the biggest pocketbook can do the best job. No question that television is the key."*

In New York City, during the last gubernatorial contest, the money flowed as never before. The exact sums spent will never come to light because of incomplete records and loopholes in the reporting laws. But some of those closely involved gauged that as much as $35 million may have been spent in the senatorial and gubernatorial races.

Two New Jersey contenders, Harrison Williams and Nelson Gross spent $166,592 and $265,609 respectively for New York City TV time. Yet these figures do not include the cost of producing the commercials.

Nor do the figures reflect the other multitude of costs for operating political campaigns such as buying time on TV stations outside of New York City.

CANDIDATES DESPAIR

Loser Charles Goodell has said he finished the campaign $400,000 in debt. *"We always were on the verge of blackout because of lack of money,"* he commented.

Mr. Goodell's campaign costs broke down thusly: a total cost of about $1.3 million. Television, $700,000; staff salaries, $200,000; office rent, $60,000; phones, $100,000; and the remainder for miscellaneous costs.

What candidates report and what they actually spent is something that cannot be proven. Governor Nelson Rockefeller reported about $6 million for his campaign. Other estimates put the range for his campaign between $1 and $20 million. Richard Ottinger, another wealthy man, able to put personal funds into his campaign, spent about $4 million for his losing race.

The point then, of all this is that the consensus of opinion from media men to campaign managers to candidates to political strategists is that something must be done to curb the cost of political campaigns lest we irreparably damage our democratic system of government.

Let's look at a few other campaign expenditures. Senator Vance Hartke, of Indiana, in his bid for reelection spent the bulk of his campaign funds for broadcasting. This amounted to about $286,000 more than half of the $550,000 reportedly spent on his campaign. *"We bought up a lot of soap opera time,"* Hartke's press secretary said, *"We went after the blue collar audience, the old folks and women—groups that our research showed were the most swayable."*

In California, during the 1970 election year, the state was suffering from the economic slump. Campaign funds were hard to come by. For that reason, less was spent by

candidates in the primary and general election. The surprisingly low costs were: John Tunney, successful candidate for the U.S. Senate—$1.6 million. George Murphy—$1.5 million. Jesse Unruh—$1 million. In 1968, Allan Cranston spent $2 million to get elected to the U.S. Senate, and his opponent, Max Rafferty, spent about $2.5 million.

However, following the election, Tunney was faced with huge indebtedness . . . how to pay off $350,000 to $400,000 chiefly in loans.

In medium sized states, candidates are reported to have spent upwards of $500,000 on radio and television alone.

WHERE, EXACTLY, DOES THE MONEY GO?

The increasing costliness and complexity of political campaigns entails an almost endless variety of expenditures, defying complete categorization. Alexander Heard in *The Costs of Democracy*, published in 1960 noted just a few:

"Radio and Television broadcasting eat up millions. Thousands go to pay for rent, electricity, telephone, telegraph, auto hire, airplanes, airplane tickets, registration drives, hillbilly bands, public relations counsel, the Social Security tax on payrolls. Money pays for writers and for printing what they write, for advertising in many blatant forms, and for the boodle in many subtle guises. All these expenditures are interlarded with outlays for the hire of donkeys and elephants, for comic books, poll taxes and sample ballots, for gifts to the United Negro College Fund and the Police Relief Association, for a $5.25 traffic ticket in Maryland and $66.30 worth of convention liquor in St. Louis . . ."

Furthermore, the Washington Post had this to say on the subject:

"In 1956, total expenditures for political radio and TV broadcasting at all levels during the general elections was about $9.8 million. The figure was more than $14 million in 1960 and about 24.6 million in 1964. The three major television networks in 1968 reported political broadcasting charges of $8.9 million for the Presidential primary and general election campaigns that year. The amount was more than double of the 1964 total of $4.1 million.

"Other major expenditures during election campaigns included newspaper advertising, which for a moderate statewide campaign was likely to consume 10 to 15 percent of the total budget; public relations firms, which took 40 and 23 percent, respectively, of direct expenditures by the Democratic and Republican national committees in 1960; and public opinion polls. In addition, large sums were needed for campaign materials (buttons, bumper stickers, brochures, etc.); headquarters and staff, which were likely to take between 20 and 30 percent of most campaign budgets; billboards; and expenses of actually getting the voters to the polls on election day, which have been estimated to account for one-eighth of all campaign expenditures."

WHO CARES ABOUT THE CORRUPT PRACTICES ACT?

So the pressures on candidates are twofold: they must acquire a great deal of money in order to conduct their campaigns but in so doing they might obligate themselves to a large number of individuals and businesses.

But the real amounts are seldom revealed. Money flows in subterranean channels. There is no way to trace most of it if it is given in cash, not checks. A look at the formal spending reports on file in the Capitol are ample testimony to this.

The Corrupt Practices Act requires candidates to file a statement of their total expenditures for the general—but not primary—election.

Sworn statements—some of them—go like this: One successful senatorial candidate reported no contributions received; his single expenditure was a $150 filing fee.

In actuality, his campaign cost around $550,000, out of which his campaign managers paid $150,000 for TV time and billboards.

Another senatorial candidate who captured a seat in one of the nation's largest states declared, *"I have not personally received any funds for my candidacy. All funds have been received and expended by campaign committees working for my election."* But the fact of the matter is that his campaign cost in the neighborhood of a million dollars.

Yet another man who fought a winning battle for a Senate seat in his State reported receiving no contributions and expenditures of only $2,118. When he was asked about this sworn statement he responded that he was advised to report zero, that most senatorial candidates did so on the basis that candidates are not required to know about their campaign financing. Altho this seems to be stretching the law, he said he merely was doing the same as everyone else.

WAYS TO RESOLVE THE PROBLEM

In actuality, the situation is not as venal as it appears to be. The fault lies with the law itself which is unrealistic, allowing a candidate only $25,000 to conduct a campaign. This forces them to look the other way.

Granted, the situation is out of hand. What, then, can be done about it? Unfortunately, no one has a panacea. But several possible improvements have been suggested.

Spending should be limited in all areas, not just television.

Full disclosure laws should be enacted—and enforced.

Realistic spending limits should be established—not the foolishly low ones now in force.

A complete reform of the entire election system.

Shortening of the campaign time. In Britain, for example, elections take place three weeks after a government falls.

Public financing for campaigns.

Right now, Florida has a new law on campaign spending that is attracting much national attention. Although, it too has a number of loopholes, it's a great improvement.

The Florida law says that no candidate for governor or U.S. senator can spend more than $350,000 in the primary and the same amount in the general. No one may give a candidate more than $3,000 in either campaign.

It's worth noting that Lawton Chiles won a Senate seat in Florida with only $30,000 in television expenses. But Chiles also blazed a new path by demonstrating that a candidate could command TV time if he created real news . . . and for free.

The Florida law does not include any restrictions on out-of-state donations, a loophole which is often used. Even so, the law is being examined carefully and watched by other states.

We now have a new federal tax deduction law which permits a deduction on federal income tax returns of up to $50 ($100 per couple) for contributions to candidates for federal, state or local office. This has long been urged to stimulate small gifts from many people and curtail the need for candidates to lean heavily on a few rich special-interest givers.

But some studies of the law by private groups indicate discriminatory flaws and claim that the new law may stifle much legitimate fund raising and permit deductions for phony candidates. An example could be two people with no intention of running, might announce for an office, exchange $50 in campaign contributions, take the deductions and not be heard of again.

Much better, some claim, would be for Congress immediately to pass a law allowing tax incentives only on contributions to: (a) Candidates who have filed. (b) Committees certifying that they raise funds only for candidates who have filed. (c) Any party on the ballot in 10 or more states or who received 10 percent of the vote for any federal office in the previous election.

PLANNING YOUR PROGRAM

Contact your Republican and Democratic Committees and ask them for speakers to talk on the subject: Political Spending—Time for Reform! It's necessary for you to have someone from both major parties, as the viewpoint of the "in's" might vary slightly from the viewpoint of the "out's."

The overall picture, however, as presented in the beginning of this section, has a unanimity of agreement. Everyone wants reform.

GETTING PRESS COVERAGE

As always, phone your newspaper's city editor—or better, Woman's Editor—and invite him (or her) to the meeting or to send a reporter to the meeting. The subject is very newsworthy, elections are coming up and everyone is interested to know more about a reform program that would work.

Also get in touch with your local radio and TV stations. The media will respond to your program on this timely subject.

Additionally, mail out, a week prior to the meeting, a press release. Adapt the following to your purposes:

SAMPLE PRESS RELEASE

Date: _____

From: (Name of Club's Press Chairman or President.) (Address and phone number.)

Will the high cost for political campaigns soon make it impossible for any but a candidate with a lavishly endowed campaign treasury aspire to public office?

This problem will be discussed by a representative from the Republican and Democratic parties in a program, "Political Spending—Time for Reform?" at the _____ Club, next _____ at _____ o'clock, Mrs. _____ Program Chairman, moderating; Mrs. _____, Club President, presiding.

Mr. _____, who is _____ (title) _____ for the Republicans, and Mr. _____, representing the Democrats, will address themselves to the topic that campaign spending is out of hand and both candidates and political operatives agree that regardless of party or region, the problem is altering the political process and endangering the effectiveness and honesty of the political system.

Mrs. _____, _____ (name of club) _____ President, said, "Most successful campaigns of 1970 were made by men of great wealth, able to spend vast sums needed for TV. This situation permitted our political system to be unbalanced in favor of the men in office and men of great affluence. The question is: will the new law correct this inequity?

The _____ Club will probe the problem, and, at its meeting, will examine various proposals to correct the situation. Mrs. _____ _____ further commented, "When it takes a million dollars or more to elect a U.S. Senator, this certainly narrows the field for candidates . . . unless a man chooses to accept so much assistance that he becomes completely obligated to private interests."

Club members will hold a discussion following the program and the club plans to study the issue and send recommendations to State, local and National officials.

DOVER, DEL., OPPORTUNITIES INDUSTRIALIZATION CENTER—ANOTHER EXAMPLE OF OIC SUCCESS

Mr. BOGGS. Mr. President, only last year an Opportunities Industrialization Center office was opened in Dover, Del., and already it has become the hub of

far-reaching and innovative job training programs for Delawareans.

For several years I have sponsored legislation to increase Federal funding for OIC's because of their proven record of success throughout the country in the field of manpower training. The Dover experience is a prime example of the kind of achievements that OIC's are making nationwide.

I am particularly enthusiastic about the Dover OIC's involvement with the Veterans Upward Bound program which seeks to open job and educational opportunities for veterans, and the talent search program which encourages high school dropouts to further their education.

An excellent article on the Dover OIC by Barbara Jordan appeared recently in the Delaware State News. I 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 the Delaware State News, Sept. 3, 1972]

DOVER OIC IS EXPANDED

(By Barbara Jordan)

DOVER.—Ex-servicemen who need job skills to secure employment and high school students who have been overlooked by the "system" can now look to the expanded Delaware O.I.C. offices in Dover for help.

O.I.C. (Opportunities Industrialization Center) is the largest private non-profit training organization in the United States. Started in Philadelphia in 1963 to help the underprivileged gain employment, there are now over 150 branches nationwide.

A Wilmington office was established in 1967, and in March, 1971, a Dover branch was started under the leadership of the late Eugene E. Taylor.

The expansion of the Dover office changes the direction of the local group from laying the groundwork and planning to physical training.

Not only moving from concepts to realities, the Dover O.I.C. is also moving from the Townsend building to the second floor of 229 Loockerman St., above the Army-Navy Store on Sept. 14.

In their new home with an expanded staff, the Dover branch will also begin setting up classes such as typing and keypunch, and offer motivation courses like Black history.

But the big project for the branch is the Veterans Upward Bound and Talent Search programs. Both are funded by the Department of Health, Education and Welfare, with Delaware selected as the pilot state for Veterans Upward Bound.

The veterans' program has three main objectives: enrollment in college, vocational training and job placement.

The target of this program, according to project director James D. McNair II, is the "disadvantaged" ex-serviceman who does not have the education or job skills needed to secure proper employment.

The Talent Search program is designed to find qualified youths with financial or cultural need who have exceptional potential for post secondary educational training. They are encouraged to complete high school and to pursue further education.

Delaware O.I.C. has received federal funding for the two projects. As a pilot, Delaware is the only state developing the Upward Bound project. Other states are working on different pilots, and those that are successful may be instituted in other states.

With the expansion of the Dover office, staff changes and additions have been made. John D. Adkins Jr. of the Wilmington O.I.C. office has been appointed acting regional coordinator for Dover replacing Eugene Taylor who died recently.

Adkins is a veteran of three wars and a retired Army master sergeant who has worked with D.O.I.C. in public relations and job development.

James D. McNair II, named project director for the Veterans Upward Bound and Talent Search programs, recently retired from the Air Force with the rank of Major. He flew 81 combat missions over North Vietnam as a jet pilot.

McNair has a B.S. degree in education from Indiana University. He is a member of the Dover Alumni Chapter of Kappa Alpha Psi, the Kent County Community Legal Aid Society Advisory Board, and is president of Capitol Esquires Limited, a Dover community service organization.

Members of McNair's staff are: Eugene Cannon, Ernest Wilson, Vera L. Taylor, Fern Spellman, Audrey L. Duffy and Sandra F. Smith.

Cannon is a recent graduate of Delaware State College and a Navy Vietnam veteran. He is the information-research specialist for Upward Bound and Talent Search and works out of the Wilmington office.

He has worked as a stock and bond investment administrator for Banker's Trust Co. in New York, and was Inner City Recreational Coordinator for the Catholic Youth Organization of Delaware.

Wilson is the Upward Bound specialist who will counsel and place veterans. He was assistant director of men's residence halls at Delaware State College. A graduate of Wiley College, Wilson is an Army Vietnam veteran.

Ms. Taylor graduated from the University of Delaware where she was a counselor for the College Try program. She is working as a Talent Search specialist with that program.

Ms. Spellman also graduated from the University of Delaware and also worked for the College Try program. She will be a specialist with the Talent Search program.

Ms. Duffy, a graduate of Delaware State College, is working as McNair's secretary, and Ms. Smith, a graduate of Lake Forest High School, is working as Adkins' secretary.

THE EQUAL RIGHTS AMENDMENT

Mr. TUNNEY. Mr. President, the equal rights amendment (ERA) passed the Senate on March 22, 1972, and went before the various State legislatures for action. Nearly 6 months after final congressional action on the ERA, only 20 States have ratified the provisions to give women equal rights under the Constitution. Before the ERA can go into effect, 18 more States must ratify the amendment. Since the end of the legislative year is soon approaching, I think it is extremely appropriate for concerned citizens to exert pressure on the various State legislatures which have not yet acted upon the ERA.

California, unfortunately, is among the States which have not yet ratified the ERA. On a recent trip to California I made a speech on this matter before the State of California Commission on the Status of Women. I ask unanimous consent that the contents of the speech be printed in the RECORD.

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

REMARKS OF SENATOR JOHN V. TUNNEY TO STATE OF CALIFORNIA COMMISSION ON THE STATUS OF WOMEN

I have accepted your kind invitation to come here today because of my great interest in the California Commission and its work. I have come here to listen to your plans and to share what experience I can. And I have come to offer my strong support for your purpose and your program.

I would anticipate that of immediate concern is what possibility there may still be of securing passage of the Equal Rights Amendment by the State Senate. On May 22, I sent the following telegram to Senator James Mills, Chairman of the Senate Rules Committee:

DEAR JIM: While I deeply respect the prerogative of the State Legislature to work its own will, I hope you will entertain this expression of my personal views on a matter in which we are jointly involved—ratification of the Equal Rights Amendment.

As a co-sponsor of the ERA in the Senate and intimately involved in Committee action prior to its passage, I heard in depth from women's groups, labor representatives, other constituents and my colleagues. It is my heartfelt conviction that an amendment to the U.S. Constitution is necessary to provide the dignity and legal status a majority of our population has long been denied. Protective legislation and hopes for judicial remedy will not prevent various forms of direct and invidious discrimination against which American women have fought for over fifty years.

17 States have already ratified the ERA and 21 more are needed. I urge your committee to report favorably on May 24 so that the California Legislature may ratify in this session.

Best regards.

Despite my pleas—and those of thousands of my constituents, the Rules Committee voted 3 to 2 against favorably reporting the bill.

Why—after an arduous campaign that lasted fifty years and finally earned broad support from the Congress and millions of Americans—were the members of the Senate Rules Committee unwilling to ratify the principle that equality of rights under law shall not be denied or abridged on account of sex? How fundamental that notion is!

From questions I asked and from the large volume of mail I received on the subject, I understand that two basic arguments against the ERA were persuasive to the Senate Rules Committee.

First, it was granted that enactment of the ERA would repeal protective labor legislation which the unions and others had fought hard to pass. In fact, however, this legislation was superseded eight years ago by Title VII of the Civil Rights Act of 1964. Title VII provides that there shall be no discrimination on the basis of sex in terms or conditions of employment. For years, the Equal Employment Opportunities Commission, which recently acquired certain added and long-overdue enforcement powers, has fought employment practices which treated men differently from women.

Let me make myself clear. I'm not against protective labor legislation. But I think that this legislation must be applied equally to both sexes. Consider, for example, a construction job in which workers are required to carry heavy loads. Such jobs have been restricted traditionally to men—either because of a statute, union rule, or simply company practice. One would be foolish to argue that all women and all men would make equally good construction workers, and it is probably true that more men than women would make good construction workers. Still, some men would be far worse than some women, and the better and fairer procedure would be to define those valid characteristics which make a good construction worker (a certain minimum amount of physical strength, perhaps a minimum height and age, a specified level of intelligence). On the basis of these tests—applied *equally* to all applicants regardless of sex—

the best candidates would be selected. And if it turned out that most of those selected were men, so be it. The importance of the open procedure would be that this arbitrary roadblock to a woman's pursuit of the career of her choice would be eliminated.

I have selected an extreme example. Easier cases can be cited in the professional fields and the white collar trades. That gross discrimination has existed in employment is shown by a wide variety of statistics. Indeed, a report filed in January of this year by H.E.W. asserted that women are discriminated against in virtually every aspect of American life—and that sex discrimination existed *even* in H.E.W. itself! According to the report, women are 63% of the H.E.W. workforce and hold 14% of the top jobs.

Median salaries differ radically, as does access to the professions. A sex discrimination suit was brought this year atgainst the University of California at Berkeley by some faculty and graduate students. They charged that women held only 3% of the 1,087 tenured faculty positions, despite the fact that they were 42% of the undergraduates, 26% of the graduate students, and 19% of the non-tenured faculty. A management program in the university president's office pays women $8,000 a year less than it pays equally qualified and similarly situated males.

Women comprise 7% of American physisians, 3% of lawyers, 1% of engineers. Do these professions depend on unique physical characteristics? Obviously not, as shown by the evidence of many other countries where women have greater professional opportunities. Only 300 of the close to 9,000 judges are women—and most of them are on county courts. There is one woman in the Senate, and ten in the House.

As a final comment on protective labor legislation, it should be pointed out that the ERA would not repeal legislation which is legitimately based on a unique physical characteristic which applies to *all* members of one sex. Thus there can still be rape laws. On the other hand, I can't think of a labor law that would not be better cast in terms of criteria I mentioned earlier: physical strength, intelligence, age, etc.

The second argument which I am told carried great weight against the passage of the ERA by the Senate Rules Committee was that passage of the amendment would send our daughters off to war. Yet under present law, women could be drafted. All that would change with passage of the ERA would be that women would be subject to the draft on the same basis as men. They would be included in the lottery. They would also be eligible for medical and other deferments. Again here, the medical examination considers such factors as health and physical strength. It is well known that few Army jobs are on the front lines or on bomber crews, and those jobs go to people with the requisite physical fitness.

But it isn't just that the ERA will send few women to the front lines—and then only those with adequate strengths. It is also that with equal privileges come equal obligations. I sense that the fact that women have been excluded from the draft has contributed disproportionately to the perpetuation of the stereotype of the male as protector. As a male, I accept the responsibility of protecting those who need protection, but I shun any preconceived notion which would prevent women from sharing this responsibility.

Let me suggest that as you continue to press for state ratification of the ERA you meet the two arguments I have discussed. Another suggestion is that you help to organize voters in blocs, and have each bloc exert pressure on the state legislator from its district. On the federal level, it was found that lobbying by organized and recognized groups was far more effective than thousands of individual letters from constituents. For years, various versions of the equal rights amendment had failed to gather support until some Congressmen and Senators and some interested groups began to organize the lobby effort. The result was that, for example, a local club of the National Organization of Business and Professional Women, or the local U.A.W. would vote to support the ERA and communicate this endorsement to the relevant legislator. The effort worked.

As I said upon voting for the ERA, equal treatment under law is only a first step. Much is left to be done to eliminate the subtle forms of discrimination against women that derive from socially ingrained ideas about the woman's proper role. Decent child care facilities and adequate financial support for them are a must. I have read your thorough report on this subject and support your recommendations completely.

On the federal level, I have pushed for a liberal tax deduction for child care. In the field of education, I was just recently successful in amending the Higher Education Act and other acts dealing with higher education to ban sex discrimination in programs that receive Federal funds. In another area, I am most distressed at evidence of substantial discrimination against women in loan and consumer credit transactions, and support legislation recently introduced in the House on these subjects.

But I came here to hear of your plans and to lend my support. I would now like to open this discussion to your activities and your questions.

NATIONAL HEALTH INSURANCE PROGRAM

Mr. PACKWOOD. Mr. President, when the 92d Congress began some 20 months ago, there was speculation that a broad national health insurance program would be written before we adjourned. Now, with adjournment in view, it looks like there will not be time to pass such legislation.

We have seen over a dozen national health insurance bills presented to the Congress. We have noted the thorough hearings before the House Ways and Means Committee last year, with over 200 witnesses appearing during nearly 5 weeks of hearings.

The Committee on Finance also held a few days of exploratory hearings last year, hearing mainly from the sponsors of the various proposals. The Health Subcommittee, on which I serve, conducted a series of hearings on health care at various cities last year, hearings which, however, focused more on problems and emotions than on solutions.

In the course of these various hearings, two different approaches, two philosophies toward the Federal role in health care emerged.

Both camps recognize that all Americans should have available the best possible medical care at affordable prices. But there is a radical difference of opinion on how this care should be provided and financed. One camp feels that it is the clear role of the Federal Government to pay—and/or provide—medical care for all Americans, regardless of their ability to pay or their present preferences for receiving and paying for their medical care.

The other camp holds that the Federal role should be restricted to the provision and financing of care for those who cannot pay for their own. Additionally, the Federal role under this theory would properly include providing opportunities for new methods of treatment and new delivery systems.

Mr. President, all of us here have confronted these divergent views. For a number of reasons, I have concluded that the second approach—permitting limited Federal involvement—is more feasible, more desirable, and more realistic. Accordingly I cosponsored a bill which embodied the principles closest to those I believed would work and would make sense. That bill is S. 987, the Health Care Insurance Act of 1971, also known as medicredit.

Mr. President, I ask unanimous consent that a summary and analysis of medicredit be printed at this point in the RECORD.

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

HEALTH CARE INSURANCE ASSISTANCE ACT OF 1971—MEDICREDIT

Medicredit would: (1) pay the full cost of health insurance for those *too poor* to buy their own, (2) help those who can afford to *pay a part*—if not all—of their health insurance premium (the less they can afford to pay, the more the government would help out), and (3) see to it that no American would have to bankrupt himself because of a long-lasting, catastrophic illness.

(This bill addresses itself only to *financing* health care; other legislation and program involve medical manpower supply and distribution, the method of delivering care, and other problems such as environment, health education, and peer review.)

WHO PAYS FOR WHAT?

Medicredit is designed to give maximum help to those who need it most, and minimum help to those who are best able to pay their own way. Financial condition is determined by the amount of federal income tax a person or family pays whether by withholding or direct payment by the individual when he files his tax return.

Low-income families—If a person or family owes no federal income tax for the year—whether because of no income, low income or number of dependents—the total cost of the basic and catastrophic coverage is paid by the federal government. The family would receive a "certificate of entitlement" which would cover the entire premium or membership cost for an approved program from whatever insurance company or plan the family chooses.

All others—For families or individuals who pay federal income tax, the formula is complicated. The cost of the approved policy or plan is divided into two parts. Most of it is for the basic coverage; a smaller portion is for catastrophic coverage. The insurance company or plan determines how much is for each.

The federal government pays for the catastrophic coverage for everyone.

It pays a percentage of the cost of basic coverage according to the amount of income tax the family or person owes, as follows:

Income tax owed:	*Percent Government pays*
$1–10	99
11–20	98
21–30	97
31–40	96
41–50	95
51–60	94
61–70	93
71–80	92
81–90	91
91–100	90
101–110	89
111–120	88
121–130	87
131–140	86

141–150	85
151–160	84
161–170	83
171–180	82
181–190	81
191–200	80
201–210	79
211–220	78
221–230	77
231–240	76
241–250	75
251–260	74
261–270	73
271–280	72
281–290	71
291–300	70
301–310	69
311–320	68
321–330	67
331–340	66
341–350	65
351–360	64
361–370	63
371–380	62
381–390	61
391–400	60
401–410	59
411–420	58
421–430	57
431–440	56
441–450	55
451–460	54
461–470	53
471–480	52
481–490	51
491–500	50
501–510	49
511–520	48
521–530	47
531–540	46
541–550	45
551–560	44
561–570	43
571–580	42
581–590	41
590–600	40
601–610	39
611–620	38
621–630	37
631–640	36
641–650	35
651–660	34
661–670	33
671–680	32
681–690	31
691–700	30
701–710	29
711–720	28
721–730	27
731–740	26
741–750	25
751–760	24
761–770	23
771–780	22
781–790	21
791–800	20
801–810	19
811–820	18
821–830	17
831–840	16
841–850	15
851–860	14
861–870	13
871–880	12
881–890	11
891 and over	10

Health insurance certificates

A beneficiary eligible for full payment of premium by the Federal Government would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Eligible beneficiaries with whom the Government would be sharing the cost of premium could elect between a credit against income tax of a certificate. The Carrier, as defined in the bill, would present certificates received in payment of premium to the Federal Government for redemption.

QUALIFICATION OF PARTICIPATING CARRIERS

To participate in the plan, a carrier would have to qualify under state law, provide certain basic coverage, make coverage available without pre-existing health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be utilized as appropriate.

DEDUCTIBLES

There are deductible (or co-insurance) in both the basic and catastrophic coverage, but it is important to note that those paid under basic coverage apply to the one required under catastrophic coverage.

Basic Coverage: Under the basic coverage portion of Medicredit's approved programs, there are three deductibles:

1. The patient pays $50 per stay in the hospital as an inpatient.

2. The patient pays 20% of the first $500 of expenses for outpatient or emergency care (maximum of $100) in a 12-month period.

3. The patient pays 20% of the first $500 of expenses for medical care services (maximum of $100) in a 12-month period.

For example, a mother takes her child to the eye doctor. The charge for the office call is $10. Basic coverage pays $8 and the mother is billed for only $2. If a visit to a hospital emergency room cost $27, basic coverage would pay $21.60 and the patient would be billed for $5.40.

All money spent by the patient on any or all of the basic coverage deductibles then applies to satisfying the deductible "corridor" explained in the next section.

Catastrophic Coverage: Persons who need the additional help of catastrophic hospital or extended care facility coverage are required to satisfy a deductible "corridor" of expenses after basic coverage runs out before the catastrophic coverage begins.

(Deductibles under basic coverage are for each person; the catastrophic "corridor" applies to the entire family.)

The size of the corridor depends on the financial condition of the family. The corridor is based on taxable income—the amount left over on the income tax form after all deductions and personal exemptions have been taken. The corridor is computed as follows:

1. 10% of the first $4,000 of taxable income.

2. Plus 15% of the next $3,000 of taxable income.

3. Plus 20% of any additional amount of taxable income.

4. Minus any amounts spent on deductibles under basic coverage.

COVERAGE

The approved protection (whether insurance policy or membership plan) must provide payment of expenses for these services:

Inpatient care: In a hospital or extended care facility for 60 days during a 12-month policy period, in a semi-private room. Within the 60-day limit, two days in an extended care facility count as only one day.

Inpatient hospital services cover all care customarily provided in a hospital, including bed, board and nursing services; drugs and oxygen; blood and plasma (after the first three pints); biologicals and supplies; appliances and equipment furnished by the hospital; surgery or delivery room; recovery room; intensive care or coronary care unit; rehabilitation unit; care for pregnancy or any of its complications and psychiatric care.

Inpatient extended care facility services cover all care customarily provided in an extended care facility, including bed, board and nursing services; physical, occupational or speech therapy; and drugs, biologicals, supplies, appliances and equipment furnished by the extended care facility.

Outpatient or emergency care: The policy or plan covers all care customarily provided as outpatient or emergency care, including diagnostic services—X-rays, electrocardiograms, laboratory tests and other diagnostic tests; use of operating, cystoscopic and cast rooms and their supplies; and use of the emergency room and supplies.

Medical care: The policy or plan covers expenses of all medical services—preventive, diagnostic or therapeutic—provided or ordered by a Doctor of Medicine or Doctor of Osteopathy, whether in a hospital, an extended care facility, the physician's office, the patient's home or elsewhere.

Those services include diagnosis or treatment of illness or injury; psychiatric care; well-baby care; inoculations and immunizations of infants and adults; physical examinations; diagnostic X-ray and laboratory services; radiation therapy; consultation; services for pregnancy and its complications; and anesthesiology.

Also included are dental or oral surgery related to the jaw or any facial bone; and ambulance service.

Cosmetic surgery (plastic surgery) is excluded except when related to birth defects or burns or scars caused by injury or illness.

CATASTROPHIC COVERAGE

The policy or plan pays all expenses for services described under Basic Coverage in a hospital or extended care facility during days in excess of the 60-day basic limit. Only 30 days are covered in an extended care facility under catastrophic coverage, however.

In addition, the catastrophic coverage includes blood and plasma in connection with outpatient medical services (after the first three pints) and prosthetic aids ordered by a physician.

Medical care services are not included under catastrophic coverage because they continue without limit under basic coverage.

HEALTH INSURANCE ADVISORY BOARD

A health insurance advisory board of eleven members, a majority of whom shall be practicing physicians, and including the Secretary of HEW and the Commissioner of Internal Revenue and other persons qualified by virtue of education, training, or experience, would be appointed by the President with Senate consent. The Board would establish minimum qualifications for carriers, and in consultation with carriers, providers and consumers, would develop programs designed to maintain the quality of health care and the effective utilization of available financial resources, health manpower, and facilities. It would report annually to the President and Congress.

MEDICREDIT PRINCIPLES

Mr. PACKWOOD. Mr. President, medicredit reflects the very sound principle of limited Federal participation. Federal assistance, in my judgment, should be called into play only when the family or individual is in need of help. If the individual or family has adequate health insurance provided through employment arrangements, on an individual basis, or through medicare, it would be both unnecessary and undesirable to replace it with a Federal bureaucracy, at Federal expense, and add tens of billions of dollars in taxes—both direct and indirect—along the way.

But if the individual or family is without health insurance, because they cannot afford it, assistance must be provided. What then is the most effective, equitable and efficient way to provide that assistance?

THE EMPLOYER'S ROLE

The administration has indicated support for an approach which requires employers to provide health insurance for

all employees. This approach has two important benefits. It reflects the present facts of life, since most employers now do provide health insurance, and it would hold Federal spending down at a time when we have quite enough demands on the Federal dollar.

Medicredit is not incompatible with this approach. It gives the employee credit for 80 percent of the amount the employer pays for health insurance in his behalf. Thus it too would recognize the now common practice of employer-provided health insurance and would encourage its expansion to the relatively few employees not now covered.

The administration's proposal is reflective of another basic principle which I believe we must use in writing legislation in this field. We should build upon the present insurance system, rather than destroy it. Certainly the system is not perfect. Individual policies—as opposed to group policies—still are too costly in terms of the percentages of premium dollars retained by the company, and there are some policies which do not contain adequate benefits.

Some policies cover only in-hospital care and tend to encourage that type of care which is most costly. Fortunately, this situation has been changing rapidly. It is one reason that hospitals across the country are only 75 percent occupied. More and more care is being provided and paid for on an outpatient basis or at a clinic—care which was formerly provided on an inpatient basis. And health insurance is paying for this care—at reduced cost to the company and thus to all of us who pay the premiums. A good example is in my State of Oregon, which has pioneered the concept of preadmission testing—saving both the patient, the insurance company, and the hospital.

At any rate, health insurance has done a commendable job in protecting tens of millions of Americans. There is no reason to throw out the system, because it is not perfect. We must continue to strengthen the best features and eliminate only those which are incompatible with efficient quality health care.

MEDICREDIT BENEFITS

On the question of quality health care, it is important to stress that medicredit requires insurance policies with a broad range of benefits, broader than the administration bills and probably as comprehensive as any which have been introduced.

Medicredit is even more comprehensive in the area of mental illness and psychiatric benefits than the bill proposed by the chairman of the Senate Health Subcommittee, Senator KENNEDY, which has been billed by some enthusiastic backers as providing all care. Its realistic supporters acknowledge it would pay for perhaps 70 percent of the care of the average American family.

Medicredit stresses keeping people healthy. It requires insurance coverage of annual physical examinations, well-baby care, immunizations and inoculations, and physician care whether in a hospital or at a clinic or physician's office. It also covers, as I indicated, psychiatric care regardless of where provided, not just custodial care.

The wide range of medicredit benefits would accomplish several important objectives.

First, it would upgrade the benefits in all health insurance policies.

Second, it would encourage care in less-expensive settings.

Third, it would encourage all Americans to see a physician when illness is suspected, rather than wait until it is not only obvious but possibly aggravated by delay.

CATASTROPHIC ILLNESS PROTECTION

All who have presented bills in this national health insurance field have spoken of the case where medical and hospital bills are so high that they threaten to bankrupt the family.

Thus virtually all the bills have tried to provide a national program to cushion every family against such a catastrophe. I am pleased at the approach used in S. 987, since it bases the trigger point for Federal assistance—through the insurance policy—on family income. The sliding deductible is tied to family circumstances.

Thus a long serious illness for a poor family would be paid for by its basic insurance first. When these benefits are exhausted, the catastrophic benefits would immediately come into play and take care of the balance of the costs—without limit. For a family of average means, and today that is a family with $10,000 income, the basic benefits would be the same. In the case of serious illness, such a family would have a deductible cost of about $500 to pay before all additional bills would be covered without limit.

For those with higher income, a higher deductible is provided before the unlimited benefits come into play. Even for a well-off family of $30,000 income, the deductible is within what they should be able to afford—$4,500. It is true that such a family might not have the money neatly tucked aside for such a serious illness, but certainly it should be within their means to assume that much of their catastrophic bills before wage earners at lower brackets are asked, through taxes, to subsidize their medical bills.

Incidentally, S. 987 uses an interesting fiscal device to provide for such unlimited catastrophic benefits. After estimating the annual cost per family of such benefit at $50, it would have the Federal Government pay that $50 for every family in the form of a tax credit.

FREE CHOICE OF PATIENTS

One reason why the United States provides most of its citizens with a level of medical care unmatched anywhere in the world is that we have developed a multiple approach to the delivery of care. We do not require any one form of medical care such as a clinic, a physician in solo practice or a hospital outpatient department. We have all of these, plus more. In effect they compete for the patient. He is able to pick and choose, and if a physician or institution is not responsive to the public, it will learn about it through reduced income and usage.

We as patients can change doctors and change insurance plans. We can choose prepaid groups or health insurance or take a chance that we do not need either. In short, we have pluralism, and the patient—or consumer if you will—is the winner in the form of higher quality care and more accessible care.

This is not to say that this situation exists everywhere. There are many areas, especially in rural and inner-city settings, where even one form of care is not readily available. But it is important as we gradually begin to shape the form of national health insurance that we do not try to impose just one delivery system on areas which now have shortages.

Again, S. 987 would allow the patient his choice of the setting in which he receives his care. He could opt for a monthly payment to an HMO, choose Blue Cross and Blue Shield, buy a policy from one of the many commercial companies or pick some other coverage method. It is up to the individual.

COMPULSION, ADMINISTRATION, FINANCING

One critical area of disagreement here in Congress and around the country concerns the question of compulsion versus voluntarism. Should national health insurance be compulsory or voluntary? Some argue that it must be mandatory in order to protect the uneducated and the unemployed, for there is no other way to be sure that they have insurance coverage.

I cannot agree that compulsion is the answer, however. In my judgment, we can reach everyone who wants or needs to be reached through employers, welfare agencies, and other social organizations.

As for administration of such a program, it must certainly be in the hands of private industry. But just as certainly, this industry must be subject to strict State standards that are effective and protect the public, or there will be a clear need for Federal intervention.

Financing should be a combination of private industry, Federal and State taxes, and individual contributions.

Quality must be assured, but the best route is not yet clear. Perhaps it is the medical foundation; perhaps it is a PSRO; perhaps it is a quality care commission as envisioned in HMO legislation now under consideration; perhaps it is an entirely new and innovative approach. We need to give them all a chance to prove their effectiveness or lack thereof.

This, then, Mr. President, sums up some of the issues surrounding national health insurance and the route that it is likely to take, as it now appears. It is too late for action in this Congress, but action is likely in the 93rd Congress. But I emphasize, Mr. President, that we should move forward only after careful and thorough review and evaluation of these and still other critical issues.

HABEAS CORPUS PETITIONS FROM STATE AND FEDERAL PRISONERS

Mr. SCOTT. Mr. President, several weeks ago the Senator from Nebraska (Mr. HRUSKA) and I introduced S. 3833, a bill to revise Federal court procedures relating to review of habeas corpus petitions from State and Federal prisoners. This bill is currently pending before the Senate Constitutional Rights Subcommittee.

If our system of criminal justice is to work fairly and effectively, we must make certain that all of our citizens charged with crimes are afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that this process begins and ends within a reasonable period of time. It is to insure that our judicial system meets these responsibilities that S. 3833 was introduced.

For a number of years the Senator from Nebraska has been a leader in the field of Federal criminal procedures and the workings of our Federal judicial system. His concern and his knowledge of this field was amply demonstrated in an address he gave last week to the Eighth Circuit Judicial Conference in his home city of Omaha, Nebr.

Because I believe that Senator HRUSKA's remarks will be of interest to the Senate, I ask unanimous consent that the text of his speech be printed in the RECORD.

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

EXCERPTS OF REMARKS BY SENATOR ROMAN L. HRUSKA

There has been, in recent times, considerable re-examination by judges, legislators, prosecutors and other enforcement officers as to some of the basic questions inherent in any system of criminal justice;

(1) Why punish?

(2) Who should be punished?

(3) How much punishment should be inflicted?

It has become increasingly clear that the scope of this re-examination of fundamental notions of justice has focused, primarily, if not entirely, upon the purpose to be served by state sanctioned punishment. It is axiomatic that state inflicted punishment is legitimate only if it serves two major objectives:

(1) The reduction of crime; and

(2) The promotion of respect for the criminal law.

Both of these objectives are the sine quo non to any system of punishment that intends to receive the approbation of the population subject to the criminal justice system.

Both objectives have evoked considerable discussions in many quarters of government, the news media, and the bar.

In recent days, the urgency of meeting a great responsibility resting on the bar was presented by one of America's leading authorities on administration of criminal justice.

He noted the necessity to maintain a system of criminal justice which not only protects those accused of committing a crime, but one that is also responsive to the needs of society. He went on to say:

"Our present system is failing. It no longer commands the respect of the criminal element of society, or, for that matter, of any element of society. It is clear that we must seek reform, and in so doing we must not be afraid to question principles that have previously been universally accepted. We must explore every possible avenue of change. We cannot leave a stone unturned . . . We can no longer afford those who violate the law with the luxury of an inadequate system incapable of properly disposing of the charges against them. If we can make our system more workable, I assure you that the rate of crime will be reduced, that crime will become controllable . . ."

Not too long ago a bill was introduced in the Congress to achieve speedy trials of criminal cases. No doubt its introducer was motivated by the idea of seeking reform by questioning principles previously universally accepted. He desired to make improvement by inducing and assuring expedited trial and disposition of criminal trials. His solution was to provide that unless trial and disposition were achieved within a designated number of days or months after indictment or arraignment, the pending charges would be dismissed with prejudice and the defendant exonerated.

It was thought that this remedy would cause in the prosecutor and the court and all else concerned, the necessary and compulsory drive to achieve speed in trial of such cases. Certainly a noble and laudable objective.

It did not take much time in formal committee hearings, however, to develop many unworkable aspects.

Exceptions would have to be made to accommodate time consumed by dilatory tactics by defense counsel; by disability and unavailability of witnesses, or of even the defendant himself; of time needed to develop or discover needed evidence or testimony by investigation; the state of the court's docket; the inadequacy of judge power, prosecutor power and other manpower due to no fault of either.

Finally and quite fundamentally there comes the realization that such a statute would unduly invade the domain of the court, which is already under mandate and obligation to accord such trials preferred attention and priority.

In fact, the inflexibility imposed would be counterproductive—with the result of a new and additional avenue for escape from trial and highly probable conviction and punishment as to many who are accused of crime.

As the testimony proceeded a while, it became manifest that the approach was highly vulnerable and unacceptable. One of the witnesses who was from the Department of Justice then observed that while the goal of the bill was desirable—to achieve speedy trials—it would not work very well to that end. But there were other means which would be more effective.

The Chairman of the Sub-Committee, an erudite scholar of the law, with long years as a member of the bench, and as a practitioner, requested some "for instances."

The witness proceeded to enumerate various approaches, and concluded by promising early transmittal to Congress of a habeas corpus measure which would enable substantial relief from congestion in the courts.

Leaving aside for the moment the specific measure referred to, some of the other proposals to make speedy trials possible include a number that are rapidly receiving increased currency and acceptability. Some are as follows:

Revision and limitation of the exclusionary rule.

Decriminalization of certain offenses which can be effectively and properly treated without full and complete criminal justice processing in the courts.

Distinguishing between serious and minor offenses.

Modification of right to counsel in certain types of violations where counsel is not essential to assure fairness of trial.

Review right of trial by jury in cases involving petty offenses.

And others.

The Sub-Committee witness did promise an early legislative proposal for reform of existing Federal habeas corpus practice.

This pledge was duly redeemed by presentation earlier this year of recommended amendments to a House measure (H.R. 13722) and by transmittal to the Senate of a measure which I had the privilege to introduce as S. 3833 only last month.

URGENT NEED FOR HABEAS CORPUS REFORM

In 1960 about 1,200 petitions were filed for habeas corpus writs. By 1970, the number was about 11,000. These were filings by state and federal prisoners under 28 U.S.C. Sections 2254 and 2255 only.

In 1960, 5% of total civil filings were such habeas corpus petitions. By 1970 they were 13%.

In 1969, 20% of all appeals from district courts were from final orders in collateral attack proceedings by state and federal prisoners.

The result has been a tremendous, almost intolerable burden on the entire system—state and federal.

The volume of work and the burden thereof is not sufficient in and of itself to call for reform. If they were required for fair and constitutional criminal justice administration, then regardless of time and burden, they would have to be borne.

But they—the volume of work and its burden—are not required by the Constitution; they are not necessary to achieve fairness to the defendant. The exact opposite is true in fact. They militate against the defendant, against other accused persons not yet tried, and against the public and society in general.

Present habeas corpus practice lacks terminal facilities in the search for an ultimate decision to impose final criminal sanction on a defendant. There now is an endless inquiry into finality of criminal judgments.

For two reasons this seriously impairs operation of the entire criminal justice system in America.

First, that endless inquiry undermines any effort to rehabilitate the prisoners involved.

Second, there is forced in the judiciary in allocating its judge power and time, the choice between (1) the demands of those accused and not yet tried, and (2) the demands of those already convicted.

In the very nature of things it is imperative to realize that endless search for certitude cannot be tolerated. After due and fair inquiry, there does come a definite point of time and place when the judgment and decision must be regarded as final and conclusive.

Put in another way, if state inflicted punishment is to serve its major objectives of (1) reducing crime, and (2) promoting respect for the criminal law, certain things are necessary. Among them are assurance to those accused of crime that they will be accorded a fair and prompt trial; that the innocent will be acquitted; that the guilty will be convicted and punishment will be meted out; that they will be given opportunity for review and appeal as required by fairness and by the Constitution; and that the process involved be one which begins and ends within a reasonable time frame.

These things the pending measures seek to do.

The effort in S. 3833 is to extend to everyone accused of crime all of his constitutional rights but at the same time to deny him the opportunity to abuse the great writ to the detriment of the administration of justice, of the public good, and his own good.

In the formation of S. 3833 two approaches were brought together and embodied in a single bill.

The Habeas Corpus Committee of NAAG[1] drafted legislation which would restrict collateral attacks in the Federal courts on State court proceedings. This proposal would require that collateral attacks be primarily presented in the State courts, rather than in the lower Federal courts, subject to review by the U.S. Supreme Court.

[1] "National Association of Attorneys General" has long and effectively been concerned in securing reform in habeas corpus practice.

"The Department of Justice, working independently on the habeas corpus question, drafted a proposal to restrict the use of collateral attacks to alleged violations of a constitutional rights that involves the integrity of the fact-finding process or of the appellate process. All other legal objections on behalf of the defendant were to be restricted to the time of the trial or to consideration on direct appeal following the trial. Under the Department's proposal, they could not be subject to collateral attack thereafter. That route would be limited to factors, such as perjured testimony, which show a flaw in the fact-finding process."

It should be particularly noted that the bill does not provide either a repeal or any impairment of or trespass upon the Great Writ as guaranteed by the Constitution in Article I, Section 9, clause 2:

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the public safety may require it."

It is clear that the writ protected by this "Suspension Clause" is the writ as known to the framers of the Constitution. That form is not in any way impaired or violated by the pending bill.

The Congress, however, has greatly expanded the writ by legislation. The first expansion was in 1867, when the writ was by law broadened to *applicability* to such federal prisoners and also to such state prisoners who "may be restrained of his or her liberty in violation of the Constitution, or of any treaty or law of the U.S."

This enactment was followed by the Supreme Court decisions broadening the concept of habeas corpus. But at no time did the Court, in interpreting the Act of 1867, indicate that its decisions resulted from any consitutional mandate.

Habeas corpus thus exists today in its expanded state primarily as a matter of statutory construction, and not as . . .

With the support of eminent, highly regarded authority it can be soundly concluded that the writ is not constitutionally required to be any broader than it was in common law; Congress can amend its previously enacted law dealing with habeas corpus if it so chooses.

This Senator earnestly hopes and believes Congress will so choose.

The bill pending in the House and Senate are proposals on which the Congress will base its choice.

Speaking to the Senate Bill, may I say as its introducer that it is deemed by me to to be a vehicle for a thorough legislative processing, in open committee hearings, by committee discussions, by final report to the Senate floor where that body will work its will.

While I believe it to be carefully considered in its present form, I am not wedded nor fixed of mind to its exact form and substance. To its general thrust and purpose, yes; but not as to exact language or specific provision.

Our minds on it are not fixed and closed. We are receptive to constructive and good faith suggestions.

Often it has been amply demonstrated that there is much to be gained by the centering of many minds of diverse background and experience in hearings and legislative measures.

The expression of views, the exchange of ideas, the interchange of thoughts—all of these are wholesome and fruitful.

Any input whether in formal hearing, by personal appearance, or written statement by letter or otherwise, is certainly welcome. Any such input is invited, with the assurance that it will receive careful consideration, with an open mind, which seeks improvement.

It is my belief that great care has been taken in the drafting to limit the type of claim that could be raised to violations of the Constitution where the right violated "has as its primary purpose the protection of the reliability of either the fact-finding process at the trial or the appellate process on appeal from the judgment of conviction."

This language seeks to make clear that the types of violations with which the bill is concerned are those which do not allow a fair trial or appeal; that is, these which cannot be corrected through these processes.

There is the requirement also that the petitioner show that a different result would probably have obtained if the violation of the constitutional right had not occurred. In reality this requirement is a modification of the principle as evolved by the Court that some constitutional errors occurring at trials can be characterized as "harmless."

Notwithstanding a listing of certain types of claims which would not be cognizable on habeas corpus, there are various constitutional claims that would continue to be available, e.g.:

(1) That the Court was without jurisdiction to try the case and sentence the defendant.

(2) Prejudicial publicity and mob-dominated juries.

(3) Right to counsel for an indigent.

(4) Right of an indigent to a transcript and to counsel for an appeal.

(5) The lack of appropriate confrontation rights at trial.

(6) Use of perjured testimony by the prosecution.

The goal sought is this: the basic fairness of the trial and appeal process would remain subject to collateral attack. But claims of constitutional deprivation, not related to the basic fairness of the trial or appeal, which the defendant had already had an opportunity to litigate at trial or on appeal, would no longer be cognizable on Federal habeas corpus.

It is through reforms such as these that progress can be made on the overall problem of court congestion and trial delays.

Our system of justice will thereby be advanced in its striving for fair and speedy adjudication of guilt or innocence.

REVENUE SHARING OPPOSED BY PRESIDENT EISENHOWER'S COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. STEVENSON. Mr. President, the revenue-sharing legislation before us represents a sharp departure not only from past wisdom and experience, but also from the considered positions of previous administrations, Republican as well as Democratic. President Nixon's revenue-sharing initiative flies in the face of recommendations made when he was Vice President by President Eisenhower's Commission on Intergovernmental Relations—the prestigious Kestnbaum Commission. The comments and conclusions of the Kestnbaum Commission are as relevant today as they were when its report was issued in 1955. I ask unanimous consent that the portion of the Commission's report concerned with the concept of revenue sharing be printed in the RECORD.

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

SUBSIDIES VERSUS CONDITIONAL GRANTS

Many central governments—including those of the federal systems of Canada and Australia—and some of our State governments make grants in the form of broad subsidies. The Commission has considered whether a similar policy by the National Government might be preferable to the use of the conditional type of grant.

It has been argued that a subsidy policy would provide maximum help to the States that most need funds, give all States an opportunity to use money where they feel their need is greatest, preserve for them a larger and more independent governing role, and relieve the National Government of administrative burdens and of the difficult task of selecting specific objects of aid. The National responsibility would be limited to the minimum supervision needed to prevent fraud.

Experience with different types of grants, however, suggests that subsidies would not materially relieve pressures for National action for specific objectives. Other factors that are responsible for the establishment of existing grant programs would still remain. Among them are such conditions within the States as the fear of being placed at a competitive disadvantage by fully exploiting their own taxable resources, insufficient interest in certain programs of concern to the Nation, and lack of technical skills and information. Even in New York, where fiscal capacity has not been wanting, the Temporary Commission on the Fiscal Affairs of State Government found that in many fields Federal grants had helped to stimulate activity and to raise standards.[1]

In short, if a system of subsidies were adopted, there is no assurance that the funds would be used to provide all the services thought necessary by the National Government. There would still be pressure for National programs for specific objectives. The end result would be a piling of conditional grants on top of subsidies, as in Canada and Australia, or enlargement of the field of direct National provision of services, or both.

There are other objections to unconditional subsidies. National authorities would have inadequate control over the use of appropriated funds. On the State and local side, a policy of unconditional subsidies with no matching requirements would be likely to undermine the sense of financial responsibility. The tendency would be for States and localities to look more and more to the National Government to perform the disagreeable task of extracting money from the taxpayer.

CONTINUED USE OF CONDITIONAL GRANTS

Where aid is determined to be necessary, the National Government's conditional grants represents a basically sound technique, despite their piecemeal development and hodgepodge appearance. It is the only technique that is in any sense self-limiting, both as to objectives and amounts of expenditure and as to the extent and nature of National control. When Federal aid is directed toward specific activities, it is possible to observe the effects of each grant, to evaluate the progress of aided activities, and to relate the amount of financial assistance to needs. There is more assurance that Federal funds will be used to promote the Nation's primary interests. Finally, the direct control exercised by the National Government is confined to limited and well-defined governmental activities, leaving other areas of State and local responsibility relatively unaffected.

RETIREMENT OF GORDON F. HARRISON

Mr. JAVITS. Mr. President, June 30, 1972, brought the retirement of Gordon F. Harrison, staff director of the Senate

[1] *A Program for Continued Progress in Fiscal Management*, Feb. 1955, vol. 1, pp. 214, 217–219.

Committee on Rules and Administration of which I was at one time a member.

To the position of staff director of the Senate Committee on Rules and Administration which challenges not only legislative but administrative knowledge of the Senate, Gordon F. Harrison brought the benefit of his excellent prior experience which included service as a trial lawyer with the Civil Division of the Department of Justice and service as a legislative assistant to Senator Theodore Francis Green of Rhode Island who in 1955 appointed him staff director. In addition Gordon Harrison brought with him a high degree of integrity and compassion which combined with knowledge which earned him the admiration and respect of all who have had the good fortune of working with him. Attestation to the success with which Gordon Harrison met this difficult challenge is his reappointment as staff director by the subsequent four chairmen of the Committee on Rules and Administration.

I should like to join Senators who have already paid tribute to this devoted public servant who for 35 years—18 of which were in the capacity of staff director—served the members and staff personnel with equal commitment and equal dedication. Conversely, this respect and affection has most deservedly been returned by those members and staff personnel who have benefited from his judgment and will miss his wise and sound counsel.

ECONOMIC PROPOSALS OF DEMOCRATIC PRESIDENTIAL NOMINEE

Mr. SCOTT. Mr. President, the September 3 Philadelphia Inquirer contains an editorial by John S. Knight which presents an unbiased and, to my mind, well-thought-out view of the Democratic presidential nominee's newest economic proposals. I ask unanimous consent that Mr. Knight's remarks be printed in the RECORD.

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

McGOVERN'S ECONOMIES: MINUSES OUTWEIGH PLUSES

(By John S. Knight)

Well, Sir, George McGovern and his tax experts finally finished their homework and the senator has presented his "new" reforms to an anxious Wall Street.

It was a shrewd gambit. A Presidential candidate's appearance before the New York Society of Security Analysts automatically insures wide distribution of his views. Mr. McGovern did not fuzz the issues. He said what he had to say, and he said it well.

But other than his recantation of the widely ridiculed plan to give $1,000 to every man, woman and child in the country, the tenor of Sen. McGovern's thinking has not changed. As Eileen Shanahan says in the New York Times, "the new programs that the senator unveiled moved more toward classical liberal positions and away from the radicalism that characterized some of his earlier proposals."

Here we may have a difference but without a distinction. For, as the senator has said so clearly, "money made by money should be taxed at the same rate as money made by men." This sophism undoubtedly carries popular appeal.

But in practice, can we afford to do away with all incentives for risk capital which promote business growth? How can the McGovern program stimulate employment and earnings by making it unattractive for the entrepreneur to launch new ventures or expand those presently in existence?

This is the gut issue presented by the Democratic candidate. He would not destroy capitalism, but simply enfeeble it.

Likewise, Mr. McGovern's proposal to tax capital gains at regular income rates would dry up investments made in anticipation of growth. Presently, utility companies are in need of capital funds to meet expanding demands for power. Other corporations are selling securities to finance improvements required by federal, state and city ecological agencies.

If the business climate becomes increasingly unattractive to the prospective investor, from what source are these funds to be obtained?

And to tax capital gains at death, in addition to present high estate taxes, amounts to virtual confiscation.

Mr. McGovern reassures us there will be no additional federal taxes on Americans whose income derive from wages and salaries. This is a dubious assumption which must have caused Wilbur Mills to wince. If Mr. McGovern becomes President, he will shortly find that additional income from loophole closing will be insufficient to meet the needs of our wildly extravagant government.

To exclude investors from the tax-free benefits of municipal and state bonds, the senator would remove the exemption and have the Federal Government subsidize the difference. So who pays then? Why, every income taxpaying citizen in the country.

Sen. McGovern is on better ground with his recommendations to do away with accelerated depreciation and excessive depreciation on real estate investments made as tax shelters. There is need for reform in this field.

McGovern would alter the present 7 percent investment tax credit on new plant equipment—an idea devised by the late President Kennedy—to apply only to the "net increases." How this concept would be defined by the bureaucrats baffles me at the moment.

The investment tax credit, intended to stimulate purchases of new equipment with resultant business activity, and additional employment, is a useful tool in a sagging economy. It is not needed in times of great national prosperity.

The idea, then, is not to repeal or alter but to suspend when times are good, and to reactivate in periods of recession.

I like Sen. McGovern's idea of a program for "public service" jobs provided the money is not used for what my father used to describe as "more papsuckers on the public payroll."

Franklin Roosevelt's WPA, although ridiculed as "leaf-raking", did undertake many useful projects in dealing with unemployment during the dark depression days of the early 1930s. The same can be said of the Civilian Conservation Corps.

So why not an Ecology Corps to help clean up our lakes and streams? We have today many untrained people excluded from employment by the minimum wage law. They are simply not being hired by small businesses because of the cost involved.

Unfortunately, McGovern's emphasis is on "one million persons who might be employed by government agencies." This is precisely what we don't need. The senator should do some more rethinking here.

While I have not examined all of Sen. McGovern's proposals in depth, the thrust of his position is to redistribute the wealth, to take from those who have—either from inheritance or their life labors—and promise to give it to the have-nots.

In essence, this is a kind of prairie populism at best, and undiluted socialism at its worst.

What the senator seems to overlook is that America was built on a highly competitive system under which the risk-takers and investors won or lost; a system which rewarded hard work, stimulated creativity and made possible our tremendous advances in science and medicine.

It is easy to deride the so-called work ethic and its rewards; or the aspirations, the genius, and even the dreams which led to great achievements.

But these are the attributes which made us a great country, senator, not the theoreticians who pervade our government and much of the academic community.

Mr. McGovern may also overlook the fact that among the older generations at least, thrift and saving is a deeply inculcated virtue.

So when you suggest, senator, that you favor some exemptions for estates of only "moderate" size, and for family business "within moderate limits," you are promising in effect to hand to a profligate government the life accumulations of the individual achiever—none of which will ever come into the hands of the poor.

I applaud Sen. McGovern for his candor, and his clear, unequivocal exposition of his policies.

This is surely the year of the choice, not the echo. So you, dear readers, can take it from there.

THE NATIONAL CONGRESS ON THE WORD OF GOD

Mr. INOUYE. Mr. President, the National Congress on the Word of God—aimed at revitalizing preaching with a basis in Scripture, and resolving the current crisis in faith—is now being held at the National Shrine of the Immaculate Conception, here in Washington, D.C. Hosts for the Congress, expected to be one of the most significant religious events of 1972, are the U.S. Catholic Conference, the National Conference of Catholic Bishops and the archbishop of Washington, Patrick Cardinal O'Boyle, D.D.

People of every faith, or of none, were invited and especially clergymen, young people, educators, ecumenists, scholars, religious journalists, parents, and anyone interested in religious education and adult education.

The Congress on the Word of God is a truly ecumenical endeavor, open to all, with several Protestant dignitaries participating on the panels of several of the concurrent conferences which deal with various aspects of preaching and the word of God, including liturgy, Scripture, communications, religious education, missions, and social development.

For the individual, clergyman or layman, if it succeeds, the program will mean that the Sunday sermon will be a renewed source of growth in spiritual life. On the national level, it is hoped that the congress marks a significant step in the revitalization of the Christian community, and in increased ecumenical cooperation between Catholics and Protestants.

I ask unanimous consent that a letter from the Papal Secretary of State, Jean Cardinal Villot, addressed to Patrick Cardinal O'Boyle, archbishop of Washington, be printed in the RECORD. The letter conveys Pope Paul VI's "special

apostolic blessing" to every person participating in the National Congress on the Word of God, and it provides an outline of a basic conditions for effective Gospel preaching.

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

SECRETARIAT OF STATE,
The Vatican, August 4, 1972.

Cardinal PATRICK O'BOYLE,
Archbishop of Washington,
Washington, D.C.

DEAR CARDINAL O'BOYLE: It was with special joy that the Holy Father learned of the National Congress on the Word of God that is being held in September at the National Shrine of the Immaculate Conception. He has directed me to convey to you and to the participants his greeting of peace and affection in Jesus Christ.

His Holiness assures all concerned of his prayers for divine guidance in the important task which they have set before themselves: renewal in preaching. He hopes that they will emerge from this Congress more firmly convinced than ever that such a renewal must be founded upon the Word of God, which "is living and effective, sharper than any two-edged sword" (Heb 4:12). But, as they certainly recognize, this Word must be proclaimed. This is what the Prophets and Apostles did. This is what the Martyrs did, confessing aloud even in their agony the Lordship of Jesus Christ. This is what the venerable Fathers of the East and West did, in their eloquent yet simple homilies whose words still have the power to touch us today.

This indeed is what the Word Incarnate Jesus himself did revealing the mystery of his being and of our salvation in the words which he spoke to his disciples and to all who came to listen to him (cf. Mt 11:27).

With such a heritage and with such a history, will not those who have the charge of preaching today strive to ensure that they will fulfill this responsibility as effectively as possible? Certainly the very Word of God is at the source of effective preaching. That is why preaching must be the proclamation of this Word and therefore centered upon Sacred Scripture, which is "the Word of God . . . consigned to writing under the inspiration of the Holy Spirit" (Dei Verbum, 93). What this means, of course, is that preaching thereby becomes centered on Christ himself, for as Saint Augustine has said, "In the Scriptures every verse sings of Christ" (In Epistulam Ioannis Tractatus, 2, 1).

The man who preaches must therefore be familiar with the Scriptures, not simply as one who reads them, but as one who, in imitation of the Mother of the Lord (cf. Lk 2:19), ponders the mysteries contained therein and contemplates their depths. He must moreover be familiar also with sacred Tradition, which with Scripture forms "one sacred deposit of the Word of God, which has been committed to the Church" (Dei Verbum, 10). Consequently, he must be thoroughly acquainted with the teaching of the Magisterium, which serves this Word and explains it faithfully (cf. ibid.); and he must engage in continuing study of the Fathers, exegesis and theology in order to understand more profoundly the Word of God as its meaning has been unfolded through the centuries. Finally, as far as possible, he ought to know well those who listen to him, so that he will be able to address himself to their anxieties, their doubts, their questions, their needs.

In short, preaching must proceed from deep conviction, serious learning and loving compassion (cf. Mk 6:34). If these conditions are fulfilled, it will be not only intelligent and knowledgeable but also capable of strengthening faith, raising hearts to the Lord and imparting the principles upon which the People of God can build their lives in today's world. May every bishop, every priest, every deacon who preaches be able to say joyfully: "This is what we proclaim to you: what was from the beginning, what we have heard . . . we speak of the word of life" (1 Jn 1:1).

It is my honor to convey to all taking part in the National Congress this message on behalf of the Holy Father. Praying that the Word of God may be proclaimed ever more effectively and imploring the Holy Spirit to grant wisdom, understanding and courage to those who strive to realize this goal, His Holiness cordially imparts to all participating in the National Congress his special Apostolic Blessing.

I am happy to express my own prayerful best wishes for the success of this important work.

Sincerely yours in Christ,
J. CARD. VILLOT,
Secretary of State.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business, Senate Joint Resolution 241, which the clerk will please state by title.

The assistant legislative clerk read the joint resolution by title, 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.

The Senate proceeded to consider the joint resolution.

The ACTING PRESIDENT pro tempore. The pending business is the amendment of the distinguished Senator from Montana (Mr. MANSFIELD), Amendment 1434. The vote on the amendment will take place not later than 12 o'clock.

The question is on agreeing to the amendment of the Senator from Montana.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the amendment by Mr. MANSFIELD be equally divided between and controlled by the distinguished author of the amendment (Mr. MANSFIELD) and the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT).

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS TO 11:30 AM

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 11:30 a.m. today.

The motion was agreed to; and at 10:40 a.m. the Senate took a recess until the hour of 11:30 a.m., whereupon the Senate was called to order by the Presiding Officer (Mr. GAMBRELL).

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.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the proviso that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the distinguished Senator from Kentucky (Mr. COOPER) and 5 minutes to the distinguished Senator——

The PRESIDING OFFICER. The Senator has only 10 minutes.

Mr. MANSFIELD. I yield the time from the other side, 5 minutes from the time of the Senator from Washington.

Mr. COOPER. Mr. President, I urge the Senate to support the Mansfield amendment to be voted on shortly. I regret that it has been necessary to attach any amendment to the interim agreement on offensive nuclear weapons. It is my view that the amendment of the Senator from Washington has raised doubts about the agreement itself and doubts about the future course of negotiations leading to further agreements on the limitation of nuclear weapons.

I am informed that the Mansfield amendment is supported by the administration. I must say that this information has come to me from one of the liaison officers of the administration, Mr. Korologos.

It endorses the relevant sections of the Declaration of Basic Principles of Mutual Relations between the United States and the Soviet Union. These principles were signed by President Nixon and Mr. Brezhnev in Moscow on May 29.

The Mansfield amendment is the correct interpretation of the purposes and intentions contained in the interim agreement. The Jackson amendment as it now stands is in direct contradiction to this spirit and according to the statements made by the President, Dr. Kissinger, the Secretary of State, and other high officials of this Government.

We are all for equality or parity or

sufficiency, and for the maintenance of the deterrent, but it is a fact known by Members of the Senate that the nuclear systems of the United States and the Soviet Union are asymetrical and that an agreement for numerical equality in intercontinental launchers or throw weight is at present and will be in the foreseeable future all but impossible to achieve.

If the arguments of the distinguished Senator from Washington could be carried into effect, it would mean that the United States and the Soviet Union would have to have identical nuclear systems. Of course, that is impossible.

The President and his chief spokesmen have stated repeatedly that, in arriving at the present interim agreement and the ABM Treaty, and in future SALT negotiations and under any future agreement or treaties resulting from future negotiations overall equality or parity based on qualitative as well as quantitative factors will be an overriding criterion.

Senator MANSFIELD'S amendment, of which I am a cosponsor, endorses this concept of overall parity; Senator JACKSON'S amendment, unless it is amended to include specific reference to overall parity or equality for all strategy nuclear systems, would, in fact, prescribe a course of action which in practical terms is impossible to attain, and would severely restrict the possibility for further limitations on nuclear weapons. The administration has said that it does not accept Senator JACKSON'S interpretation of his own amendment. Further, the administration has repeatedly stressed that all factors—quality, megatonnage, numbers of deliverable warheads, reliability, accuracy, forward basing, time on station, and so on—must all be taken into account in any agreement or treaty. This position of the administration is in contradiction to Senator JACKSON'S limited interpretation of equality.

For these reasons, I hope that the Senate will overwhelmingly approve the Mansfield amendment and quickly move to pass the interim agreement so that the Congress can affirm its support of the President's efforts and all of our efforts to bring the dangerous nuclear arms race to a halt.

Mr. President, I want to read this provision of the Mansfield amendment which is found on page 2, beginning with line 13, and through line 21:

"'Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives,' and

"'The prerequisites for maintaining and strengthening peaceful relations between the United States of America and the Union of Soviet Socialist Republics are the recognition of the security interests of the parties based on the principle of equality and the renunciation of the use or threat of force.'."

This is what the President of the United States said in his agreement with Leonid Brezhnev of the Soviet Union:

Security interests of the parties based on the principles of equality.

So if my good friend the Senator from Washington, a distinguished Member of this body and one who has spent many years in this field, argues that only his amendment can secure equality, I will argue that that is not true, but that if this amendment of the Senator from Montana (Mr. MANSFIELD) is passed, calling for equality on both sides, it will as effectively, without any doubt and without obfuscation, prescribe equality.

Furthermore, we will remove any doubt, not only as to this interim agreement which we are now called upon to and should approve at an early date, but as to the purpose of our country to achieve a treaty on the limitation of offensive nuclear systems. Our country, under President Nixon, for 3½ years has sought to attain this first step toward the limitation of offensive nuclear systems. Before that, it was urged by President Johnson, and plans were made during the administration of President Kennedy. We have come to this point, and now, for a month, we have been delayed in the approval of this important resolution.

I hope that the adoption of the Mansfield amendment will move this body off of the impasse that we have been in, and that we will move forward to achieve, in the next phase of our negotiations, a true limitation on offensive nuclear weapons.

I thank the Senator from Montana.

Mr. JACKSON. Mr. President, the amendment before us has the virtue, rare in the Senate these days, of being noncontroversial. Despite the procedural complications that have tied up the SALT resolution there is, so far as I know, little if any opposition to the amendment offered by the distinguished majority leader. As has been previously indicated by the able Senator from Kentucky, as I understand, the administration has announced its support of the amendment.

All the amendment does is to single out for special congressional approval language previously agreed upon by the United States and the Soviet Union. Such special approval can serve a useful purpose. In the present case it serves the purpose of enabling those of us who support the principle of equality in intercontinental strategic forces to also go on record in support of the exercise of mutual restraint, reciprocity, and mutual accommodation in United States-Soviet relations. Indeed, what could be more in the spirit of reciprocity than a future SALT treaty that leads to equality in the numbers of intercontinental strategic launchers as between the United States and the Soviet Union?

It is because I find the Mansfield amendment a useful opportunity to join in expressing hope for a more stable strategic relationship that I shall vote for it.

I want to be clear, Mr. President, on the relationship between the pending amendment offered by the distinguished majority leader and the amendment that I intend to offer at a later time along with the many cosponsors. I might say that there are now more than 40 cosponsors of my amendment.

The Mansfield and Jackson amendments are complementary. Indeed, they rather reinforce each other: the Mansfield amendment restates the hopes for accommodation and restraint and the Jackson amendment proposes one specific basis upon which such accommodation and restraint might be built. That basis, as I have so often argued, must be equality in intercontinental strategic forces between the United States and the Soviet Union.

I cannot conclude, Mr. President, without urging those Senators who may disagree with my amendment to join with me in an effort to let the Senate work its will on the substance of our disagreement. I hope that the readiness of the proponents of my amendment to join with the majority and minority leaders in agreeing on a time certain for a vote on this amendment will mean that we can proceed without delay to an agreement establishing a time certain for a vote on my amendment and on amendments to it. The Senate has urgent business before it and the cooperation of all of us will be necessary to the timely conclusion of our work.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I support the amendment proposed by the Senator from Montana, the majority leader. I think it properly states the purpose and the intent of the United States and Russia in concluding the interim agreement. I regret that I am unable to agree with the Senator from Washington on several points.

The first is that I think it ought to be very clear that those of us who support the interim agreement as presented by the administration are not those responsible for the delay in the Senate's action upon that agreement. We take the position that the Senate ought to proceed under its rules to deal with all amendments, and then vote on the resolution itself. The Senator from Washington, if I understand him correctly, takes the position that he will not call up his own amendment and will not allow us to act upon it unless we agree to his specific requirements that all action upon all amendments to his amendment be controlled by unanimous-consent agreement. This I reject as an improper procedure. I do not agree with it. I want to make it clear that it is the Senator from Washington who is standing in the way of proceeding under the rules of the Senate to deal with the amendments in the order they may be presented. To say that we are objecting to the Senate working its will is, in my view, a distortion of the facts as they now exist.

I also disagree with the Senator's use of the word "equality." He is not asking for equality between the United States and Russia; he means equality in specific weapons systems that is, in effect, the ICBM, or what he calls in his amendment intercontinental strategic forces.

This, I believe, is a misconcepton of the whole effort that has been brought to bear by both countries to bring about a degree of parity, or equality, if you like, in their overall strategic weapons systems, including not only the ICBM's, but aircraft, other forward-based nuclear weapons, and—although they are not involved directly—the nuclear submarines of our allies. All those systems were in the back

of their minds and were considered by the two parties in reaching this agreement.

The administration, both the President and Dr. Kissinger, speaking for the President, have made it quite clear that in their view there is at least parity or equality, if you like, as between the nuclear weapons of the United States and of Russia.

I think that to continue to state that all the Senator from Washington is asking is equality between the United States and Russia in strategic weapons is a gross distortion of the facts. It is a gross distortion of what his amendment in fact means. This is indicated by his refusal to delete the word "intercontinental" from his amendment. He is also unwilling to substitute the word "sustaining" instead of "leading to," in connection with reference to our strategic posture. These proposals that have been made in our negotiations would make his resolution much more in accord with the concept of equality.

But the Senator from Washington refuses to do that. He very clearly is saying that in intercontinental missiles there must be the same numerical equality; otherwise, he does not approve of the agreement. What that would mean is not equality. In view of our superiority in these other areas, numerical equality in ICBM's, would clearly result in superiority overall for the United States. That is the reason, of course, why the administration accepted this disparity in the number of ICBM's. It is quite clear.

I think that if we are going to vote on this amendment, it ought to be understood what is involved. It does not call for overall equality, as between the two defense systems of the two countries. I very much regret that the Senator from Washington continues to say that all he is asking is equality, period. If he would add each time, "I am asking for equality in ICBM's——"

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FULBRIGHT. I yield myself 2 additional minutes.

I do think that, in the interest of public understanding, this point should be made very clear. My own view is similar to that of the Senator from Kentucky, who just spoke on this matter, that the effect of the Senator from Washington's amendment, seeking, as it does, overall superiority and numerical equality in ICBM's, is to undermine the spirit of the agreement made between President Nixon and Mr. Brezhnev.

This was reported in the New York Times on yesterday, in commenting upon an article in Investia. The Russians interpret this amendment, together with the statements and the actions with regard to the Trident, the B–1, and other weapons systems, as indicating that we are not really sincere in seeking a limitation of nuclear weapons, that we have used and are proceeding to use this agreement as an excuse for a vast increase in our weapons systems.

We have already approved in this body—I did not vote for it—the Trident system, a vast, expensive system, for which the present cost estimate is $13 billion—no doubt it will be far more than that—for 10 submarines, unusually large submarines, twice as large, I believe, as anything now in being. So that this is interpreted as an effort to increase the superiority of the United States in this area.

The basic concept of the administration, as repeated time and again, is that we can get an agreement with the Russians provided there is an overall equality. I believe that "parity" is the word often used.

President Nixon, himself, some years ago used the word "sufficiency" to describe the needs of balance as between our system of defense and that of the Russian Government. I subscribe to that. I think that is a proper way to look at it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself 1 additional minute.

In fact, I think that the only way we can get any agreement in the future is on the basis of approximate overall equality. I do not believe the Russians will proceed with phase II if they believe we are not willing to accept overall equality. I think the future negotiations will come to naught unless we are prepared to accept that concept.

I think the great harm of the Jackson amendment is that it rejects that concept and requires—if it is followed—that our negotiators insist upon numerical equality in ICBM's and, of course, that we also retain our superiority in all other weapons systems.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I rise as a cosponsor of the Mansfield amendment because I think one thing, in fairness, should be made clear; and that is that in my view the reason for adopting the Mansfield amendment as an amendment to this resolution is the fact that it answers the question of the Jackson amendment. I believe that it therefore makes completely unnecessary the Jackson amendment. In my view, the Jackson amendment, considering the controversy which surrounds it, represents a commitment by those who vote for it as to what they are going to do in all the 5 years from now. It has no effect upon the agreement, but it has a vital and material effect upon the future policy of the United States as we vote here.

The words of Senator MANSFIELD's amendment, repeated from the communique, are "will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war." That will be my standard of judgment in voting for weapons systems, and I do not wish to be tied down to numerical equivalency in any particular kind of weapons systems.

Therefore, I feel justified—unless it is amended so that it does the same thing—to vote against the Jackson amendment, precisely because we have adopted the Mansfield amendment. So this is not just a meaningless gesture to please MIKE MANSFIELD. It is a material, critical, substantive element of what we are adopting here. I think it ought to be made clear, in all fairness, as we are having a rollcall vote, that this represents one Senator's concept, my concept, of what we ought to say in this regard. If we say it in the resolution, that seems to me to end any question about how Senators will vote on the future of the weapons systems.

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

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Does not the Senator agree that the words he mentioned are inherently inconsistent with the thrust of the Jackson amendment?

Mr. JAVITS. That seems to me crystal clear.

Mr. FULBRIGHT. They are not complementary. They are inconsistent.

Mr. JAVITS. Exactly. As it stands. So I do not want to fool around about the idea that I am voting for some pious statement in the Mansfield amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JACKSON. Mr. President, will the Senator yield me 1 minute?

Mr. MANSFIELD. I yield.

Mr. JACKSON. Mr. President, obviously, the Mansfield amendment is not a substitute for the Jackson amendment. It is complementary, as I have indicated.

I would be a bit foolish if I did not understand what is going on here. Here we have more than 40 cosponsors of my amendment, and we cannot get an agreement to vote on that amendment. We worked out an agreement yesterday to vote on the Mansfield amendment, and I think we have established a precedent here of some cooperation; and I hope that the Senator from Arkansas will cooperate in an effort to limit debate in the closing hours of this session so that the Senate can vote on an amendment that has more than 40 cosponsors.

That is exactly where we stand. It is a pretty sorry day if the Senator from Arkansas will not cooperate when we are called upon to vote on an important interim agreement, which is not a treaty and which is not the basis for the final negotiations.

The Senate certainly should be in a position to give advice and not just consent in connection with the follow-on SALT negotiations. I want to try to help implement the Fulbright doctrine, which stipulates, as he has announced it here over and over again, that the Senate should have something to say about policy——

The PRESIDING OFFICER (Mr. GAMBRELL). The time of the Senator from Washington has expired.

Mr. JACKSON (continuing). And give its advice and not just its consent on foreign policy matters.

Mr. FULBRIGHT. If the Senator from Montana will yield me a few seconds, I only want to say that the Senator from Washington has not offered his amendment. When he offers his amendment, we can talk about some kind of agreement for voting on it.

Mr. MANSFIELD. Mr. President, in the time left to me I want to call upon the Senate to support the words of the

President of the United States promulgated at Moscow on May 29, 1972, because this amendment is nothing but what President Nixon has said and agreed to in his meeting with Chairman Brezhnev.

I think that support of this amendment is support of the President of the United States.

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the hour of 12 noon having arrived, the question is on agreeing to the amendment (No. 1434) of the Senator from Montana (Mr. MANSFIELD).

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 Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. HARRIS), 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), and the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 84, nays 1, as follows:

[No. 400 Leg.]

YEAS—84

Aiken	Ervin	Moss
Allen	Fannin	Muskie
Allott	Fulbright	Nelson
Anderson	Gambrell	Packwood
Bayh	Gravel	Pastore
Beall	Griffin	Pearson
Bennett	Gurney	Pell
Bentsen	Hansen	Proxmire
Bible	Hart	Randolph
Boggs	Hartke	Ribicoff
Brock	Hollings	Roth
Brooke	Hruska	Saxbe
Buckley	Humphrey	Schweiker
Burdick	Inouye	Scott
Byrd, Harry F., Jr.	Jackson	Smith
Byrd, Robert C.	Javits	Sparkman
Chiles	Jordan, N.C.	Spong
Church	Jordan, Idaho	Stafford
Cook	Long	Stennis
Cooper	Magnuson	Stevens
Cotton	Mansfield	Stevenson
Cranston	Mathias	Symington
Curtis	McClellan	Talmadge
Dole	McGee	Tower
Dominick	McIntyre	Tunney
Eagleton	Metcalf	Weicker
Eastland	Miller	Young
Edwards	Mondale	
	Montoya	

NAYS—1

Goldwater

NOT VOTING—15

Baker	Harris	Mundt
Bellmon	Hatfield	Percy
Cannon	Hughes	Taft
Case	Kennedy	Thurmond
Fong	McGovern	Williams

So Mr. MANSFIELD's amendment (No. 1434) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

PRINTING OF COMPILATION ENTITLED "FEDERAL AND STATE STUDENT AID PROGRAMS, 1971" AS A SENATE DOCUMENT

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 31.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 31) authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document which was, on page 1, lines 7 and 8, strike out "forty-three thousand nine hundred" and insert "forty-four thousand".

Mr. PELL. Madam President, I move that the Senate concur in the amendment of the House with an amendment, which I send to the desk.

The PRESIDING OFFICER (Mrs. EDWARDS). The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 1, line 3, strike "1971" and insert in lieu thereof "1972".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 3323. An act 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; and

H.J. Res. 55. A joint resolution 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 United States Navy.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. ALLEN).

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 second assistant legislative clerk proceeded to call the roll.

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

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

REVENUE SHARING ACT OF 1972—PRIVILEGE OF THE FLOOR

Mr. MCCLELLAN. Madam President, I ask unanimous consent that Mr. James Calloway of the staff of the Committee on Government Operations be permitted to be present during consideration of the amendment which I shall call up on the revenue sharing bill.

The PRESIDING OFFICER (Mrs. EDWARDS). 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. FULBRIGHT. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business at the moment is Senate Joint Resolution 241.

Mr. FULBRIGHT. Madam President, Senate Joint Resolution 241, I believe, is the so-called interim agreement.

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. It is the so-called interim agreement on the control of nuclear weapons.

I wish to reiterate for the information of Senators what I think the situation is.

We have just approved the Mansfield amendment. The joint resolution is now open for amendment. If the Senator from Washington will lay before the Senate his amendment then I certainly will be willing to discuss the matter with him and certain other Members who have pending amendments, specifically the Senator from Missouri and possibly the Senator from California, but one at a time, if he wishes to have an agreement on a time certain to vote on one of those amendments.

The Senator from Washington stated a moment ago that he had over 40 cosponsors. I think he raises a question that is very important. It is my belief that some of those cosponsors do not understand the way the Senator from Washington uses the word "equality." In his statement here a moment ago to the Senate, and as he made it before, he used the word "equality" without qualification. He said all his amendment seeks to do in the future is to lay down guidelines that our negotiators should seek equality.

I think I would understand and I think many members in the public would understand that to mean overall equality, and that is overall equality of nuclear weapons, equality of capacity to develop new ones, either offensive or de-

fensive weapons. That is what I take the statement to mean.

I do not believe it is understood that what the Senator from Washington is really saying is that regardless of the degree of superiority we may have in the field of airplanes and the capacity to deliver nuclear weapons by airplanes or from forward bases, or our superiority in other areas these are excluded from his concept of equality and that all that the Senator is contemplating when he uses the word "equality" is in numbers of intercontinental missiles.

I believe in view of that circumstance, and aside from others, that a thorough discussion of the significance of the Senator from Washington's amendment is necessary if the Senate is to vote intelligently and with understanding on what is involved in this agreement.

Within the last few days there have been indications that this is the way at least the Russians understand the agreement. The article I referred to earlier in Isvestia makes clear the Russians believe this amendment is an effort to undermine the interim agreement, it is an indication of lack of desire on our part to proceed with significant restrictions on nuclear arsenals.

So I submit, in view of this circumstance, in addition to others, that a quick disposal of the Jackson amendment would be very much against the interest of this country. I believe that everything has indicated in recent days that the country as a whole is interested in stopping the arms race. I believe the condition of our budget, with the very large deficit projected this year of some $27 billion already, and others are saying it will go as high as $35 billion, indicates the necessity for restriction on the exorbitant demands of the strategic weapons system. So in view of that I cannot believe that 40 Senators understand the significance of the amendment to be offered, I assume, by the Senator from Washington.

I think if they understood that this would inhibit, if not prevent, further progress in the control and limitation of nuclear weapons, that they would not support it. It is very easy to misunderstand what the amendment does when it is presented in this fashion.

In the negotiations about this amendment prior to the recess it was suggested that certain amendments to the proposed Jackson amendment be considered, such as insertion of the word "overall" or removal of the word "intercontinental," leaving the meaning to be overall equality as the goal. The Senator from Washington, of course, rejected such suggestions, which leads only to the conclusion that he is not interested in overall equality; he is interested only in the numerical equality of ICBM's. I think that is the significance of it.

Madam President, I will not detain the Senate much longer.

I do believe adequate debate on the Jackson amendment is, of course, important. We have clear proof of the situation with regard to the equality or sufficiency of our own weapons system which will be presented when the Jackson amendment is before us. That will be the time to clarify the significance of the Jackson amendment. So I suggest again it is quite a distortion of the truth and facts to state that those who are opposed to the Jackson amendment are preventing its consideration by the Senate, or, as the Senator said, that we are preventing the Senate from working its will. The rules of this body are clear. Rule XXII provides against the limitation of debate except by unanimous consent, and unanimous consent is not the usual procedure to be followed in important issues. It is not unusual, of course, on routine issues. Neither I nor anyone else has objected to these overall unanimous-consent agreements on what I call relatively routine matters, things that come year after year.

I emphasize that this interim agreement is not a routine matter in my opinion. It could be the most significant move by this Congress in many years, if it is properly implemented and if we accept it in the spirit in which it was intended at the time of the summit meeting. It, along with the ABM agreement, could be a landmark action by Congress and the country if it is carried through properly, and by that I mean if we accept genuine parity or sufficiency, to use the word of the President, in this area rather than trying to manipulate this whole matter to the point that we have superiority and continuing superiority.

We had superiority for a long time. But the clear fact is that if we insist upon superiority, there will be no further progress in the control of armaments. On the contrary, it would result in a vast increase, in the acceleration of the arms race, in my opinion, because the reaction against the failure of phase II in the SALT agreements would be an increase in the arms race because of the disappointment, as well as because of suspicion that would arise then, on the part of both sides, that the other side was going for that myth of first strike capability. I do not believe first strike capability is a possibility under present conditions, or the foreseeable conditions, but it is a concept which has been sold and much talked about and could be easily distorted into a justification for an unlimited arms race.

Mr. JACKSON. Madam President, I just have a few brief remarks. I think the RECORD discloses that from the very outset the chairman of the Foreign Relations Committee has not been of a mind to move this measure along. I would point out that when word was out that I was going to offer an amendment calling for equality in intercontinental strategic forces the matter went over for a whole week. The interim agreement was already the pending business. The Foreign Relations Committee went into a series of sessions to discuss my amendment. On the very day that we started to discuss the interim agreement, I offered, as I did on the ABM treaty, to agree to a unanimous-consent proposal so that we could get an early vote, and the Senator from Arkansas objected.

So I think the record is very clear, and to say that we do not use the unanimous-consent device as a means to get action on important bills is rather absurd. We have the revenue sharing vote today, and we have a very important amendment we are going to vote on, by unanimous consent, by 5 o'clock. This goes on day after day. I have always opposed filibusters——

Mr. FULBRIGHT. Madam President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. I have said I would not object to doing it on an individual basis. On the revenue sharing bill, there is no overall package deal to dispose of it at one time, and the Senator from Louisiana will not make such an agreement.

Mr. JACKSON. Well, is the Senator from Arkansas willing to enter into a unanimous-consent agreement to cover my amendment and all amendments thereto?

Mr. FULBRIGHT. That is not what the Senator from Louisiana has done. I am willing to agree to a unanimous-consent agreement, as far as I am concerned—of course, with the agreement of the Senator from Missouri—on his amendment. I have said that all along.

Mr. JACKSON. But we have to get an agreement on all amendments to the amendment.

Mr. FULBRIGHT. That is not the procedure being followed on the revenue-sharing bill.

Mr. JACKSON. When a matter is made the pending business of the Senate and then it is delayed for over a week, day after day, before it is even brought up for debate or discussion, I think it is a clear indication that the chairman of the committee recognizes that we have a majority of Senators in support of our amendment and he does not want a vote on it.

Mr. FULBRIGHT. Will the Senator yield——

Mr. JACKSON. May I just finish? May I say I think it is amazing for the chairman of the Foreign Relations Committee to tell over 40 Members of the Senate that they do not know what the Jackson amendment is about, that they do not know what equality in intercontinental strategic forces is about. I think the American people and my colleagues know what my amendment is about, and that is why they are supporting it. I think it is most unusual for one Senator to say to over 40 other Senators that they really do not know what "equality" means or what they are doing in cosponsoring my amendment. Let the Senators have an opportunity to vote and then we will find out their views. I think that is what should be done here.

Mr. FULBRIGHT. Madam President, I do not know why the Senator keeps talking about equality. He never finishes that expression. Equality in intercontinental ballistic missiles. He says equality. Equality is a term, I admit——

Mr. JACKSON. Madam President, will the Senator yield at that point?

Mr. FULBRIGHT. Yes, I yield.

Mr. JACKSON. My amendment does not say intercontinental strategic missiles; it says intercontinental strategic forces. Read the amendment. That includes bombers. That includes missiles fired from land bases. It includes missiles fired from submarines.

Mr. FULBRIGHT. If that is true, why

does the Senator object to the word "overall" strategic?

Mr. JACKSON. For the obvious reason.

Mr. FULBRIGHT. What is the reason?

Mr. JACKSON. For the obvious reason that the addition of the term overall would of necessity mean more than my amendment intends. I have said repeatedly that the intercontinental strategic forces to be balanced on the basis of equality are ICBM's, SLBM's and intercontinental range bomber forces. I am not including, for example, tactical weapons. Addition of the word "overall" could prejudice the position of our NATO partners and other allies who are not participating directly in the SALT negotiations.

Mr. FULBRIGHT. Of course, we are getting into the type of debate which is appropriate to the Senator's amendment. I think that is quite proper. The only thing is, I think it would be more appropriate to make these arguments—and we shall make them—when and if the Senator's amendment is offered. They are legitimate questions of our differences of view. But I do not think it is clear at all from the Senator's amendment and what has been said in the press that he is talking about overall nuclear equality in strategic weapons. It is not only weapons in Europe that we have, but we have weapons all around the periphery of the Soviet Union. We have them in Turkey. We have control of when they are used. We have them in the Far East. We have them on aircraft carriers. We have 14 of them commissioned now, and we soon will have 16, and the Russians have none. Are these intercontinental or not? If they fly off an aircraft carrier in the North Sea, I admit they are not from our continent, but they are the same kind of destructive weapon.

This argument is on the merits. I was talking about the procedure primarily. I reiterate that when the Senator presents his proposal that all he asks is equality—equality of intercontinental strategic forces—I say that the average person would be impressed. Certainly I would be included in the definition of an average person. If he came to me, I would say, "Sure, I am for equality." Everybody is for equality. The interim agreement is for equality. The President says it gives equality—at least equality.

The argument can be made that the Russians have inferiority at the moment, and that is why the permission was given in the interim agreement to increase their numbers of submarines.

Mr. CRANSTON. Madam President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. Is there a pending amendment?

Mr. FULBRIGHT. No.

Mr. CRANSTON. Can the Senator say why we cannot proceed to vote on the interim agreement?

Mr. FULBRIGHT. Because the Senator from Washington will not allow us to vote on the interim agreement. That is the reason why we have not been able to vote on the agreement. The Senator said it was held up 1 week. I did not hold it up a week. I was perfectly willing to vote on it. It was the leadership, anticipating it was very controversial—so it is and was—for its own convenience, in order for the leadership to proceed with important and critical measures, that laid it aside.

The Senator says he has a majority. He said 40. That is not a majority.

Mr. JACKSON. I said we have over 40 cosponsors. I said a majority of Senators support my amendment. The Senator knows it.

Mr. FULBRIGHT. I know no such thing. I am not a prophet. I do not know how the elections are going to come out. The polls may show it, but I do not know it, and the Senator's poll may show it. I have been subjected to this many times. It depends on the way one presents his oral description of what an amendment means. I suspect a number of Senators think the Senator means overall equality, that he takes all the weapons systems, offensive, defensive, puts them up against the Russians, and that there is approximate equality. That is what the interim agreement actually provides for, but the Senator is offering an amendment which does not say that at all, and it is clear that is not proposed. His amendment calls for numerical equality in intercontinental ballistic missile forces, and he ignores all the other areas of nuclear weaponry where we have advantages or superiority, including the weapons that we already have in place around the periphery of the Soviet Union, on our aircraft carriers, and in Europe.

The other members of the Armed Services Committee—he does not have to take my word about it; the Senator from Missouri has had considerable experience, and is a former Secretary of the Air Force; he has said and will say that these weapons in Europe can be put on a fighter-bomber and, with one refueling, delivered to Moscow. The weapon does not come from the United States, but a 2- or 3-kiloton weapon delivered on Moscow, coming from Germany, is just as destructive as one coming out of a submarine.

All of these factors were taken into consideration by the President. Dr. Kissinger, at the White House, described this, and answered all of the questions as to whether there was parity as well as sufficiency, and he said there was. He said in no uncertain terms that this was not an imprudent agreement which leaves the United States in an inferior position.

Inferiority is clearly the implication in the Senator's amendment. It is very cleverly written. He says, "Strategic forces inferior to the limit provided for the Soviet Union." The implication is clear that we are inferior in our strategic forces.

Well, what does he mean by our strategic forces? Again he comes back; the only thing he can mean is ICBM's.

Nobody denies that there is a numerical inferiority. However, our country, years ago, deliberately rejected the idea of weapons such as the SS–9's and the Titans, big multimegaton weapons. We deliberately chose the smaller, 1-megaton Minuteman, because it is a more efficient way to use our capacity for destruction.

Mr. JACKSON. Madam President, will the Senator yield at that point?

Mr. FULBRIGHT. Yes. Is that not so?

Mr. JACKSON. Or would the Senator say that an SS–9 might be designed for a first-strike capability, in order to knock out a hardened site? Otherwise, why would they want to have a 25-megaton warhead capability?

Mr. FULBRIGHT. We started out——

Mr. JACKSON. The forces we sought were totally different. We never sought a first-strike capability to knock out hardened sites. That is the difference, and that is what is disturbing about the huge Soviet missiles and the still larger missiles they are now developing.

Mr. FULBRIGHT. The Senator assumes all of this. I do not think he has any basis for that at all. He is trying to read the minds of the Russians.

The first effort we made was to develop a big one, bigger than we now have. We were far ahead in technology, and so on, and our own military people, looking at it, decided that it was less efficient to put 10 or 20 or 25 megatons in one missile, less efficient than to put the same or less megatonnage in four or five missiles, for various reasons. First, there is flexibility; you can fire at more targets more easily. It is more accurate; and 4 megatons, in the calculations I have, which come from expert sources, 4 megatons properly delivered in a Minuteman will cause the equivalency, they call it, in destruction, of 16 megatons, or about 4 to 1. If you concentrate it all in one, it is not efficient.

We started out that way, and simply as a matter of sophistication and knowledge, we decided it was more efficient to go to the Minuteman.

I think that is true. Everything we have been doing is to that effect, that that is correct. We are not about to go back to the big one.

When you MIRV a weapon, you have fewer megatons, but they divided it up. Why did they divide it up? Because it is more efficient to put mirved missiles in submarines. They are still so destructive no one can withstand it.

Mr. JACKSON. Mr. President, will the Senator yield for clarification at that point?

Mr. FULBRIGHT. I yield for that purpose.

Mr. JACKSON. Did the Senator want to leave the record as I understood he left it, that we had the choice of several warheads for Minuteman, and could deliver up to a total of 4 megatons? Is that what the Senator said?

Mr. FULBRIGHT. No; 4 separate megatons, I mean four missiles, 1 megaton per missile, is a more efficient way to use it than one big missile. We decided that years ago, more efficient than one missile with 10 or 15 megatons in it. We made the decision that it was more efficient and more effective.

Mr. JACKSON. It is not a matter, I would say, of efficiency. I think it is a matter of strategic policy.

Mr. FULBRIGHT. I mean efficiency in destructive power, the deliverability of destructive power. These are details that

I have very good information on, and at the proper time—it is premature now, I guess, since the Senator's amendment is not even up; but whenever he offers it, the details of this will be properly developed, not only by me but by members of the Armed Services Committee who take this view and who have the information, and others with sources that I think are unanswerable.

Mr. CRANSTON. Madam President, will the Senator yield to me briefly, so that I may put a question to the Senator from Washington?

Mr. FULBRIGHT. I yield for that purpose.

Mr. CRANSTON. The Senator from Washington, in colloquy with the Senator from Arkansas, stated that the trouble with the word "overall" was that nuclear tactical weapons would then be included.

Would the Senator accept the word "overall" if it was followed by the words "exclusive of nuclear tactical weapons?"

Mr. JACKSON. What would it mean then? Can the Senator explain what it would mean?

Mr. CRANSTON. It would mean that all relevant factors in measuring sufficiency of force would be considered, but nuclear tactical weapons would not be considered.

Mr. JACKSON. What relevant factors?

Mr. CRANSTON. There are many factors that we have gone over in this debate. The great ring of forward position forces that are used on sea, in the air, and from the ground. You would consider more than simply the number of missiles and throw weight.

Mr. JACKSON. Well, I would just point out that obviously you have to consider the relative posture, as we are talking about it, first in intercontinental strategic terms, to determine whether or not you are going to have any basis of equality or parity.

When the Soviets get 1,618 land-based missiles, and we have our thousand, when the Soviets get 950 launching tubes for 62 Y-class submarines, and we have 44 ballistic missile submarines with a total of 710 tubes, I think it is apparent to the people of this country and to Members of the Senate that this is not equality; and when you add on top of that that they have a 4-to-1 advantage in throw-weight, that is, in the capacity of these items that we are talking about, it is clear that we have not achieved parity.

I remember in the arguments over the ABM that the contention against the ABM was that when the Soviet Union got around our number of land-based missiles, they would stop deployment of ICBM's at around a thousand. Here they are at 1,618 already.

You know, you have to ask, Why was not some determination made by those who constantly worry about U.S. forces to get the Russians to cut back and reduce theirs? There is a golden opportunity for the Russians to agree to a thousand land-based missiles and to the 42 Y-class submarines they now have, or to 44. There is a golden opportunity, Madam President, to have a real arms limitation agreement that will save money and resources on both sides.

Mr. FULBRIGHT. Madam President, this comes back, I submit to the Senator from Washington, to the same argument as before. One reason the Russians thought they should have more ICBM's was that they had no capacity to put weapons around our borders, as we have around theirs in such places as Turkey, Korea, and elsewhere, as well as in aircraft carriers. They do not have a single aircraft carrier.

This is a matter of each country's decision as to how it looks after its defense. Not having the capacity to do what we have done, to have in being 7,000 warheads in Europe and other large numbers on aircraft carriers, and so on, scattered around the world, how do they offset that to reach even a degree of equality? They cannot do that under the situation in which they operate.

The Senator is taking one area—ICBM's. He talks about the submarines. We believe, and we have been told, that we have superior submarines. We already have superior submarines. They are beginning to develop a missile that can travel a couple of hundred miles more than ours, but we have underway the Trident submarine, and so forth. There is the ever-increasing sophistication.

I think that the way the Senator presents his case is very deceptive. I would have thought the same thing. If I had no background on it and the Senator approached me cold and said, "Aren't you for equality with the Russians on strategic missiles?" I would say, "Sure, I am."

He would say, "Would you cosponsor my bill?"

I would say, "Sure. I'm for equality."

But it never would have occurred to me that the kind of equality he is talking about is superiority—equality in one area, and we are clearly superior in the others.

It can mean nothing, in truth, but superiority if we accept the Senator's idea that we must have 1,618 ICBM's and 740 submarine tubes, just what the Russians could have, and they all, of course, would have to be exactly of the same explosive power and length. The whole idea that this one category should be balanced off nicely so that each side has the same amount is absolutely irrelevant and is a wrong way to look at it.

When you consider the power of destruction of one-fourth of all these weapons on the other country, in view of the fact that we have already agreed to the ABM treaty, in which each country has said it is not going to proceed to develop a defense against these weapons, then we do not need 1,600.

Then comes into play what the President has called sufficiency. I submit that 400 on each side is sufficient, because the other side has said, "We do not propose to develop and we do not have a defense against intercontinental ballistic missiles or against submarine missiles." The only kind of defense either would have at the present time, I suppose, is some kind of defense against those missiles delivered by airplanes, because we both have antiaircraft defenses of some kind, but we have nothing that could deal with a submarine launched missile or an intercontinental ballistic missile. So when you get above 400, which often has been used as a figure adequate to destroy three-fourths of each other's industrial capacity and kill 300 million people—that is enough to completely demoralize and destroy the other country's society.

So in talking about this, the Senator is confusing the issue by equating nuclear weapons with conventional weapons. It is true that there is considerable merit in saying, with respect to conventional weapons, that we ought to have so many .45's against their .45's, so many different guns. There is some relevance in that argument. But with nuclear weapons, if there is no defense against it, I submit that the Senator is playing around with the numbers game of a thousand or 1,600 or 2,000, and it is utterly meaningless. It has no significance. The concept of equality under those circumstances is meaningless.

The idea of first-strike capability seems to me also to be meaningless, because there is literally no possibility of a straight first-strike capability on either side with weapons of this kind and deployed as they are, including submarine weapons. Assume, for example—and I do not think they could—that the Russians could destroy 1,000 Minutemen, which is a fantastic and ridiculous assumption, what are they going to do about the submarines?

A first-strike capability means that the country attacked could not effectively retaliate. With 700 or 500 or even 400, they could render unacceptable damage to the other.

So I think the whole idea of equality, as submitted by the Senator, is simply not a meaningful term under the circumstances, because it is not understood that way, and I would not have understood it that way.

Mr. JACKSON. Madam President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JACKSON. The Senator has dwelt at great length on the subject of the 7,000 warheads in Europe. Would the Senator give the Senate the benefit of his views as to the number of bombs or warheads we could put on Soviet soil in connection with a move on our part and, second, how many we could put on Soviet soil in the event of a Soviet first strike against our forces in Europe?

Mr. FULBRIGHT. This has been discussed, as I have said, at considerable length. The Senator from Missouri discussed it the other day. He stated time and again that with one refueling, the fighter bombers, of which we have several hundred, could take a nuclear weapon of about 200 kilotons, I think he said——

Mr. JACKSON. How many weapons?

Mr. FULBRIGHT. To Moscow.

If the Senator is asking how many they could shoot down, nobody knows how efficient they are, but if you send enough of them over, you can. We will discuss all those matters in the debate.

Mr. JACKSON. I would like to get this one point clarified.

Mr. FULBRIGHT. We will get it clarified in the debate.

Mr. JACKSON. I also asked the Senator for his view of the number of weapons we would have after a Soviet first strike on our forces in Europe. As I pointed out——

Mr. FULBRIGHT. We have plenty of weapons.

I want to ask the Senator this question, for my own information and that of the Senate: There is no pending amendment. Is the Senator going to continue to filibuster this resolution, or is he going to offer his amendment, and why can he not offer his amendment and let us have the debate relative to his amendment?

Mr. JACKSON. I have never filibustered at any time. I point out that the Senator from Washington has a long record in favor of modifying rule XXII, and he has supported moves to limit debate, which the Senator from Arkansas has not done. I believe very strongly and feel very deeply that we ought to reach an early agreement here to get a vote as soon as possible.

I am prepared and ready to enter into a unanimous-consent agreement, Madam President, to bring about a time limitation on the Jackson amendment and amendments thereto. We agreed on a time certain for the Mansfield amendment, and the Senator from Arkansas certainly should be willing to agree to a unanimous-consent agreement, so that Senators will know when the various amendments to the amendment and the final action on the amendment can be voted upon.

Mr. FULBRIGHT. We have gone over this again. I do not want to deceive anybody. Under the rules of the Senate, the pending business is the resolution as presented by the administration, as reported unanimously by the Committee on Foreign Relations. It is ready for action. If the Senator is not willing to allow us to act on that, it seems to me that under the rules he has no alternative, unless he wants to filibuster, to offering his amendment.

With respect to the idea of unanimous consent, he is absolutely wrong in saying that that is essential. I am not going to make any such agreement. I made that very clear yesterday and on other occasions. I am not going to make the kind of agreement the Senator wants, and that is all there is to it. If he offers his amendment, I am perfectly willing to make an agreement, so far as I am concerned, on the amendments to his amendment as they come up. That is the only procedure I can follow. I do not understand the words like "equality," and, as the Senator says, "filibustering." If he has not filibustered, I do not know what the word means. I am not against filibustering under proper circumstances but I think the Senator should take the consequences of it and accept it.

Mr. JACKSON. Madam President, my record in the Senate on the subject of filibustering is an open book. The voting records are clear. I will put my record alongside the record of the Senator from Arkansas favors thed octrine of filibustering.

Mr. FULBRIGHT. I do not deny that I have filibustered. The only difference here is that the Senator from Washington denies it. It is a proper thing to do under the proper circumstances.

Mr. JACKSON. The Senator from Arkansas favors the doctrine of filibustering. He has never voted to limit debate in this body. To say that the Senator from Washington is filibustering is nonsense.

Mr. ROBERT C. BYRD. Madam President, will the Senator from Washington yield to me without losing his right to the floor?

Mr. JACKSON. I have no further comment. I yield.

REVENUE SHARING ACT OF 1972

Mr. ROBERT C. BYRD. Madam President, under the order previously entered, I ask that the Chair now lay aside Senate Joint Resolution 241 and that the Senate proceed to the consideration of H.R. 14370.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 14370 which the clerk will state.

The legislative clerk read as follows:

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 Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Madam President, on behalf of the distinguished Senator from Arkansas (Mr. McCLELLAN), I yield 1 minute to the distinguished Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Madam President, I have several unanimous-consent requests here.

DISPOSITION OF JUDGMENTS IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6797.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference 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. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

DISPOSITION OF FUNDS TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7742.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference 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. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10858.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference 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. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

ACQUISITION OF A VILLAGE SITE FOR CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 3337.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Bank of Yavapai-Apache Indians, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a con-

ference 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. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

DISPOSITION OF FUNDS TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8694.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference 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. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

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. ROBERT C. BYRD. Madam President, I ask unanimous consent that the time consumed thus far be charged equally against both sides on the amendment.

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

Mr. HANSEN. Madam President, I ask unanimous consent that during debate on the Revenue Sharing Act of 1972, now the pending bill, and for such time as debate may continue on the bill, that my staff member, Mrs. Marilyn Koester, may be permitted the privilege of the floor.

Mr. ROBERT C. BYRD. Madam President, I will not object, of course, but may I ask the distinguished Senator if this includes the time during the rollcall votes.

Mr. HANSEN. I would like, if I may, to have her on hand in the Chamber during those times; yes.

Mr. ROBERT C. BYRD. I have no objection.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LOUISIANA CREOLE GUMBO

Mr. LONG. Mr. President, it was my pleasure this morning to have an early lunch in the Senate dining room, where I had the pleasure of tasting the Louisiana creole gumbo, an authentic product of my former senior colleague in the Senate, Allen J. Ellender.

I was privileged to share that occasion with my colleague from Louisiana, Mrs. ELAINE S. EDWARDS. This is the same recipe that Senator Ellender for so many years prepared personally and served to Presidents, to First Ladies, to Members of this body, to ladies of the press and other members of the press, and to distinguished visitors to the Senate.

As one who has had occasion to enjoy gumbo soup in some of the best restaurants in Louisiana and in some of the smaller restaurants, less famous, perhaps, which sometimes prepared some very good gumbo, I must say that I was not the least bit disappointed in the handiwork of the excellent help available to the Senate Restaurant today.

I should like to congratulate the distinguished Senator from Alabama (Mr. ALLEN) who is the chairman of the Senate Restaurant Subcommittee of the Committee on Rules and Administration, and the subcommittee's ranking Republican member, the Senator from Michigan (Mr. GRIFFIN) as well as the Senator from West Virginia (Mr. ROBERT C. BYRD), who suggested that this would be a fitting tribute to the memory of one of our great Senators of all times, on their decision to place the Allen Ellender gumbo on the menu each Thursday.

They have displayed a great sense of taste, not only culinary but also in sentiment, in so honoring our late colleague, who died July 27 in the midst of his campaign for a seventh Senate term, which was going well at the time.

Presidents, their wives, and many of us here were privileged to attend Allen Ellender's famous gumbo luncheons each year for his friends and colleagues here in the Capitol. By placing an authentic Louisiana gumbo, prepared from Allen Ellender's recipe, on the menu each Thursday, we are honoring his memory and reminding everyone that Allen Ellender was not only the No. 1 Senator in seniority but also the No. 1 Senator in Louisiana culinary skill.

Mr. President, I ask unanimous consent that all of the recipes of the "chef supreme," Allen Ellender, be printed in the RECORD.

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

SENATOR ALLEN ELLENDER'S RECIPES

BASIC SAUCE

5 tablespoons fat (vegetable oil or smoked bacon fat)
1 rounded tablespoon flour
2 pounds onions, chopped fine
3 pieces celery, chopped fine
1 medium bell pepper, chopped fine
1 lemon (Use grated rind, then remove white pulpy membrane and chop rest of lemon)
3 pods garlic
A few dashes each of Worcestershire sauce, Tabasco, thyme, McCormick "Season all"
2 bay leaves
Salt to taste

To the fat, add flour and brown, stirring constantly, to make scorchy-tasting roux. Add the onions, fry slowly until well-browned and reduced to pulp. Add the rest of the ingredients at one time and continue to cook slowly for at least 30 to 45 minutes.

GUMBO

Basic sauce
2½ pounds okra
3 pounds peeled shrimp tails
1 pound crab meat
1 pint oysters
Parsley and onion tops

After cutting in small pieces, cook the okra slowly in a small pot in about 2 tablespoons of fat until no longer ropy, stirring often to prevent scorching or browning. Add to basic sauce and continue to cook for not less than 20 minutes. Add shrimp and crab meat, and about 10 minutes later, the oysters. Add water to make the sauce of a soupy consistency. Cook for about 20 minutes after the mixture has started boiling. About 10 minutes before serving, add a handful of chopped onion tops and parsley. Serve over rice in soup plates.

SHRIMP CREOLE

Basic sauce (If a thicker sauce is preferred, make roux with 2 to 4 tablespoons of flour instead of one.)
3 pounds peeled shrimp tails
2 cans tomato paste

Cook tomato paste with sauce thoroughly, add shrimp and continue cooking for 15 to 20 minutes, stirring as necessary. Serve with rice.

JAMBALAYA

Basic sauce
½ can tomato sauce (not paste or whole tomatoes)
3 pints oysters
3 cups rice
Onion tops and parsley, chopped fine (about a handful, mixed together)

Add tomato sauce to basic sauce and cook thoroughly. Add oysters and cook for about 10 minutes after boiling starts. Now add rice, chopped onion tops and parsley. Add enough water to make sure you have two cups liquid in the pot for each cup of rice. Stir and mix thoroughly until mixture comes to a boil. Cover tightly and lower flame to simmer. Cook for about 25 minutes. Do not remove the lid. Test rice to be sure it is done thoroughly at the end of the 25-minute cooking period.

CHICKEN WITH SAUCE PIQUANTE

Basic sauce (If a thicker sauce is preferred, make roux with 2 to 4 tablespoons flour instead of one.)
Two 2½- to 3-pound chickens, cut in pieces
1 can tomato sauce
2 cans tomato paste

Cook tomato sauce and paste with basic sauce very thoroughly. Then add chicken and cook until tender. Serve with rice or spaghetti.

COURTBOUILLON

Basic sauce (As above, if thicker sauce is desired, make roux with 2 to 4 tablespoons flour instead of one.)
5 pounds fish, preferably channel bass or red snapper, cut in pieces
1 can tomato sauce

2 cans tomato paste

Cook tomatoes with sauce thoroughly, then add fish and cook slowly until done, stirring very gently in order not to break up fish pieces. Serve with rice.

(All of the above recipes will serve from 12 to 16 people. Recipes may be cut down by halving ingredients, if desired. To make sauce of proper consistency to suit the taste, add water as needed during last stages of cooking. The gumbo should be of the consistency of a thick soup and the remainder of the dishes should be of the consistency of a stew).

OYSTER STEW

2½ tablespoons fresh bacon fat
1 pound onions
2 pints fresh oysters
3 cups milk
Parsley and onion tops

Put fat in a 3-quart saucepan and when hot, add chopped onions. Cook onions until clear but not brown, on slow flame. Add oysters, with liquid, and cook until oysters curl. In meantime, add a handful of chopped onion tops and parsley. Add hot milk. Serve immediately.

ROAST DUCK

Salt and pepper inside of duck to taste, then stuff with a few pieces of celery, apple and onion. Stab breast portion in several places and insert small slivers of garlic. Salt and pepper outside to taste, then smear liberally with peanut, vegetable or coconut oil, or bacon fat.

In an iron Dutch oven with a tight fitting lid, place 1 medium or small onion, chopped, 1 pod garlic, 1 stalk celery, about ¼ bell pepper, all chopped fine. Add 1 bay leaf, a few dashes of ground thyme, Tabasco sauce, Worcestershire sauce, and a little salt. Add a small amount of water, just enough to keep ingredients from burning, and add more water from time to time as needed.

Place duck on rack in Dutch oven and cook with above mixture so that flavors will steam through duck on rack. Keep cover on tightly and cook until duck is tender.

Remove pulp from bottom of pot; remove rack and brown duck in gravy, either by continuing to cook on top of stove or by putting it in oven. Cooked pulp may be returned to gravy, along with mushrooms, and served over rice with the duck.

CREOLE PRALINES

2 cups granulated sugar
1 cup dark or light brown sugar
1 stick (¼ pound) butter
1 cup milk
2 tablespoons Karo syrup
4 cups pecan halves (If large halves, crush in small pieces.)

Put all ingredients except the pecans in a 3-quart saucepan and cook for about 20 minutes, after boiling starts, stirring occasionally. Add the pecans and cook the mixture until liquid forms a soft ball when a little is dropped into cold water. Stir well and then drop by spoonfuls on waxed paper. Place a few sheets of newspaper beneath the waxed paper. I find it convenient to place a small table near the stove, over which I put a few sheets of newspaper, and then put the waxed paper over that.

Mr. LONG. Mr. President, I urge all my colleagues today to sample the Senate Restaurant's version of the Allen J. Ellender gumbo. I think they will find it about the same as they recall down through the years, with the exception that if they have a southern taste, they will probably require a little taste of tabasco to make it completely authentic.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON THE LOCATION OF NEW FEDERAL OFFICES AND OTHER FACILITIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am transmitting today the second annual report on the location of new Federal facilities in areas of low population density.

This report describes the second year efforts of all executive departments and agencies with respect to the location of new offices and other facilities in low population density areas as required by the Agricultural Act of 1970. This Administration is committed to both the revitalization of rural America and the maintenance of a sound balance between rural and urban America. This commitment is reflected by the data in this report showing that during the last year more than half of all newly located offices and other facilities have been placed in areas of lower population density.

The philosophy of this administration concerning the location of Federal facilities was expressed in Executive Order 11512 in February of 1970:

Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in that area. . . .

We have since moved to carry out this philosophy through a wide variety of actions. The Agricultural Act of 1970 serves as a further stimulus in the same direction. I am confident that our choice of locations for new offices and facilities is strengthening the balance between rural and urban America.

RICHARD NIXON.

THE WHITE HOUSE, *September 7, 1972*

REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

I am transmitting herewith the National Capital Housing Authority's Fiscal Year 1971 report which summarizes the major steps taken during that period to improve the housing supply for the citizens of the District of Columbia.

RICHARD NIXON.

THE WHITE HOUSE, *September 7, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mrs. EDWARDS) 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, informed the Senate that, pursuant to the provisions of section 140 (g), Public Law 92–318, the Speaker had appointed Mr. BRADEMAS of Indiana and Mr. DELLENBACK of Oregon as members of the National Commission on the Financing of Postsecondary Education, on the part of the House.

The message announced that the House had passed, without amendment, the bill (S. 2969) to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

The message also announced that the House had agreed 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) 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.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. This will be a live quorum. I ask that the respective spokesmen on both sides of the aisle get word to Senators so that not too much time will be consumed in establishing a quorum. I ask unanimous consent that the time be charged equally against both sides, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 401 Leg.]

Bennett	Gurney	Montoya
Burdick	Hansen	Muskie
Byrd, Harry F., Jr.	Hollings	Pell
	Hruska	Schweiker
Byrd, Robert C.	Jackson	Stevenson
Cook	Jordan, N.C.	Symington
Curtis	Jordan, Idaho	Talmadge
Eagleton	Long	Young
Edwards	McClellan	

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Ser-

geant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Ervin	Moss
Allen	Fannin	Nelson
Allott	Fulbright	Packwood
Anderson	Gambrell	Pastore
Bayh	Goldwater	Pearson
Beall	Gravel	Proxmire
Bentsen	Griffin	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Humphrey	Saxbe
Brooke	Inouye	Scott
Buckley	Javits	Smith
Chiles	Magnuson	Sparkman
Church	Mansfield	Spong
Cooper	Mathias	Stafford
Cotton	McGee	Stennis
Cranston	McIntyre	Stevens
Dole	Metcalf	Tower
Dominick	Miller	Tunney
Eastland	Mondale	Weicker

The PRESIDING OFFICER. A quorum is present.

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. 1450

The PRESIDING OFFICER. Under the previous order, the pending question is on the amendment of the Senator from Arkansas (No. 1450).

Mr. McCLELLAN. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read amendment No. 1450.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendments (No. 1450) are as follows:

On page 36, strike out lines 11 through 22 and insert the following:

"(d) EXPENDITURES FROM TRUST FUND.—

(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making payments to State governments and units of local governments under this subtitle. Amounts so appropriated may be used only for making such payments but shall remain available without fiscal year limitation.

"(2) ADVANCE FUNDING.—To the end of affording the responsible officials of State governments and units of local government adequate notice of the amount of payments to which each State government and unit of local government will be entitled under this subtitle, appropriations are hereby authorized to be included in appropriation Acts for the fiscal year next preceding the fiscal year for which the appropriations are made."

On page 38, line 1, strike out "moneys appropriated to the Trust Fund" and insert "moneys appropriated for expenditure from the Trust Fund".

On page 38, after line 14, insert the following: "If, for any fiscal year, the total amount appropriated for expenditure from the Trust Fund is less than the amount specified for allocation in the preceding sentence, then, for purposes of this subsection, the total amount so appropriated shall be substituted for the amount so specified."

At the end of the bill insert the following:

"TITLE IV—APPROPRIATIONS FOR REVENUE SHARING PAYMENTS

"SEC. 401. APPROPRIATIONS FOR ENTITLEMENT PERIODS BEGINNING JANUARY 1, 1972, AND JULY 1, 1972.

"There are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for payments to State governments and units of local governments under subtitle A of the Revenue Sharing Act of 1972 for the fiscal year ending June 30, 1972, $2,650,000,000, and for the fiscal year ending June 30, 1973, $5,450,000,000, both sums to be derived from the Revenue Sharing Trust Fund and to remain available until expended."

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Would it now be in order to move to have the pending revenue-sharing bill, H.R. 14370, as reported by the Finance Committee, referred to the Committee on Appropriations?

The PRESIDING OFFICER. Such a motion would be in order.

Mr. McCLELLAN. I thank the Chair.

Mr. President, I yield myself such time as I may need.

Mr. President, I have no intention, as of now, of making such a motion, but I did want to establish that it would be in order to so move, because the issue here is the question of whether the Appropriations Committee should have an opportunity to consider the provisions of section 104 of the bill as reported.

This matter, I may say, Mr. President, has been discussed in the Appropriations Committee, and it was the first impression of the committee that such a motion should be made. However, in view of the time element involved here and the effort being made by everyone and the desire of everyone to bring this session of Congress to adjournment sine die as soon as possible, hopefully by the 30th of this month, the Committee on Appropriations decided that, rather than ask that the bill be referred to it, that we would simply submit an amendment which would do what the committee thought should be done, and likely what the Appropriations Committee would have done had the bill been referred to it.

That is the amendment that is now before us, and that amendment, Mr. President, is the amendment which I present as chairman of the Appropriations Committee, by direction of the committee.

Mr. President, in this age of rapid change, increasing population and rising costs, our States and localities are hard-pressed to meet the constantly increasing demand for more and more public services. Their resources are strained, often inadequate, and generally diminishing.

America's great experiment in federalism is under severe pressure. The pending revenue sharing bill is an attempt to ease that pressure and shore up our Federal system. Indeed, this bill represents a bold new venture in federalism. It is an effort to strengthen our governmental partnership with the States and to make them more viable financially.

The Committee on Appropriations recognizes the strong support for the basic concept of revenue sharing. We are also aware of the intense effort to rush this measure through the Congress and get the money it provides into the hands of the States and localities. The committee is equally anxious to act on this measure and does not, in any way, want to delay its consideration or thwart its passage.

That is why, Mr. President, we are taking this procedure of submitting an amendment rather than making a motion to refer to the Committee on Appropriations. I want to say that I support this bill, but speaking for myself, I would like the record to clearly show that it is not my intention to have this or any other revenue sharing bill replace or supplant, or in any way diminish our successful, ongoing Federal programs which have been so helpful and so important to our people, not only in Arkansas, but throughout our Nation. I have in mind such vital programs as EDA—the Economic Development Administration and the economic development district programs—as well as the regional economic development commissions, such as the Ozarks Regional Commission. We might also mention the Appalachia Commission. I have in mind our Rural Electrification Administration, our soil conservation, wildlife, and forest services, our law enforcement assistance administration, our critically needed housing, health, and education programs just to name a few. Such programs have brought immeasurable progress to Arkansas and to our other States. They should continue, notwithstanding revenue sharing, if we are to give every American the fullest opportunity for a better life.

I wanted to place my personal position in the RECORD at this point, Mr. President, with respect to the revenue sharing bill and other existing programs.

Mr. President, the Committee on Appropriations is concerned about section 104 of H.R. 14370, as reported, which would appropriate $29.575 billion for the next 5 years.

Therefore, on behalf of the committee and by its direction, I have introduced amendment No. 1450 to H.R. 14370 which would obviate the harm of this section and not detract one iota from the major thrust of the bill. This amendment is designed to insure that the revenue-sharing program will be funded on a sound and fiscally prudent basis. It is also designed to make it an effective complement to our other Federal spending programs, obligations and priorities.

There are two fundamental Senate principles underlying this amendment which prompted the committee to submit it for your consideration:

First is the basic principle of committee jurisdiction. H.R. 14370, as reported, would deviate from the Senate's traditional funding methods by appropriating as well as authorizing funds for its purposes. Your Committee on Appropriations, and no other, is charged with the responsibility of recommending the appropriation of Federal funds. To usurp the committee's undeniable jurisdiction over appropriations for revenue shar-

ing—or over any other Federal spending program—would do more than violate traditional and time-honored Senate procedures. Such a usurpation of committee jurisdiction would establish an undesirable precedent upon which further erosions to our entire committee structure and legislative process would inevitably occur.

Your committee is not aware of any compelling reason to depart from the Senate's traditional and effective mode of operation in this instance. Nor are we aware of any compelling reason to ask the Senate to deliberately weaken and derogate its committee system. I would suggest that this should be a matter of deep concern to every chairman and potential chairman of every Senate committee.

Second, section 104 would seriously impair the basic principle of internal legislative checks and balances. Your Committee on Appropriations, and no other, is charged with the responsibility of reviewing and recommending the appropriation of funds for Federal programs and priorities on an annual, interrelated basis. H.R. 14370 would bypass this vital check and balance on Federal spending and treat revenue sharing on a different basis, without regard to and isolated away from the total Federal fiscal picture. This may be what the Senate wants to do. If it wants to do it it can do it; and that is what it will do, if this amendment is rejected and section 104 is passed in its present form. But, I can see no justification for such a radical departure from the sound and tested review procedures that are observed and practiced with respect to other Federal programs and expenditures.

Moreover, this bill will substantially increase the uncontrollable portion of the Federal budget in total disregard of the constitutional obligation of Congress to control the purse strings of the Nation. In light of our soaring national debt and continuing budget deficits, such unprecedented treatment for revenue sharing seems to me to be particularly unwarranted and unwise.

In this regard, need I remind my Republican colleagues of the President's recent plea for stronger congressional control over Federal spending.

I quote from his message of July 26, 1972:

> At fault is the hoary and traditional procedure of the Congress, which now permits action on the various spending programs as if they were unrelated and independent actions. What we should have—and what I again seek today—is that an annual spending ceiling be set first, and that individual program allocations then be tailored to that ceiling. This is the anti-inflationary method I use in designing the Federal budget.

Mr. President, if we make a 5-year appropriation now of $29 billion-plus, then that cannot be reviewed until more than 5 years from now.

> The present Congressional system of independent, unrelated actions on various spending programs means that the Congress arrives at total Federal spending in an accidental, haphazard manner. That is no longer good enough procedure for the American people, who now realize that their hard-won economic gains against inflation are threatened by every deficit spending bill—no matter how attractive the subject matter of that bill might be. And there are impressive gains which I am committed to help guard.

Amendment No. 1450 would help to preserve each of these fundamental principles in the bill before us—and without detracting from its objectives or obstructing the attainment of its goals.

Amendment No. 1450 retains the total $29.575 billion fiscal 1972–76 authorization, while appropriating $2.65 billion for fiscal 1972 and $5.45 billion for fiscal 1973. This $8.1 billion would be immediately available for expenditure.

Mr. President, this amendment in no way delays the getting of this money to the States, just as the bill provides, for the next 18 months, nor does it diminish 1 cent from the amount the bill as reported would provide. Thereafter, amounts authorized would be considered in appropriation bills each year.

The revenue sharing bill reported by the Finance Committee creates a trust fund to which 7 percent of the annual income tax on individuals would be transferred each year over the next 5 years. I think we should keep this in mind, Mr. President. This bill raises no additional revenues. This is a dip into the Treasury to take revenues that are already provided under law and being collected for general revenue purposes. The revenue sharing bill reported by the committee creates a trust fund, as I have stated.

The total income tax on individuals in fiscal year 1973 is estimated to be $93.9 billion. Thus 7 percent, or about $6.573 billion, would be transferred to the new revenue sharing fund for fiscal 1973. Thereafter, another 7 percent each year until through the first half of fiscal 1977 would likewise be transferred to this trust fund. The bill then provides for the distribution of $29.575 billion in various annual increments through the first half of fiscal year 1977.

Amendment No. 1450 also provides—so that there will be no complaint, "Well, we did not get notice, we did not know whether Congress was going to give us the money or not"—for an advanced funding arrangement whereby appropriations for revenue sharing would be authorized to be included in appropriation acts for a fiscal year next preceding the fiscal year for which the appropriations are made. This should allay any concern over funding leadtime for the several States and municipalities, thus affording responsible officials of State and local governments adequate notice of funds that will be available to them.

I think we should remember that even the original Social Security Act of 1935, which led to the creation of the largest trust fund of our Government, did not make appropriations and disbursements out of the Treasury, as this bill does. It authorized appropriations to be made, and it was not until 1939 when special taxes were levied—and there are no special taxes to be levied here—and the social security trust fund created that disbursements were authorized out of the Treasury. Before the trust fund was created disbursements were made through the regular appropriation process in an appropriation bill. The revenue-sharing bill we are considering levies no taxes whatsoever. It merely transfers already levied individual income tax revenues to the trust fund. But, Mr. President, the social security trust fund is maintained, not by regular appropriations out of any part of the general revenue funds, but rather by contributions levied on employees and employers.

The 1956 act creating the Federal highway trust fund is another case in point. It also transferred taxes to the trust fund as does H.R. 14370. But the Federal Highway Act in question also levied taxes on diesel fuel, gasoline, and other items and authorized the appropriation of these funds—once shifted into the trust fund—to be made as provided in subsequent appropriation acts. The revenue-sharing bill—H.R. 14370—completely abrogates and bypasses the long established appropriation procedures.

Mr. President, revenue sharing which tends to circumvent fiscal responsibility simply invites further departure from sound legislative practices.

If the Finance Committee can do what is here attempted, then other legislative committees can likewise bypass the Appropriations Committee.

It is contended by some—and I make note of this, Mr. President—that revenue sharing as proposed in this legislation is not Federal expenditures "for support of the Government"—the Federal Government.

I think we ought to note at this point what we are talking about when we talk about expenditures for the support of the Government. Rule XXV of the rules of the Senate provides, with respect to the Committee on Appropriations:

> Committee on Appropriations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation of the revenue for the support of the government.

If it is true as some contend—that this is not an expenditure for the Federal Government—then the Foreign Relations Committee could, with equal persuasion and justification, contend that foreign aid is not "for support of the Government"—the Federal Government—and, therefore, that committee could, in its foreign aid authorization bill, also provide—that is, make appropriations—to carry out whatever foreign aid authorization it might propose. All it would have to do would be to set aside a percentage of some revenues that we are already receiving, just as this bill does, and we would lose control over appropriations for foreign spending.

Likewise, the Labor and Public Welfare Committee, when authorizing Federal aid to education, could, following the precedent proposed by H.R. 14370, make appropriations for Federal aid to education.

Again, it could set aside a part of the personal income tax, as is being done here, and say, "This much must go for Federal aid to education under existing programs," bypassing the Appropriations Committee, which has clear duties under the rules of the Senate and has clear jurisdiction over such appropriation.

Again, pursuing the same logic upon which the appropriation provisions of

the pending bill is founded, the Judiciary Committee could very well report out and sustain an appropriation for funds authorized for grants to the several States and municipalities under the Law Enforcement Assistance Act. There is no end to where this procedure might lead.

In each of these instances the money to be expended according to the contention of some is not "for support of the Government"—that is, the Federal Government—but is to aid State and local communities in carrying out programs which the Federal Government deems desirable as being in the national interest.

Mr. President, the whole thrust of this bill is to help States with State programs that are necessary and essential to maintain State governments and to carry out State programs, not necessarily Federal programs—not at all. So if this is not for the support of the Government, many of our aid programs today are not for the support of the Government.

I cannot conceive that any contribution and lawful expenditure of Federal funds—any funds we expend—is not "for the support of the Government." Certainly, the Federal Government and we in Congress believe that there is a need to strengthen the States, to strengthen the local governments, because the Federal Government is composed of a union of States. That is the whole theory of our form of government. That is the premise upon which we can legislate in this fashion and make appropriations for such purpose. I know of no authority for the Federal Government to spend its revenues for any other purpose.

If the procedure proposed in this legislation is sound fiscal practice, then I can see no reason why it would not be well to follow the same practice with respect to Federal aid to education, law enforcement assistance to the several States, and possibly in many other areas of Federal grants-in-aid. I think we should remember that the budget for fiscal year 1973 contains a request for $38.5 billion in grants-in-aid to the States, including those grants which I have enumerated.

It is clear that the Appropriations Committee would have a particular concern in any effort to circumvent its jurisdiction, whether it be a trust fund device or some other form of backdoor financing. Otherwise, it would be possible for legislative committees, through the use of such techniques, to completely vitiate the jurisdiction of the Appropriations Committee. By providing for appropriations in every bill granting legislative authority for such appropriations, legislative committees could negate the need for subsequent appropriation acts.

Mr. President, the Appropriations Committee believes it is rendering a genuine service to the Senate by proposing this amendment and by raising this issue.

I hope that amendment No. 1450 will be agreed to. Its adoption will disperse the clouds of concern that have arisen by reason of the attempt here to abandon or circumvent the orderly, normal, traditionally established procedures of Federal spending that insure the proper fiscal oversight and restraints that have long prevailed in the U.S. Senate.

I say to my colleagues that I am concerned. I sincerely believe that the ghost of this unorthodox process of making expenditures out of the Federal Treasury may rise to haunt us again and again in future years when new Federal spending programs are authorized as well as when some existing Federal programs may be enlarged or extended.

Mr. President, I hope that ghost never walks, and it will not if this amendment is adopted.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER (Mr. STEVENSON). Seventy-three minutes remain to the Senator from Arkansas.

Mr. YOUNG. Mr. President, will the Senator from Arkansas yield me 15 minutes? I will probably take less.

Mr. McCLELLAN. Not being certain of how much time I have, I yield 10 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. LONG. Mr. President, if the Senator will yield to me for a moment, I would be happy to cooperate on time. I would suspect that those of us in opposition to the amendment would have more time than needed. We can probably give the Senator some of that time, if need be.

Mr. McCLELLAN. I thank the Senator very much. I also want to cooperate with him.

Mr. LONG. The Senator from Arkansas has made a very fine speech.

Mr. YOUNG. Mr. President, as the ranking Republican member on the Appropriations Committee, I strongly support the amendment offered by the distinguished chairman of the Senate Appropriations Committee, the Senator from Arkansas (Mr. McCLELLAN). Actually, it was approved unanimously by the Appropriations Committee, 16 to 0. This amendment would continue the long-established procedure of the Congress in providing oversight by the Appropriations Committee on the disbursing of Federal funds.

Presently the Federal Government shares with the States more than $75 billion of Federal revenue which helps pay the costs of innumerable projects and programs operated under the control of States, cities, counties, school districts, and townships. With rare exception, the Federal Government, through federally established standards or through yearly appropriations, or both, shares with the States some oversight and responsibility on the spending of these $75 billion in funds.

The pending revenue-sharing bill undertakes to both authorize and appropriate in excess of $5 billion annually for 5 years to the more than 39,000 State and local political subdivisions. It provides no yearly oversight by the Congress as to how these funds will be expended. I cannot help feeling that this departure from long-established procedures represents an irresponsible act by Congress.

Under the authorizing act the States and local units are assured of full funding for the fiscal year ending June 30, 1972, of $2,650,000,000, and for fiscal year 1973, of $5,450,000,000. In subsequent years the McClellan amendment would provide very necessary oversight as to how these funds were expended.

I see no possibility that the Appropriations Committee would seek to reduce the amount of revenue going to any of the States and political subdivisions.

It would provide in future years some protection against unwise expenditures and probably even graft and corruption. It is bound to occur with the more than 39,000 political subdivisions involved. Many big city political bosses, with their great ingenuity and imagination, without any oversight of the expenditure of these funds, undobutedly will find ways to use this money for political purposes, graft, and unnecessary spending. Even with local oversight, some have already earned this reputation.

I can see no reason why responsible officials of all the States and political subdivisions would object to some oversight on these expenditures. Those most interested in continuing a program of Federal revenue sharing with the States and political subdivisions should be the ones most interested in preserving the integrity of the spending of these funds.

Mr. President, I find increasing concern among people generally to the unprecedented new Federal expenditures and without any oversight whatever by the Federal Government. This is understandable when the President's budget message estimated that the national debt at the end of this fiscal year would be in excess of $493 billion. There will be at least a $40 billion deficit this year. Huge deficits such as this are a major cause of inflation and devaluation of the dollar. This new spending would mean an even bigger deficit and more inflationary pressures.

It is almost unbelievable that the Federal Government has only had four balanced budgets since 1950. Actually, the Federal Government really has no revenue to share, but it does have plenty of indebtedness. With some oversight on these expenditures, it would make this new venture at least somewhat more fiscally sound and responsible.

If this act passes without any oversight by the Appropriations Committee, it would be a further abdication of the role of Congress in our constitutional system.

It has always been a sound practice from the smallest political subdivision up to the Federal Government that those who spend public money should have the responsibility for collecting the money. It is just impossible for me to understand why there would be objection to some oversight by the Federal Government as to how this revenue-sharing money is expended—especially when we can be certain that the yearly revenue sharing will not remain at $5 or $6 billion a year but, in all probability, will be doubled or tripled even before the expiration of the act the Senate is considering today.

Mr. President, I realize that some may use the argument that the Appropriations Committee would try to change the allocation of funds or put on other amendments. The Appropriations Committee has been handling the Bureau of Public Roads funds for years and we

ing fiscal year 1973. At this moment, the entire appropriation is in limbo, because the President has vetoed the appropriations bill. Now, although it once appeared that this appropriations bill would be enacted before the school year began, we have reverted to the old practice of funding with new schools years starting throughout the country without enactment of the appropriations for Federal Government grants to the school systems.

Fourth. In introducing this amendment, Senator McCLELLAN and his colleagues on the Appropriations Committee are saying, in effect, that they want to substitute their judgment for local government expenditures for the judgment of the local governments involved. The Appropriations Committee has stated that in a grant program of this magnitude scandals and bunglings are almost certain to develop, and they believe that through the annual appropriations process, Congress will be able to enact changes that are necessary in order to prevent recurrence of those bungles and scandals. The argument seemingly is very attractive. However, it is completely contrary to the intent of general revenue sharing. The purpose of general revenue sharing as it has been developed in the Finance Committee bill is to provide funds to State and local governments on a "no strings" basis. In providing funds this way, we are expressing our confidence in the federal system and its provision for local government. The 5-year appropriation and entitlement contained in the Finance Committee bill implicitly allows for some bungles and mistakes, but the Finance Committee believed that any occurences would be transitional problems. After a very brief period during which the use of general revenue sharing funds would be introduced, local governments, the Finance Committee is certain, will easily manage to employ revenue sharing funds to the best advantage of their citizens.

At this point, Mr. President, it might be well to point out that, contrary to the impression that I get from the statement of the members of the Appropriations Committee that they believe there is no oversight of those funds and no way to catch an improper use of the funds, the bill provides that before a local community or a State can spend any of this money, it must prepare a program outlining the ways in which the money will be spent. And that program must be published in at least one paper of general circulation in the area containing the governmental unit and must be made available to every other paper, radio station, and television station.

So these officials are required to notify the people in their area in advance what they are going to do with the money. Then, at the end of each fiscal period, the Treasury Department will audit the expenditures, under our bill, to see whether the local officials did, in fact, use the money in the way that they said they would. It seems to me that this combination of publicity and post-audit is just as effective a method of oversight as there would be if these items were referred to the Committee on Appropriations, with 39,000 potential sources of difficulty.

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

Mr. BENNETT. I am happy to yield.

Mr. LONG. Of course, Mr. President, the one great difference between the concept of this bill—which, I might say, is a totally new one in Federal activity—and the concept of the average Federal aid measure, which is the theory in this bill that we are sharing the revenue which we are taxing away from the people at the local levels of government, which in many cases need it desperately to provide services that are made available best by the local government. The accountability, in the last analysis, should be to the people in those communities rather than to the Treasury Department, or a committee of Congress. If some mayor does a corrupt act or steals money, for example, the concept is that we should not apply a limitation to all mayors in the United States and punish all the honest officials across the Nation for the act of one given mayor. The concept is that the one man should vote him out of office. The ultimate accountability is to the people of that community.

In effect, we are strengthening local government and helping local government to do its job, and the oversight for the job is the responsibility of the people. It is the people who elected us, and in the last analysis it is their money that is being used to help strengthen local government, to help provide services they cannot provide otherwise.

As the Senator from Utah knows, those of us on the Committee on Finance felt we should not insist on conditions that even the House would not insist on. The main thing we wanted was that the people should know what their money went for, because the people of each community will be far better policemen on the expenditure of their money than any committee of Congress would be.

Mr. BENNETT. I agree with my chairman. I think we have built into this bill an effective, if unusual method of controlling the actual expenditure of these funds at the local level.

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

Mr. BENNETT. I yield.

Mr. PASTORE. Could not the same thing be said about urban renewal, about the poverty program, and could not the same thing be said about any program? And they are limited in time. Essentially the point being made by the Senator from Arkansas is this. This is an unprecedented 5-year appropriation unaccountable for 5 years. This goes beyond the tenure of President Nixon, if he is reelected, and beyond the tenure of any sitting Governor today, and beyond the tenure of any mayor that is sitting today. There is the fault in the bill. There is too much unknown and unforeseeable.

Yes; we are saying that we want this money to go to the States before the leaves fall this fall, and that is why we are appropriating for a year and a half, but we are saying that beyond that, "Let Congress take a look at it." Why can we not trust Congress?

Mr. BENNETT. Why can we not trust the officers of the local government?

Mr. PASTORE. Because they are not raising the taxes; we are raising the taxes.

Mr. LONG. Mr. President, it is exactly as the Senator from Rhode Island suggested. This is unprecedented. This is not a Federal aid program. It is not a Federal aid to highways program where we match local money, or some other programs where we match local money. It is not a Federal aid to education program where we are going to match their money and attach a dozen different strings and cut off Federal money if they do not spend it as we say they should spend it.

We are going to share revenue and it will be at their discretion as to how it is to be spent, with the accountability primarily with the local people. It is a matter of interest to us, and we would like to know they are making good use of the money. But, the policing will be done more effectively by local citizens when they know this is their money in their budget, when they are to be told how it is to be spent, and where they will have to be told how it was spent. This is completely unprecedented.

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

Mr. LONG. I yield.

Mr. BROOKE. This is rather ingenious. It appears to me the response of the chairman of the Committee on Finance to the distinguished Senator from Rhode Island is that we are delegating the accountability to the local people. Because that accountability certainly belongs to Congress. There is no question that the accountability belongs to Congress. What the Senator is saying is that we are not going to continue to have that accountability. We are going to say to the people, "You take over the accountability." If something happens in a city or State we are relying on public opinion to take care of it for us because we have delegated that authority and responsibility.

I cannot believe the Committee on Finance wants to do that. I know they have spent a lot of time on this bill and that they have held exhaustive hearings and done a lot of work. The entire Senate is appreciative of it. And I do not think it is a matter of pride by the Committee on Appropriations or pride in jurisdiction by the Committee on Finance. I regret it has come to that, as we all do.

The unanimous vote on the Committee on Appropriations was not because of loyalty on the Committee on Appropriations but because we individually and earnestly thought that this was unsound policy for us to adopt at this time.

We are talking about $30 billion. It is a new concept, we agree. But as the Senator from Rhode Island said, what is keeping us from acting the same way if we find a scandal in HUD, HEW, or any of these appropriations? I cannot see where the Committee on Finance gets the constitutional handle to bypass the Committee on Appropriations in this bill. I have not heard anything yet on this floor or in the conference that we sat at for a great number of hours discussing it between ourselves before the matter came to the floor of the Senate. Even at that time there was not one mention made of the handle that gives any jurisdiction to bypass the Committee on Appropriations. Can the Senator answer that question?

Mr. LONG. The Senator said that we

have placed no restrictions on them. The money is wisely spent. There is oversight by the Federal Government and there is oversight by the State government. In all probability, some of the big city bosses and others will find ways and means to spend the money in a corrupt or careless way. This is bound to be true in many cases.

With oversight by the Appropriations Committee, restrictions on spending could be and should be placed in the appropriations bill. It seems to me that a responsible Congress should assume that duty because money going into 39,000 political subdivisions will be money on which they do not have to raise taxes. When a city or a school board looks at Federal funds—and I have served on school boards and every other kind of board and in the State legislature—I know that most of them do not consider Federal funds to be their own money and, consequently, they do not have the responsibility of levying the taxes and collecting the money. So that this money, in many cases, will be spent for purposes they know they could not sell their own taxpayers on before.

I can see one abuse after another occurring. I believe that those who really are for this program would want some oversight by the Federal Government.

Mr. BROOKE. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Appropriations Committee, Senator McCLELLAN. This amendment would require annual appropriations of revenue sharing funds, with the total amount over a 5-year period equaling the amount authorized by the pending legislation.

The permanent rules of the Senate provide that, to the extent possible, appropriations shall be made annually. Each committee of the Senate—except the Appropriations Committee—can make annual authorizations of funds for programs within its jurisdiction. But only the Committee on Appropriations traditionally has had the authority to appropriate moneys for the various programs.

This procedure has stood us in good stead for many years. Circumvention of this rational and established procedure, by permitting an authorizing committee of the Senate to make a firm commitment of funds for a 5-year period is, in my judgment, fiscally irresponsible. It also establishes a dangerous precedent which we may well live to regret.

The amendment proposed by Chairman McCLELLAN would not reduce in any way the funds allocated to revenue sharing. It would simply provide that they would be subjected, on an annual basis, to the scrutiny of the appropriations process; $2.65 billion would be appropriated to cover expenses in the fiscal year just past, while $5.45 billion would be appropriated for fiscal year 1973. Thus, a total of $8.1 billion would be available immediately, leaving $21.475 billion to be allocated over the next 3 years.

I believe that this approach is both equitable and wise, and the amendment has my strong support.

Mr. BENNETT. Mr. President, this amendment introduced by Senator McCLELLAN and the Appropriations Committee is intended to substitute the concept of advanced funding for the permanent appropriation of general revenue sharing funds that is a major part of the Finance Committee bill. The amendment provides for advanced funding of the next 3½ years of revenue sharing authorized in the committee bill, that is, for the period beginning July 1, 1973, through December 31, 1976. In recognition of the retroactive feature of this bill—its effective date is January 1, 1972—the amendment does not disturb the appropriation for general revenue sharing for the period from January 1, 1972, through June 30, 1973. The amendment amends the Finance Committee bill by requiring that appropriations from the general revenue sharing trust fund for the period after June 30, 1973, must be subject to the annual appropriations process.

First. The Finance Committee bill, as was the bill passed by the House, is built upon the trust fund concept. The trust funds have been established with permanent appropriations of Federal revenues to the trust fund and with the requirement that expenditures from the trust fund must be made according to the formula that has been developed for that purpose or according to tables describing the basis for expenditures. The formulas and the tables are placed in the bill that establishes the particular program.

In this bill establishing the general revenue sharing trust fund, the Finance Committee has followed the structure of trust funds previously enacted by the Congress. A specified percentage of annual individual income receipts will be appropriated to the trust fund established by this bill. Expenditures from the trust fund will be made in accordance with a formula which determines the allocation of funds among State and local governments. There also is a formula in the bill that mandates the distribution of the supplementary $1 billion grant which replaces the present current program for social services.

Second. In establishing the general revenue sharing trust fund, the committee has provided for a permanent appropriation covering a 5-year period. The major purpose of a permanent appropriation for this period is to enable the State and local governments to plan in advance how the money will be used. The amount of money that will be available for these programs will be known in advance by each of the governments participating in the program. This is an extremely important provision in the bill. It means that advanced planning for construction or some other type of governmental program may be entered into with the assurance that a specified sum of money will be available for each of the 5 years covered by the bill. Without this provision, the State and local governments would be hard-pressed to make plans for a program that would extend beyond the last appropriation that the Congress has made for general revenue sharing.

Third. The amendment proposes that after the current fiscal year, general revenue sharing funds will be subject to annual appropriation action. The amendment specifies that advanced funding shall be the appropriations procedure for this program. Advanced funding in this case means that the funds to be allocated during fiscal year 1974, for example, should be appropriated before the end of fiscal year 1972. The concept of advanced funding, if it would be followed, is a substantial improvement over the annual appropriations process as currently followed in this Capitol. It at least informs the governments how much money they will have a year hence. It does not, however, tell them that, for the year after that, there will be the same amount, less, or more money available for revenue sharing. That decision will be made by the Appropriations Committee in the next session of the Congress. That shorter horizon means that the States and the municipalities and counties have to limit the time horizon of their planning.

The amendment is deficient in the very process it plans to put into effect. It provides for an appropriation for revenue sharing for the first 18 months of the entitlement period, for the period ending next June 30, as fiscal year 1973 ends. It does not provide an appropriation for fiscal year 1974 which will begin on July 1, 1973. Under the provisions of the amendment itself, an appropriation should be made now for fiscal year 1974. We now are in the third month of fiscal year 1973, and to properly carry out the intent of advanced funding, an appropriation must be made at this time for fiscal year 1974. Fiscal year 1974, as I noted above, will begin in less than 10 months from today.

Advanced funding has been tried before with respect to educational appropriations. The concept was developed because the education appropriation for grants to elementary and secondary schools throughout the country for several years in a row were enacted after the school year for which they were intended had begun. School systems throughout the country complained that the grants were almost a liability to them, because they could make no plans for spending those funds before the bill was enacted. Furthermore, they had to spend these funds before the end of the fiscal year covered in the enactment. As a result, the concept of advanced funding was developed. It called for, for example, appropriations of the grant funds for fiscal year 1974 with the appropriations for all other programs current in fiscal year 1973. The concept never was fully followed. The Appropriations Committees were reluctant to commit themselves a year in advance, and they halfheartedly met this responsibility by providing in advance a percentage of the current year's appropriation.

Local school systems were hardly better off under this process because they did not know before the school year began the full amount of money that would be allocated to them. Furthermore, the advanced funding process soon broke down. Although separate education appropriation bills were passed in 2 fiscal years, the education appropriation was included in the HEW bill this year cover-

are delegating the accountability. It is unprecedented, the Senator said, that we are delegating accountability to local people.

That is exactly the point. That is where the funds were to begin with. It was with them. The only difference is that in one case their local government taxed it away and here we tax it away. We are putting it right back where it was to begin with. The accountability is with the people at the local level. It is their money. That is a conceptual difference that I regret those on the other committee do not fully understand. They did not conduct hearings and they have not worked on the bill or studied it. But the thought and idea, as conceived by President Richard M. Nixon and his administration, as urged by mayors, county officials, and Governors was that we have been taking so much money in taxes that the State and local governments are hard put to raise revenues, even if the public is willing to cooperate and tax itself to the hilt, and therefore we should return some of these revenues to the local officials so they can do the things that they were charged to do.

It was the thought of the administration—this is not the Senator from Louisiana saying it; this is the Treasury saying it; this is the President of the United States saying it—that we have an arrangement here which does not fit the annual appropriation procedure. They do not think they should have to go out across the entire country with Treasury agents to check on every mayor, every county commissioner, every Governor, every State legislator, to see what they are doing with their money and to question the wisdom of their expenditures. They do not think it should be handled that way. They do not think it should be the kind of situation where the local spending should be recommended by the Appropriations Committee as well as reports on how it should be spent. They think it should be a long-term matter, a 5-year concept, where we try the concept of returning some of the money to the States and local governments so that they may proceed to provide what they think their people need, where the responsibility is primarily with the people who check them at the local and State level.

After 5 years, Congress will review that program to see if we think it is a program worth continuing, or perhaps even expanding, or whether we should discontinue it.

Of course, when it comes before us then, everybody will have an opportunity to offer more conditions, more strings, more limitations, just as we have seen them offered here already. But why should we make the funds available only on a yearly basis? We do not do it for the Social Security System. If this program is worth doing and the concept is correct, we ought to have some confidence in the people who run their own affairs, and we ought to try it and see how it works.

There is one thing that every mayor is against, every governor is against, every county commissioner is against. It is the concept of handling it like some Federal aid program, where someone finds some gentleman who handled money unwisely, and therefore off goes the head of everybody. The appropriation is delayed for 6 months or a year, when the money has already, in some cases, comprised one-third of the budget of a little local government, and finally it is cut off. Therefore, they are worse off than if nobody had ever mentioned revenue sharing.

The concept is that we should not punish the innocent for the mischief of the evil, but the people ought to vote them out of office. Of course, we would expect, just as the Senator would expect, to watch it to see if it is a good program. If it is not a good program, we would not expect it to continue.

Mr. BROOKE. Mr. President, will the Senator yield further?

Mr. BENNETT. I yield.

Mr. BROOKE. The distinguished chairman says we have the power of the people. Of course we have the power of the people. The people have delegated that power to the Federal Government, to raise taxes. That is exactly what we have done. We raise taxes. Now the Senator is saying we are giving it back to the people and saying, "You have the accountability for it as well." Do we intend to have no legislative oversight at all in reference to this?

Mr. LONG. I will say to the Senator we would expect to have annual reports, telling us how the money was spent. We would expect to have the General Accounting Office join with us in looking into anything anyone might care to examine. We would expect that both the Finance Committee and the Appropriations Committee, as well as every other committee of Congress, would look into this program to the extent they find this desirable.

Mr. BROOKE. What can we do about it if we look into it? What authority do we have?

Mr. LONG. That is exactly the reason why we should not have it as the Senator would have it. Let us assume that something happens in a community, as will certainly happen. Just as surely as there is government, people will make mistakes this side of heaven. Suppose some mayor or some county commissioner does a very poor job. That brings uncertainty. It brings the feeling that these funds will be cut off or that everybody will be subject to a change which applies to everybody, because someone did something wrong.

It would be more appropriate, in our view, that if such a mayor misappropriated funds from the taxpayers, whether they were taxed by the local or the Federal Government, he ought to be prosecuted. He ought to be voted out of office. That sometimes takes a little time. But we should not have the Appropriations Committee do what it is inclined to do under the usual type of operation and have it say, "This is not operating very well. Off go your heads. There will be no money next year."

With the liberal rules we have in this body, a Senator would be in a position to impede or delay the enactment of next year's funds because he was not satisfied with the way someone had accounted for the money.

If it is worthwhile having this program, it ought to be available where the local officials can make the money a part of their operating budget and count on it year by year as a dependable part of their revenues. That is the concept of the bill.

Every mayor, every Governor, every county commissioner is against the kind of annual appropriation measure we are talking about. The administration is against it. Everyone who had a part in putting this measure together felt it should be something like the social security program, the highway trust fund, the medicare program, where the money is for those purposes, and is something that can be depended upon. None of that can be the case under the amendment we are debating here.

Mr. BROOKE. As the Senator knows, the social security program and the trust fund are distinguishable from this fund.

Mr. LONG. Not the least.

Mr. BROOKE. I think the chairman of the Appropriations Committee, in his opening remarks, distinguished the trust fund and the social security program from this fund. These moneys come from the general funds. That is what we are talking about. There is not a dime that comes from any other source except the general funds.

Mr. LONG. The Senator has not heard my remarks on this point.

Mr. BROOKE. It is not a question of remarks; it is a question of fact.

Mr. LONG. This is a question of revenues, and they are from the people through income taxes. The social security program is based in part on an income tax, which we put in certain trust funds and pay out in a prescribed fashion.

It is true that in this case we did not levy this tax at the same time that we provided for this allocation, but we have precedents. One of them was cited by the Senator from Arkansas, when, with respect to the highway trust fund, we allocated funds already in the Treasury into the highway trust fund. So we have already done that. The precedent has been set. We did put on additional taxes to supplement those funds, but we were also allocating previous sources of revenue.

The argument was made by the Senator from Arkansas, why could not any other committee handle an appropriations measure? The reason they cannot is because those committees do not have authority to handle either a revenue bill or a tax bill. But the Finance Committee existed before the Appropriations Committee existed.

The appropriations bills as well as the tax bills historically originated in the Finance Committee. When the Appropriations Committee was created, the jurisriction for it was spelled out, and well it should have been, because someone should review the annual appropriations.

But these programs do not require annual reviews. Programs in which money is put into a revolving fund like social security, unemployment insurance, or interest on the national debt do not go through the Appropriations Committee. They do not require annual review and are not expected to have annual review. The money goes to that particular trust

fund and is paid out of that particular trust fund.

That is the concept that the President of the United States and his advisers thought should be pursued in this kind of program. Does the Senator want to change the program to a Federal aid to States program, which has all sorts of precedents for it, with annual review and appropriations of funds? In that case, of course, it ought to go through the Appropriations Committee. But that is the view which everyone connected with the initiation of the program, from the county level up to the Federal Government, from every small town and every city in America, opposed. They thought there ought to be separated out, in this case 7 percent of individual income tax receipts, and passed through a trust fund to the communities on a long-term basis, where they can plan on the money, budget it, and use it to take care of necessary expenses of those governments.

Mr. BROOKE. What does the Senator see as the remaining jurisdiction of the Appropriations Committee, if this concept were adopted?

Mr. LONG. I say to the Senator, the rules say one thing and the precedents say something else, as with many other things with which the Senator and I are familiar.

The rules say that the Appropriations Committee will handle appropriations bills for the support of the Government. That means the Federal Government. No one is arguing that it means the county governments.

Where we have an appropriation that is not an appropriation for the Government, like social security, which is an expenditure for the people, not an expenditure for the Government, it can well be argued, and I contend that to be the case, that that is one of the cases where the Finance Committee would have jurisdiction. That is the rule.

The precedent is this: If it is a long-term program, a revolving type operation, where we levy a tax and stipulate how the money is to be paid out of the trust fund, that is not an annual appropriation matter, and therefore it is not handled by the Appropriations Committee. If it is a matter where we provide an annual adjustment but not in specified amounts, to be paid under an aid program, or where we have an annual review of the money that is being paid out, then it is a matter the Appropriations Committee handles.

We on the Finance Committee do not concern ourselves with annual appropriations or annual budgeting of funds for a particular purpose. Those who serve on the Appropriations Committee do. But in either event, whether it is a matter of the rule as it is printed or the precedents of the Senate, there are more than 183 examples, which I have placed in the RECORD, where this type of thing has been done. When it was a bill by the Finance Committee, we have placed into effect a tax or dedicated a source of revenue into a trust fund and stipulated the conditions under which it is to be paid out over a long period of time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. BENNETT. Mr. President, this has been a very interesting discussion, but I am afraid I am going to lose my right to the floor before I finish my prepared text. So I respectfully decline to yield to anyone else until I have finished my prepared material, and then I shall be glad to go back into the discussion.

In the past, Congress has bypassed the appropriations process with trust funds when it desired to achieve a different kind of result than it normally looks forward to under the normal annual appropriations process. The bypassing takes place when long-range programs are to be established under general rules which are intended to guide the spending of the funds. Annual appropriations, and the accompanying review by the Appropriations Committees, are employed by Congress for shortrun programs and continuing current operations of other programs. Where shortrun programs are concerned, the Congress has felt that it must appropriate funds on this basis, and continually review any succeeding project to make sure that changing circumstances, which may be political as well as technical, are properly dealt with in later action. The purpose of the general revenue-sharing bill is entirely different. The idea is to provide State and local governments with a regular sum of money over a moderately long period of time so that these governments can make plans for the use of these funds for local public services under this period of time.

Congress has enacted many programs which involve permanent appropriations that bypass action by the Appropriations Committees. The old age and survivors trust fund, the basic program our social security system, has been on permanent appropriations since 1941. There is a permanent appropriation for the payment of interest on the public debt which has been on the statute books since before 1847. Various programs have been given permission to spend public debt receipts. This practice began in 1932 when the Reconstruction Finance Corporation was given authority to issue debt obligations and to make expenditures with the receipts from the issue of debt. That procedure since has been extended to other programs. In other cases, where Appropriations Committee action is required, the obligation which requires the appropriation is entered into under authority of an authorized bill. In these cases, the agency is authorized to enter into contracts to spend and after the contract has been formulated, the Appropriations Committee takes the formal action of providing the money to liquidate the contract. However, the obligation is incurred before the appropriation is made, and the appropriation simply completes the action initiated prior to any consideration by the Appropriation Committee. In this case, the action by the Appropriation Committee would be a formality.

Mr. President, I think we are facing here a basic disagreement in concept. The President has proposed and the Finance Committee, following action by the Ways and Means Committee, has attempted to write into legal language the new idea that money collected at the Federal level, in this case 7 percent of the receipts from personal income taxes specifically, and not just money drawn from the general fund, is to be set aside to be distributed to the States and localities according to a formula which the committee has worked out. If all of that amount is not needed, the balance is immediately returned to the general fund, and the following year 7 percent of income tax receipts again is put into the trust fund and used in the same way.

The issue has been made clear—the question has been clearly raised—as to where the responsibility for accounting for these funds should rest, and the Finance Committee agrees with the President that this is a transfer, to the greatest extent without strings, to the local communities and the States, leaving them responsible for their use of it, subject to audit by the Treasury, with the guidance of the GAO.

If we had wanted to continue with this program along the same path as the categorical grants-in-aid, then I agree that the appropriations process would have been proper. But, this is an attempt to get away from the grants-in-aid and the strings that have been attached to the Federal moneys, and to give the local governmental units some flexibility in using these funds, subject to the initial publicity and the postaudit, and their own normal accountability for them.

We feel in the committee that these communities should be allowed to rely on the amounts that will be made available to them under the formula, and that this reliance should last for 5 years. If the amendment is adopted, they will be allowed to rely on this money for the past but not for the future.

A great deal has been made about the responsibility or about the amount of checking or the accountability that the Appropriations Committee could exert if it passed through their hands. Yet, we were informed when the two committees met that the Appropriations Committee did not intend to change our formula, that they did not intend to take any money away from any particular community. I do not know how they can exert their accountability if they do not intend to change the pattern. They, of course, can change the pattern. This is one of the things that disturbs me and makes me feel that we should not adopt this amendment.

They cannot increase the amounts above the amount authorized, as I understand it, but they can decrease it. If the Appropriations Committee for any reason, political or otherwise, decided to do so, they could cut this amount in half or by any other amount, leaving the localities and the States without any assurance of the amount of money they can get.

They cannot legislate in an appropriations bill, so they cannot specifically say that this particular city cannot have any of this money except by imposing limitations. If they are going to impose a general limitation and say that no city that uses this money to build fire houses will get any money, that is one way they can impose a limitation. Or, I suppose that under some circumstances they could put in a provision that under no circumstances will this money be used——

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

Mr. BENNETT. I yield.

Mr. PASTORE. What if every mayor decides to buy himself a new limousine? Does the Senator think we ought to use the taxpayers' money to do that?

Mr. BENNETT. I do not know how we are going to find out that every mayor has bought himself a new limousine.

Mr. PASTORE. You can see the shiny black car go by.

Mr. BENNETT. Suppose two mayors decided to do that and 39,000 decided not to do it?

Mr. PASTORE. When they come back before the committee next time, say, "We never intended that you buy limousines with this money. We will give you the money this time, but do not do it again."

The best way to maintain honesty is to keep the key to the strong box.

Mr. BENNETT. The Senator from Rhode Island has pointed out clearly a part of the problem that I think the transfer of this matter to the Appropriations Committee would cause. There are 39,000 governmental units. I do not expect that the Appropriations Committee is going to hold hearings on 39,000 separate allocations of money. Otherwise, how are they going to get the mayor of that town before them? Unless they are in a position to say that there are these circumstances under which no further money will be appropriated, I do not see how they can punish one mayor without punishing every other mayor.

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

Mr. BENNETT. I yield.

Mr. PASTORE. The Senator is talking about 39,000 mayors coming here. We function with them continually. We do that with urban renewal. That goes to every city and every town in the country. We do that with our sewer and water grants. We police it.

The point is this: The only restraint we have is the purse string. It does not mean we are penurious. We are just as generous. The Senator from Utah is trying to create the impression that they are bedfellows with the Governors and the mayors but that everybody on the Appropriations Committee happens to be a suspicious stranger. I love our mayors just as much as the Senator from Utah loves his mayors, and I am not going to take a dime away from them.

All I am saying is that the Constitution holds us responsible for the money we raise, and because it holds us responsible, we want to have the accountability of these funds. Congress should have it, as the Senator from Massachusetts pointed out. That is all it amounts to.

This formula was passed by the House in one form, and the Senate changed it into another form. I think that all this talk is due to apprehension that the Appropriations Committee is going to change the formula. We are not going to do that. We are not interested in that. But that is the fear on the part of the members of the Committee on Finance—that we are going to change the formula. We have no intention to do that. That is a legislative function. We could not get away with it. It would be subject to a point of order.

We are saying that they should be given the money for a year and a half, but after that they should come in here every year and have the money appropriated, and the Senator will find us, of Rhode Island, just as generous as he is in Utah.

Mr. BENNETT. So far as the Senator from Utah is concerned, he does not see how you can influence the amount of money that may go to a particular community where it may be misused unless you change the formula.

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

Mr. BENNETT. Mr. President, I have finished my prepared statement, and I am prepared to yield the floor.

Mr. LONG. Permit me to say that the point made by the Senator from Rhode Island is exactly the reason why we do not think the amendment should be agreed to. He is contending that we ought to tell these mayors, "We don't want you to spend the money to buy a black limousine. We don't want you to spend the money to buy a doghouse or do something that we think is rather foolish."

We do not think we ought to tell them how to spend the money. We think that is a matter that should be decided by the local government, by their usual budgetary processes, just as they go about deciding how they are going to spend the money the people pay in a local sales tax, property tax, or income tax. Having decided that and having told their people that is how they are going to spend the money, we think they ought to be free to spend it that way, even though it may be a provision that somebody else might not think very wise. We think they ought to spend it the same way they spend the money they have taxed from themselves. That is the difference in concept. We think they ought to go ahead and do business over a 5-year period, and then we ought to decide whether we had a good idea.

The Appropriations Committee approach is to say, "Whatever money you have coming to you now, you will get; but we want to take a look at it next year and reserve the right to cut the whole thing off because every mayor bought himself a black limousine. It will reserve the right to cut the whole thing off because some mayor proved to be corrupt, or it will reserve the right to cut the whole thing off because the money was put in a low priority program rather than a high priority program.

The theory of the Finance Committee is that if you want to strengthen local government, the matter of deciding whether you ought to spend the money for a black automobile for the mayor or to build a new firehouse ought to be a decision of the local people. That is the difference. That is the reason why the administration of this is not the kind of thing we ought to propose as an annual appropriations procedure.

Unfortunately, one would gain the impression from hearing this debate that the Senators on the Finance Committee are not hearing the Senators on the Appropriations Committee and that the latter are not hearing us, because they keep asking the same questions and making the same points, and we keep giving the same responses. It all is very redundant. That points up the fact that they do business one way and we do business another way.

Everybody involved in recommending, conceiving, and putting this bill together felt that we should have the Finance Committee approach rather than the Appropriations Committee approach. It is a matter of whether you want to give the local governments the kind of help they are asking for or make it a Federal grant-in-aid program, as the other categorical grants are, and make it fit the annual appropriations process. Nobody who helped put this program together conceived of it as an annual procedure.

Mr. BENNETT. Mr. President, I realize that we are on controlled time, and I assume that the time that has been used during the time I held the floor has been charged to the opponents of the amendment; so I will yield the floor, and if the proponents want to talk, they can do so on their own time.

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

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I heard the remarks of the distinguished Senator from Rhode Island, and he was not saying at all that we are trying to tell the local governments what to do.

There is no dispute about the fact that we want all local governments to be able to spend this revenue-sharing money. There is no doubt about that. I think that probably every member of the Appropriations Committee wants to vote for revenue sharing. We believe in it. There is no question about that. But it is being left up to the people so that if something goes wrong in the program, they can get rid of the mayor. Most mayors are elected for 4 years, so we have to wait for 4 years to get rid of the mayor. In the meantime, we have built in an ironclad contract to spend $30 billion in the revenue-sharing program without any real legislative oversight, without any accountability other than that already discussed by the chairman of the committee. I cannot see what the danger is. Point out to us what the danger is in the compromise the chairman of the Appropriations Committee is offering. We are providing for advances of money here so that they do not have to wait a year. They know the money is coming in. We have done everything we could, at the same time keeping within the rules of the Senate and within the jurisdiction of the Appropriations Committee, and in keeping with good accountability and good legislative oversight. Where is the danger in accepting the proposal in the amendment?

Mr. LONG. What the Senator has said is that we recommend, after we find that the money is not being wisely spent, prosecuting the mayor or voting him out of office. In most cases, if the criminal procedure cannot apply, then we vote him out and that may take 4 years. What is the alternative? Your way of doing business is to say, "We do not like the way you are spending this money, and next year your appropriation is out."

Under the rules and laws existing today, we could not say that "Podunk"

does not get the money because "Podunk" has a crooked mayor. We would have to say that no one gets the money if it is spent in such a fashion, or carelessly and unwisely. That is a limitation that would apply to everyone. Everyone is going to suffer because one man did something wrong?

I have explored ideas with members of the Appropriations Committee, and I have suggested that maybe we could solve this by putting the oversight function in the Appropriations Committee, in the Finance Committee, or in any other committee. The answer comes back that it will not work because if they find something wrong during their oversight review, they could not do anything about it. We know what they would do about it. We have seen it done many times. We have supported them.

They will cut off the money or restrict it or limit it or reduce it. None of which I think should be the answer. I think that these people should be permitted to plan ahead. This amendment would let them have the money accumulated up to now, plus this year's installment. It would be fully appropriate, then, for the Finance Committee to find that there were many places where the money was not being as wisely spent as we would hope. Therefore, in the next year's session, the appropriation is cut in half, as we have done with the foreign aid bill. So that if we do not like what is being spent, we put a great big chop on them. We have seen that done. Goodness knows, my compatriot in the House, OTTO PASSMAN, of the Fifth District in Louisiana, says, "We do not like the way you are spending foreign aid money. Cut the funds." We do not think this should be that kind of program.

We think there is a better answer, and that is to let local officials handle the money as they handle the money which they tax away from the people, since they are the same taxpayers who pay the money to them and to us, and channel some of the tax money we raise back where it came from, relying on those people to use good judgment in spending it.

We feel that undoubtedly there will be an unwise use of money, as is being done now in some of the local governments, but that the basic strength of democracy will shine through, that the people themselves will correct those situations by voting out of office the people they think are doing a poor job.

Mr. BROOKE. Then the Senator wants to rely on that procedure rather than on any oversight?

Mr. LONG. I would rely on that as the primary protection of the public interest, in that the people themselves will vote poor officials out of office. We have in this bill the requirement that we will be informed. We will rely more heavily on the fact that they will inform their own people as to how they will use the money, both before and after it is spent; and we will also look into it and see how it is being spent. But we do not propose to put local governments in the position that they would be relying on this money and then we would vote to cut it off.

Mr. BROOKE. But if the Senator looks into it and is not satisfied how the money is being spent, what can you then do with the finances? What can the Finance Committee then do after looking into it and seeing how the money is being spent? If it does not agree with how the money is being spent and finds that there is corruption, what can you then do?

Mr. LONG. We can always pass another law. We do not propose to. We can always amend the law or repeal it. But we do not propose to do that. We propose to put these people in the position where they can rely on this amount of money for five years in a row, so that they can budget and spend it according to their usual budgetary and planning processes.

Mr. BROOKE. But the Senator has not answered my question. After you look into it and you are not satisfied, what, then, if anything, can you do?

Mr. LONG. That is exactly the point, Senator. In our bill, we are not asking to do what you are asking for in your procedure, that is, the right to chop their heads off because we did not like what they did.

Mr. BROOKE. Why look into it if you cannot do anything about it.

Mr. LONG. Senator, we are proposing a 5-year program. We do not intend and we do not anticipate that we will change it during those 5 years, but we have that right.

Mr. BROOKE. Then anything goes during that 5-year period of time? Anything goes in that 5-year period.

Mr. LONG. I am willing to concede to the Senator that during that 5-year period there will be some mayors stealing money, just as they are stealing it today. They will do some very foolish things with the public money, as they are doing now and, I regret to say, just as the Federal Government has a way of doing it from time to time. Undoubtedly, there will be some poor uses made of public funds, as there is now, but the ultimate responsibility is where it has always been in government. That is, there is an oversight function for unwise conduct by a U.S. Senator—including this one standing here right now—unwise Governors, unwise mayors, unwise Presidents. The American people will vote them out of office.

Mr. McCLELLAN. Mr. President, I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from North Dakota is recognized for 1 minute.

Mr. YOUNG. Mr. President, I point out that these are not local funds but Federal funds, raised by taxes and the sale of bonds. It is exactly the same kind of money that went into disaster relief a few years ago. That was a good cause, but Congress found that a great deal of that money was being spent unwisely. Too many requests from Governors and others came in. So Congress wisely required that the States put up some of the money. That helped to correct the situation.

In this case, this is all Federal money.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, I want to say at the outset that this is not a frivolous amendment. It was not considered to be a frivolous amendment. It is a sincere and a serious amendment, not to preserve the jurisdiction of any committee but to protect the money that comes off the backs and out of the pockets of the taxpayers of America.

We are the ones, Mr. President—nobody but, we of the Congress—who call on the American people to bear this burden of paying a Federal income tax.

I fought for taxes and revenue sharing and I am going to vote for this bill whether this amendment passes or not.

We have said a long, long time ago, that the Federal Government had gone too far in creating its income to the detriment of the States, the cities, and the towns. But there is not a Governor in the whole of the United States of America, there is not a mayor in the whole United States of America, who will even dare to appropriate money for 5 years. They will not do it. I do not know of one Governor who has appropriated money for 5 years that can go to any city or town in his State.

Why?

Because they claim that the privilege of spending the money should be accompanied by the responsibility of raising it.

Because we in the Congress raise the money we are accountable to society for the way the money will be spent.

I realize certain latitude must be given to the recipients of the money. I recognize that. No one wants to change that.

All we are saying is that we realize the urgency of this matter and that we are willing to accept it in this particular bill today so that the money will go to the cities and towns and to the States before the leaves fall. We are willing to appropriate today for 18 months, up to the end of 1973. However, we are saying beyond that, Mr. President, that this is a new, bold concept. This is a new program. We never had any experience with this before. We do not even know how much money will be spent. We do not know that it will do what we intend it to do.

Today, I do not know what will happen 5 years from today. I am surprised to hear the Senator from Utah objecting to this. There is no man in the Senate that is a greater protector of the causes of this country than the Senator from Utah. But he resents the fact that Congress wants to have a say over this, not the Appropriations Committee. We are only the tool of the Congress. We are only an instrumentality of the Congress. We are only the agency of the Congress.

The Senator from Utah wants Congress not to have the privilege to say after a year and a half, "Beginning on January 1, 1974, we should take a look at this program." This appropriation goes beyond the tenure of President Nixon if he is reelected. It goes beyond the tenure of any Governor in a Governor's chair today. It goes beyond the tenure of any mayor who sits in a city hall today.

This is a 5-year appropriation. And

we are taking a tremendous sum of money, $30 billion, of the taxpayers' money, and we are saying, "We will send this money back to the Governors." We do not know who the Governors are going to be 2 years from now. We do not know who the Governors are going to be 5 years from now. We do not even know who the President of the United States will be 5 years from now.

We are saying, "Look, let them have this dough. Let them have this money. We will institute a plan, and the Treasury Department will look at it." After the Treasury Department looks at it and finds out they have stolen money, what will he do? He will report it to the Attorney General. Would that help recover the money?

All we are saying is that the best protection, the best restraint against criminality is to have hard criminal laws. And the best way to protect the taxpayers' money of this country is to make sure that the responsibility of Congress is preserved, not merely the prestige of the Appropriations Committee.

The Senator's committee has divorced itself from this matter. It does not have the power to shut off the money. It does not have the power to change the program. It has to come to Congress and ask that we repeal the law. That is all that committee can do.

All we are saying is that before the snow begins to fall in 1974 and 1976, we had better make sure that if we dip into the money of the taxpayers of this country, that the taxpayers are getting 1 dollar's worth for every dollar they pay in their income tax.

I am for this. I am absolutely for taxes and for revenue sharing. I said this as Governor. I have said it for 22 years in the U.S. Senate.

I say that if we let this legislation pass in the manner in which it came from the Finance Committee, it will come back to haunt us. We are setting a precedent. We will have to do it for college programs, and they will want to know where the money is going to come from.

We will do it with health programs, and the first thing we know, we will have given away the wealth of the United States.

The question is, Do we take $30 billion at this time, without any future supervision, and give it to cities and tons? If that is what one wants to do, he should vote this amendment down. On the other hand, if one wants some supervision exercised, he should support the amendment.

I say to the Senator from Louisiana that he can trust the Senator from Arkansas as well as he can trust any other Senator. The Senator from Arkansas is as considerate and compassionate as the Senator from Louisiana. He has cities and towns in his State, just as the Senator from Louisiana has in his State. And the Senator from Arkansas wants to be as generous as does the Senator from Louisiana.

However, the point is that the Senator from Arkansas wants to make sure that everybody stays honest. And the only way we can be sure that everybody stays honest, as I said before, is to keep the key to the strongbox. The minute we let that go, we do not know what will happen, the frailty of mankind being what it is.

I say to my friend, the Senator from Utah, that he will be a lucky and a happy man 3 years from now when they come before that Appropriations Committee and we can say, "Thank God that they spent the money correctly. We will give it to them again."

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, following up that thought, I do not think it is so much a question of honesty or dishonesty, but rather one of oversight. I recall a recent example of the need for such review. The Small Business Administration's disaster loan fund came into play after the California earthquake where, as the distinguished chairman knows, there were a series of claims made for repairs.

The earthquake struck in February last year, and the loan program went along smoothly until a great number of claims were submitted by property owners in Los Angeles and California, and $60 million went through to the owners' hands.

This would have gone on had we not had the oversight function in the Appropriations Committee. We caught in the hearings the fact that huge sums of money were being expended on very questionable claims.

Further, I think of the storm Agnes. The committee changed it, and now we have the General Adjustment Bureau. I can tell the Senator that LEAA is a worthy program. However, the committee found that the State governments were buying planes, allegedly for law enforcement but when we audited these items, we found that their wives and other nonlaw enforcement personnel were using the planes. As a result, LEAA allotted back against those Governors for those particular sums.

The Appropriations Committee is working for the Senate. It is working for the Senator from Utah, and it is working for the Senator from Louisiana.

This is what has occurred. We have violated our own rules and have worked ourselves into this box. Today we are asking for this program. It is not so unique in the sense that it is going for revenue sharing. It is more unique in the sense that we are going to have an authorization and an appropriations bill in one and the same measure.

What occurred when they came over here for the appropriations bill? It was referred to the Finance Committee. And it is our position, of course, that under the Constitution moneys cannot be expended in that manner. Article I, section 8 of the Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law and appropriations.

It is spelled out under rule XVI in eight different sections with all kinds of caveats and limitations.

This Congress has been very careful about it. I would like to ask the Senator from Louisiana if he had the floor, if it is the position of the Senator from Louisiana when he says that the Appropriations Committee is for the support of the Government, that it is only aid to the Federal Government and not for the county government? Can the Senator from Louisiana contend that the model cities program is only for the cities and not for the county governments?

Does the Senator from Louisiana contend that the Committee on Banking, Housing and Urban Affairs, under the Senator from Alabama (Mr. SPARKMAN) should also handle authorizations and apropriations or that the Senator from Arkansas (Mr. FULBRIGHT), as chairman of the Foreign Relations Committee, should authorize and appropriate money for Vietnam? I never heard of such a ridiculous position.

Mr. LONG. Mr. President, does the Senator want me to answer that question?

Mr. HOLLINGS. Yes, sir.

Mr. LONG. Mr. President, the Committee on Banking, Housing and Urban Affairs does not have jurisdiction over revenue bills. The Finance Committee does. In support of what I am saying, is the Senator not aware of the fact that we have put on the statute books the program for social security, the program for the disabled, the program for medicare, to mention but a few, with regard to which no one ever even raised a jurisdictional argument because it was completely in line with the way we do business in the Senate and have done business since the Senate was established. These permanent-type appropriations, where we dedicate a revenue source to a trust fund and require it to be paid out in a certain fashion, simply and historically are Finance Committee business.

Mr. HOLLINGS. So the Senator's position as chairman is that we are dedicating revenues and not appropriating moneys.

Mr. LONG. To dedicate money is one form of appropriating. It shall be spent for certain funds or appropriated in a certain fashion. But the language to be found in this bill is in all respects similar and parallel to the social security law.

Mr. MAGNUSON. We have a trust fund there.

Mr. LONG. We have a trust fund here, and in the unemployment insurance law, and the medicaid provisions, which are well established. We have many examples in the last 25 years.

Mr. HOLLINGS. But it is not an appropriation bill?

Mr. LONG. Well, most of it was Finance Committee business.

Mr. HOLLINGS. But this is an appropriation bill that appropriates money.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. McCLELLAN. I yield 3 additional minutes to the Senator from South Carolina.

Mr. LONG. About 25 percent of the appropriations and expenditures of funds go to the Committee on Finance. Is the Senator aware of that?

Mr. HOLLINGS. I was not aware that the Committee on Finance appropriated moneys.

It is stated in the Standing Rules of the Senate that the Committee on Finance has under its jurisdiction the following subjects:

1. Revenue measures generally.
2. The bonded debt of the United States.
3. The deposit of public moneys.
4. Customs, collection districts, and ports of entry and delivery.
5. Reciprocal trade agreements.
6. Transportation of dutiable goods.
7. Revenue measures relating to the insular possessions.
8. Tariffs and import quotas, and matters related thereto.
9. National social security.

This particular bill does not levy revenue and does not raise revenue. It states that there is hereby appropriated from the general fund of the Treasury. The measure is an income tax measure but you do not allocate those specific funds; you just say equivalent to. You get it from the General Treasury.

Mr. LONG. Our legislative jurisdiction does not stem from our ability to tax. Our legislative jurisdiction in the Committee on Finance stems from our ability to spend. It is the same authority the Committee on Appropriations has. That is where they got it. They got it from the Committee on Finance, but the Committee on Finance did not surrender to the Committee on Appropriations the right to make certain types of appropriations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield the Senator 1 minute from my time.

The Committee on Finance did not surrender to the Committee on Appropriations the right to make certain permanent-type appropriations.

The Senator voted to sustain the right of the Committee on Finance to do that when he voted on the Campaign Financing Act, when we had an appropriation to pay out of the fund to be raised in a manner provided in that bill a certain amount of money to help pay for the election of a President. The Senator voted for that and so did every other Democrat in the Senate. Our Republican friends voted against it because it got to be a pretty strong partisan issue.

Mr. HOLLINGS. If I may have 1 minute to respond to the Senator, obviously appropriation measures go for the Federal purpose and the Federal purpose is model cities, foreign aid, aiding countries and cities, and that is support of the Government within the jurisdiction of the Committee on Appropriations.

To have the chairman there bold faced and saying he has the authority for appropriations brings us to the crux of the problem. I am for revenue sharing. The first bill in 1967 that I introduced was revenue sharing. Senator Robert F. Kennedy introduced a revenue sharing bill and we joined in 1968 to have revenue sharing with the cities and counties on one hand and with States on the other. We always had it on an annual basis.

These are Federal moneys and they should be overseen, audited, and accounted for by the Federal Government. To appropriate for a 5-year period, beyond the term of any sitting Senator, is inconceivable, and irresponsible on the part of this body.

Mr. McCLELLAN. Mr. President, I yield to the Senator from New Mexico.

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

Mr. MONTOYA. Mr. President, I think we have heard most of the arguments on both sides of this question. I think it is pertinent at this point to go back to the Constitution which granted the powers to Congress as to what Congress should do with respect to revenue and appropriations, and the powers it should exercise with moneys collected. There is a very pertinent provision contained in article I, section 8. Section 8 is devoted in the Constitution to delineating the specific powers Congress shall have. The one power delineated in this particular section is the following, to which I shall refer: "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years."

I mention this because that is the only limitation. It is probably the most important function Congress has within this Constitution. There is a limitation of 2 years.

Here we have an appropriation for 5 years. We have been arguing back and forth as to whether the term "revenue" encompasses the right to appropriate or whether the term "revenue" is an exclusive term which does not give any attendant power to the revenue committee of the Senate.

Under the Reorganization Act the jurisdiction of the Committee on Appropriations is, among others: "Appropriation of revenue for the support of the Government."

Now, the only provision close to this, insofar as jurisdiction of the Committee on Finance is concerned, is the following provision:

The Committee on Finance to consist of 13 Senators, to which committee shall be referred all legislation, messages, petitions, memorials, and other matters relating to the following subjects: revenue measures generally.

Now, is the term "revenue measure" a term in opposition to appropriation? I say it is not because raising of revenue is one power and the appropriation of revenue is another power, and jurisdiction of the two committees is separate and distinct.

Some issue has been raised here about the desirability of accountability. Well, there is going to be no accountability under the terms of this legislation. The committee report of the Committee on Finance states, and I read from page 3, as follows:

Sixth, the committee bill does not attach "strings" as to how the funds distributed to the local governments must be spent (except for an anti-discrimination provision and a provision prohibiting the use of funds to match Federal grants).

So this is a blank check to the municipalities, local governments, and State governments, for a period of 5 years.

There has been some contention made that the 5 years are necessary for the municipalities and the local governments to plan ahead.

Well, I think that the formula that is delineated in the legislation, designating so much revenue, or so much percentage out of the revenue, for this purpose is enough of an expectancy of revenue for the local governments to plan for the expenditure of these moneys.

The fact that the amendment offered by the Senator from Arkansas provides that the legislation continue as is with respect to a year and a half, and, from then on, that the allocation of revenue be subject to oversight and appropriation on recommendation of the Appropriations Committee is a good safeguard to carry on the monitoring of the expenditure of these moneys.

I think there is no other appropriation bill coming out of the Finance Committee. I do not recall, during my years in the Congress, that the Finance Committee has authorized and at the same time appropriated moneys such as is done in this particular bill.

Now let us go back to the social security fund. Let us go back to the highway trust fund. Those are earmarked moneys that created a contractual and moral obligation between the taxpayer who paid those taxes out of his money into the tax fund and the Government. Those moneys went directly into a trust fund.

Under the concept in the bill before us, the moneys are already in the General Treasury, were paid into the Treasury by the taxpayers for no specific purpose whatever, and now a trust fund is created by virtue of this bill. I say there is a distinction between the highway trust fund, the social security trust fund, and other similar funds, and this particular concept.

So I feel it is our duty in the Congress to continue year-by-year surveillance and monitoring of these moneys, and the only way to do it is to take out the irrevocability in the concept presented by the Finance Committee in the revenue-sharing bill.

Mr. MAGNUSON. Mr. President, will the Senator yield me about 4 minutes?

Mr. McCLELLAN. I yield 4 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER (Mr. BROCK). The Senator from Washington.

Mr. MAGNUSON. Mr. President, I think it is too bad that this argument had to come up in the Senate. I have just come from home. It has created an impression throughout the United States—and no one seemed to deny it, as far as the members of the two committees have had a chance to do so—that because we wanted this oversight, we were against revenue sharing. That is not true. The impression was created that we were trying to stall the bill. That is not true.

The Senator from New Mexico said a little of what I was going to say. There is a distinction between what is proposed here and setting up trust funds, such as the social security fund, the airport-airways fund, which the Senator participated in, the highway trust fund, and all others in which a legislative committee can set up the formula and then provide that the funds that come into the trust fund will be distributed in the way the formula is set up. We cannot change the formula of the Finance Committee at all. We could not do it if we wanted to. So there is a great deal of difference.

The amount involved here is 7 percent. If the Finance Committee had done this and had lowered taxes 7 percent and said it was setting up a trust fund of 7 percent, then it would be able to do this, like other legislative committees, under

a formula. But it did not do that. This is money in the General Treasury.

I just cannot understand the idea of the Senator from Louisiana, who said, in answer to questions by the Senator from Massachusetts, that there is nothing we can do about it, except the people can take care of it back home if some mayor or Governor or county commissioner does the wrong thing, and he will be thrown out of office.

We are going to have an election in about 60 days. About 30 Governors are going to be elected. They will be in office for 4 years. Some mayors will be in office for 4 years. Whatever time they will be in office, it will be for a long period of time. Suppose they do not steal anything, there is no monkey business, but they take the money and start out with a terribly bad program. There is nothing anybody can do about it for 4 years. They cannot be thrown out of office. They are not going to be impeached over a bad program, because even a bad program makes somebody happy with the money he gets. That is the fallacy of providing these funds out of the General Treasury for 5 long years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield the Senator 1 more minute.

Mr. MAGNUSON. If the committee had set up a trust fund and considered it as such, then the Finance Committee could have done this kind of a job with a formula. We cannot change it. The Senator from Louisiana said we cannot do anything about it except let the people take care of a mayor or county commissioner who misbehaves. But they will be in office for 4 years. They will go on with their bad program unless we amend or repeal the law. That is an Alice-in-Wonderland suggestion. We are not going to do anything about it. We are not going to touch this program for a long time, even if there are bad programs in it. We are going to hear about them. Every year the money will come out of the General Treasury without anyone being able to do anything about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, if I may continue for half a minute, I know what is going to happen next. Every school board in the United States is going to come in here and ask for a 3-year program, not subject to general review by the Appropriations Committee and HEW. They are going to be in here next, and I guess we cannot deny them if we follow this policy. We will be asked to let them have it for 3 years out of the general treasury, and the legislative committee will be able to give it to them, and they cannot do anything about it except change the law. They are not going to do that.

I think we offered a burglary insurance proposal without any cost, and it was not taken. I am not talking about that, but suppose there is a bad program going on and a person is in office for 4 years. Who is going to do anything about it? Not the Finance Committee. They are going to hear about it. We are not going to change the law. Everybody will join and say, "Do not touch this."

All we are trying to do is provide that once in awhile somebody ought to take a look at it—not chop it off. We do not chop off a formula. But we will say, "Mr. Mayor or Mr. Governor, you had better take another look at what is wrong with it."

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nevada.

Mr. BIBLE. I thank the chairman.

Mr. President, I have listened to the colloquy between members of the Appropriations Committee and the Finance Committee this afternoon. I must commend everyone who participated on the high level of the discussion. After all, this is not a personal matter. It is a question, as I see it, of building into this legislation the strongest possible protection as to how the money is to be expended. I think that is the issue.

It has been said time and time again today, and I think it bears repeating, that the real gist of this problem is who can undertake and continue to undertake the greatest possible oversight on a $30 billion program.

In my judgment, it is for the protection of the members of the Finance Committee and for the protection of all Members of Congress to have this constant oversight. Time after time today instances of abuse that have cropped up have been mentioned. We were told about the Los Angeles small business episode, which would not have been caught if that had not been surveyed carefully, albeit too late to avoid some of the damage that was caused. The LEAA episode also was commented on, I believe by the Senator from South Carolina, which was an excellent example of the oversight and the effective control that the Appropriations Committee can carry out in that respect.

There has been mounting comment and criticism in recent years of the declining powers of Congress as a coequal branch of our Government. We are continually warned that a continuing erosion of the legislative authority, in one form or another, can pose the most serious single threat to the existence of our democratic process.

I agree most strongly. The Congress must exercise constant care to insure that its vitality as the only representative branch of Government is not undermined. We are the guardians of congressional power, for only through our own actions can this authority be delegated. It is a responsibility we cannot neglect, either through haste or through political compromise.

In my view, Congress must not further delegate one of its most important powers—the appropriation authority that controls the flow of public funds. That is why I speak now in support of the amendment introduced by the Senator from Arkansas (Mr. McCLELLAN) on behalf of the Committee on Appropriations.

I am proud to support the amendment offered by the Senator from Arkansas on behalf of the Committee on Appropriations. I am a member of that committee, and proud to be a member of that committee. As Senator McCLELLAN has already emphasized, passage of a 5-year appropriation in the revenue-sharing bill abrogates congressional authority—and responsibility—to oversee Federal spending. It abandons the very basic principle of annual funding and annual legislative review of appropriations. It capriciously passes on to the State and local levels of government the very responsibility that is inherent in the appropriation power reserved to Congress by the Constitution—the authority not only to spend but to determine that such spending is carried out in the best interests of the citizens and taxpayers.

I recognize that tremendous pressures have built up on the revenue-sharing issue in this election year. Our States, counties, and municipalities are clamoring for more financial assistance and have largely championed the principle of revenue sharing. The issue has become a major one in both the presidential and congressional races. There is a growing mood in Congress, if I am assessing the situation correctly, to enact a revenue-sharing bill with as little further delay as possible. I am only fearful that this rush to reach one goal may cause us to overlook the far more essential goal of protecting and preserving our constitutional powers.

I think the chairman of the Finance Committee has conceded that over 5 years, there will be some abuses of one kind or another. I think it is for the protection of every Member of Congress to have enough oversight to be able to correct abuses that may occur.

I urge every Senator to consider with great caution the wisdom of shortcutting the sound principles of annual appropriations. And I would remind them that it is still possible to achieve revenue sharing legislation without that shortcut, for, as the Senator from Arkansas has assured us, there is no desire on the part of the Committee on Appropriations to delay this legislation.

In the long run, we will be judged not by how many dollars we extend to the State and local governments but by how we exercise—and protect—the authority and responsibility given to us solely by the Constitution. The Congress—not the executive or judicial branches—is the guardian of the U.S. Treasury. And the Congress—not the executive or judicial branches—will be held accountable.

I urge senators to examine once again their responsibilities before deciding how they will vote on this amendment. I urge them to make a close and careful examination of the problems involved here, and am confident that if they do, they cannot do otherwise than support the amendment of the distinguished Senator from Arkansas.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, perhaps somewhat belatedly, I want to assure the distinguished chairman of the Appropriations Committee that there is no committee chairman in this body, present or past, on either side of the aisle, whom I would enjoy serving under more than the distinguished Senator from Arkansas. It was my privilege to serve under his leadership when he was chairman of

the Committee on Government Operations when I first arrived on the scene, and I am happy to say that he may be assured that if the situation should ever come to the point where he would need only 1 vote to retain his chairmanship of the Appropriations Committee, it would be that of the Senator from Louisiana, because I regard him as one of the all-time great Senators. And I regret to find that he, as chairman of the Appropriations Committee, is taking a position opposing that which I take as chairman of the Committee on Finance. But he and I will be as good friends as before, and work together as harmoniously in the future as we have in the past. I assure Senators on both sides that there is no animus at all in this matter, it is simply a question of a difference as to how we should proceed.

Moreover, Mr. President, the matter of this bill being in the Finance Committee is not something that was dictated by the Senator from Louisiana or any other member of the Finance Committee. The matter was referred to us by the Parliamentarian under the rules, and no one had any argument about the matter that it should be referred to the Finance Committee, because it clearly does contain matters completely within the jurisdiction of that committee.

A difference of opinion between the Finance Committee and the Appropriations Committee is not new in the Senate. This same departure in points of view occurred in the House of Representatives, and was the subject of considerable debate on that side. I am happy to say that the debate on this side is in much better humor and much less acrimonious than that which was reported to have occurred between the chairman of the Ways and Means Committee and the chairman of the Appropriations Committee over a parallel when this bill was before the House of Representatives.

We do have a precedent, Mr. President, in the fact that the Finance Committee, under certain situations, does handle measures containing appropriations. For example, here is language in the Social Security Act, from section 401(a), title 42 of the United States Code:

> There is appropriated to the Federal Old-Age and Survivors Insurance Trust Fund for the fiscal year ending June 30, 1941, and for each fiscal year thereafter, out of any monies in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of—

And it then proceeds to list the taxes that would be included in that amount. It then goes on to say:

> The amounts appropriated . . . shall be transferred—

And it states the fashion, thus and so.

Here is the language of the bill before us. It says, in language which is almost identical to the language I read previously:

> There are hereby appropriated to the Trust Fund, out of any monies in the Treasury not otherwise appropriated, amounts equivalent to—
>
> (1) for the fiscal year ending June 30, 1972, 3½ percent of the Federal individual income taxes received in the Treasury during such fiscal year;
>
> (2) for the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, 7 percent of the Federal individual income taxes received in the Treasury during each such fiscal year; and
>
> (3) for the fiscal year ending June 30, 1977 3½ percent of the Federal individual income taxes received in the Treasury during such fiscal year.

Mr. President, that type of language was in the medicare provision when Congress enacted the program for medical care, under social security, for aged persons. We have provided trust funds in other situations, such as the highway trust fund, the unemployment insurance trust fund, and the disability insurance fund, to mention only a few. So there is no question but that the Finance Committee does historically handle this type of matter involving appropriations.

There is the matter of interest on the national debt, which does not require an appropriation every 2 years; it simply provides that this amount of money will be a permanent appropriation. How that squares with the legal argument of the Senator from New Mexico (Mr. MONTOYA) I do not know, but it does not make much difference in any event; constitutional lawyers have thought about it down through the years, and we have met that constitutional requirement.

So we really get down to just one question of whether we want this to be a matter of annual appropriations subject to limitations being imposed year by year, subject to Congress declining to make an appropriation during the following year because it is dissatisfied with the way the program is being run, or whether we want to look upon this as it conceptually exists, not in the Federal Government but in most of the governments throughout the entire United States.

As I said before, Mr. President, one gains the impression that those of us on the Committee on Finance are not being heard by those on the Appropriations Committee, and I am sure it must seem the other way around to one who agrees with the other side of the argument, because we do business in different ways and we think in different terms. As I said before, I think that is the reason why the money provided by this bill should be a permanent type appropriation, why it fits the way the Finance Committee does business, why it is inappropriate that it should be handled as an annual review appropriation, and why it does not fit the way the Appropriations Committee does business.

The sort of suggestions we make and the way this program works is not too well understood by the Appropriations Committee members, because they do not do business that way. It is foreign to them, because they do not do business that way. They cannot agree with it, because they are not accustomed to thinking in those terms. Those of us on the Finance Committee do business exactly that way.

That is how our programs usually work. If we institute, for example, a disability insurance program, we provide that certain revenues shall be dedicated to that trust fund, and that those payments shall be paid year by year, as long as this Government shall exist, unless someone wants to change the law. If we start a social security program or a medical care program under social security, we provide that the revenues will go to this fund and the money will be paid out to provide these benefits, hopefully forever or as long as this Government shall last. When we started the unemployment insurance trust fund, we imposed a tax and dedicated the money into that fund, and we hope that as long as we are plagued with the problem of unemployment, these benefits will be paid.

So this pattern does fit the way the Finance Committee has historically operated and the way the jurisdiction historically has been assigned by precedent in the Senate, as between the committees and for these programs.

I could not help note that in a very eloquent speech the Senator from Rhode Island (Mr. PASTORE) pointed out the difference between our points of view. He said that no government would provide money 5 years in advance. Perhaps the Governor of Rhode Island did not do business that way, but the majority of States in the Union provide money that way, for more than 5 years in advance. Most States have a revenue-sharing program. We do in Louisiana. We dedicate the money that comes in from cigarette taxes to a fund to help support the local communities. We hope that money will be coming in forever, as long as people choose to smoke cigarettes, into a fund to help support the city governments.

Maryland dedicates a certain share of the income tax money into a fund to help support the local communities, and that money goes on indefinitely.

Those State revenue-sharing programs do not involve the Louisiana Legislature calling in all the mayors and asking how they use all their money, or the legislature of Maryland calling in the mayors or county commissioners and bringing them before a hearing to see how they use the revenue-sharing money. They do not do business that way. It is completely different from the Appropriations Committee's procedure.

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

Mr. LONG. I yield.

Mr. BENNETT. Is it not also true that in most States, because of the different wealth of the various local taxing units, they have education equalization programs, so that State funds go down to the county level or the city level in order to equalize the money available for education? And is not that provided on a constant, continuing basis, rather than on an annual appropriation basis?

Mr. LONG. It is done in Louisiana, and I am sure it is done in most States of the Union. A certain share of State revenues is distributed among all the units of local government to help carry out their responsibility in the education field. We do that, and I am sure most other States have something similar.

Mr. BENNETT. Did the chairman hear the Senator from Rhode Island, as I did, imply that one of the reasons why we should not do this is that we do not know the men who will be in office 4 years from now?

Mr. LONG. Yes.

Mr. BENNETT. Are we appropriating for men or for governmental units?

Mr. LONG. That is exactly the point.

From the point of view of the Finance Committee, it should not make any difference who the Governor happens to be next year or the year after, as to whether the State gets its share of the money. It should not make any difference whether the Governor is a prudent man or an imprudent man. For that matter, we would hope that in the event a Governor should do something unwise or even corrupt, the procedures that the people have spelled out in that area to protect them against poor government would take effect, rather than Congress having to repeal an act of Congress.

In the last analysis, the Senator knows, as do I, that whether we are happy or unhappy with our experience with revenue sharing years from now, those governments are still going to be here. We are not going to put them out of business by cutting off their revenue sharing. They will be here, doing the best they can to try to serve their people and to provide for their needs.

Mr. BENNETT. If the Governor should be an imprudent man, is there anything we can do about it?

Mr. LONG. Not on this level. We do not have the power to impeach him. I am sure that even our strongest opponents, especially those on this side of the aisle, would not want to give us the right to impeach a Governor because he unwisely spent some money that was made available either by the taxes the people pay locally or by some of the revenue we directed to help that government.

In the last analysis, we feel that this is a matter of strengthening those governments, but we will have to rely upon the good judgment of the people to elect good officials, and we will have to rely upon those officials to provide the money and spend it wisely for the needs of their people. That is how it has always been.

We would like to see the government be strong at the grassroots level, believing that by being strong there, it will be strong all the way up. We feel that by strengthening the local government, we would be strengthening the Federal Government as well.

The whole concept of revenue sharing, as has been said by those who oppose this approach, is truly revolutionary—but only to Congress. It is not revolutionary to the States. They have revenue sharing.

Louisiana has revenue sharing in several ways. We share the cigarette tax money with the local communities. We share the severance tax moneys with the areas from which the tax is collected. So revenue sharing is a rather general concept. It exists in the overwhelming majority of States, and it is not at all a new concept to most Governors or most mayors, because they do it to help the local government or they benefit from it.

It is this concept that we seek to implement. In those States that have revenue sharing, it is not a matter of annual appropriation or annual review or the government that is sharing second-guessing the government that is benefiting from the sharing.

I recall that when I was the executive counsel to the Governor of Louisiana, we initiated the first statewide revenue sharing, no strings attached assistance to the city governments in Louisiana. I was a candidate for office that year, and I was disappointed that in many of the cities there was not more evidence of the fact that we had strengthened those local governments by providing revenue from the State to the cities. I did not see the public improvements and the evidence of additional revenue to those city governments that I would have liked to see. In some cases, I even went to the extent of asking some mayors—and even the Governor—to put some of that revenue sharing money into something like street lights or sidewalks, so people could see and feel it, so that they would know they were getting the benefit of the increased tax that had been voted to implement revenue sharing. Over a period of time, I concluded that the concept was correct.

Whether the local community puts it into something that is tangible or something that is intangible if they fulfill their mission, they have carried out the intent of revenue sharing which is based on the fact that local governments are far less able to raise money than the State governments, and the State governments are far less able to raise money than the Federal Government. It makes good sense and exists in almost every State of the Union that the State will share some revenue with the counties and the cities. So it makes sense that we ought to have this experiment—and we propose it on a 5-year basis—that the Federal Government, being the strongest of them all, will proceed to share revenues with the local communities and with the State governments.

I know that it can be argued that the Federal Government is deeper in debt than all the governments of the world put together. From time to time, I have managed debt limit bills, and it should be borne in mind that when those bills come up, it is usually not the Finance Committee that has put us in debt. It is the other committees, the Appropriations Committee or the authorizing committees, doing their duty as best they can. We find ourselves deeply in debt, and those of us on the Finance Committee have to try to pass a tax or ask the Nation to raise the debt limit in order to pay the bills. Like the Treasury, we must take the flagellation for the fact that the Government is in debt, and we are not the ones who put it there. Even so, Mr. President, we recognize in cases like that—I have explained it but I will say it again—we can talk all we want about fiscal distress in this Government but it is still the strongest and the wealthiest Government on the face of the earth. It has greater capacity to do what it wants to do, whatever that may be—and it is usually for good—than any country on the face of the good Lord's green earth. We should be happy it is that way. We are still strong enough to provide aid to foreign governments all around the world. We are still strong enough so that we can do a great number of things which could not be done by a government with fewer resources.

Here we say that, in view of the fact that we are so much stronger, not only than any other nation on earth economically and in every other way, but so much stronger also in our capacity to raise revenue, that we should share some revenue with the local governments. So we do, in this bill.

It would seem to me that if we believe in that concept, we should not vote to have it with strings on it. In the Finance Committee we resisted strings; we even took off some of the strings we found on the bill sent to us. We would think the most onerous string of all would be this matter of having to come in each year and ask for next year's installment of money without being certain they will get it, not knowing whether they will or they will not. I can think of nothing more unjust, even though it might cause a scandal to suggest it, than to have little governments that had planned on their activities and essential needs being financed by revenue which would then be cut off, where some of the governments might find as much as one-third of their entire revenue was cut off because of some imprudent mayor or governor who had mishandled revenue-sharing money.

So far as I know, it has never happened in any State of the Union where a State cut off its revenue sharing program to a mayor or a county commissioner who had been imprudent. I do not have any doubt that we will not do it, either. I would hardly think the Appropriations Committee would want to do it, even if it could. But it does put the State and local governments under the sword of Damocles leaving them wondering what the result will be.

There will be another result which is much more likely to happen and that is that Senators, Representatives, and candidates for office will go out and present themselves to their constituents, perhaps a labor group, and they will say, "Now, we voted and we tried to guarantee you the prevailing wage rate under the Davis-Bacon Act but unfortunately someone put an amendment in there to say that the Davis-Bacon Act would not apply. But I assure you, my friends, that when I go back there, I will join those who think as you do and we will see that the Davis-Bacon wage rate is paid in any case, without any exception."

Another opportunity could present itself to go before a veterans' organization and say, "My friends, we will guarantee every man who has offered his life for his country on the battlefield a job in city and State government in America. I am going to put an amendment on that revenue sharing bill and guarantee that either the Federal Government or the State government will give to every combat veteran in the United States or, for that matter, anyone who ever even got a draft notice, the first job available. When I get back there, I will put in my amendment and, if need be, I will filibuster to keep the revenue sharing bill from passing until they agree to accept my amendment that every city, county, and State will give job preference to every deserving veteran or his widow."

I can see it now. So that every year we would have to go through the same process that we are in the process of going through now and went through from 5 p.m. until 8 p.m. last night, when we had the Hartke amendments. Some of these amendments, I regret to say, were recom-

mended by the President of the United States even though I heard the President make a speech that we should not have any strings of any sort attached to the bill.

Mr. GURNEY. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. GURNEY. I do not want to get into the Hartke amendments. As the Senator knows, I have been a strong advocate of the revenue sharing principle. I do want to say that the Finance Committee has brought out a very fine bill. But I do ask this question: What review is there going to be, if any, as to how the local governments handle this money, once they get it?

Mr. LONG. Senator, we would require, first, a report to the Treasury Department on how they propose to spend the money, and also require that they advertise it to their own people, saying how they are going to spend the money; second, after they spend it, they will give us a report on how it was spent, and they will tell their own people how it was spent. Also we would make the uses of this money subject to audit by the Treasury Department.

I would say, Senator, that there are more conditions placed on it than we in Louisiana place on our revenue sharing when we share State revenue with the city governments. We do not put that many conditions on it. The overwhelming majority of the States in this Nation, including Maryland, to my certain knowledge, share revenues derived from their income taxes with their local governments. I am not aware of any that do not do it.

Mr. GURNEY. I understand that. We have revenue sharing in Florida. We have had it there for many years. There is no checkout for a few years. I am not altogether wedded to that principle. I think that may not be the best one, but let me ask the Senator again: He says that reports will be made as to how the money is spent. I did not understand that the Secretary of the Treasury was in this picture. The reports are made to him, or to Congress?

Mr. LONG. They are made to the Treasury and the Treasury then reports to Congress so that we would bring both the Treasury and the General Accounting Office into the picture, insofar as we want him in the picture, to help advise us whether the money is being spent wisely. But we believe that this revenue sharing bill, if it is to be enacted, should not be on an annual appropriation basis. If we are going to have revenue sharing the State and local governments should be able to depend on it year by year and be able to make plans as to the use of the money. With an annual appropriation there is a danger of having the whole thing cut off; you start them out and let them go down the road for a few years. Then somebody does something you think is unwise, and the first thing you know you say it should be cut off, and then they find they are in worse shape than if there had been no revenue sharing in the first place.

So if we are going to have revenue sharing it must be on a long-term basis so that local governments can plan on it, rather than not being able to make plans which rely on the revenue sharing funds.

Mr. GURNEY. I would agree with the Senator on that principle, but I go back to the reports and ask if these reports that are made, are they going to be just like the several hundred thousand other reports that we get, or is the committee actually going to take a look at them every year and find out if this thing is working, because I do think, even though I heartily support the bill——

Mr. LONG. We will look at them. We will study them. We will glean what knowledge we can from them. We will be alerted as to whether it is a good idea to amend the program or a good idea to continue it after 5 years.

Now, I have no objection to any committee studying the same reports and studying the same information. That is nothing new to the Finance Committee. We have two or three other committees making a study in areas in which we have jurisdiction. We do not argue about that. We are so accustomed to it, we take no affront to it at all. We would expect that the Finance Committee and, I am sure, the Ways and Means Committee of the House, will study the reports to see how the money is used, to see how well the program is working.

Now, we do not think, however, that it should be the way the Appropriations Committee usually does business and would like to have it; that is, if they do not like the way it is going, they cut off the whole thing after a year. I think it should be a 5-year bill, and, hopefully, before the 5 years or maybe after 3½ years or 4 years—but certainly before the 5 years is over—to give all the communities the answer as to whether the Congress will continue the program or not continue it, based on what the reports will show.

Mr. GURNEY. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Arkansas yield me 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any rollcall vote during the remainder of the day be limited to 10 minutes, with the warning bell to be sounded after the first 2½ minutes.

Mr. LONG. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I will revise my request.

Mr. LONG. Mr. President, if I might just discuss the matter for a moment with the Senator, I would feel a little afraid that on the first rollcall vote, and only the first—because I am not worried about the others—that some Senators who might have planned for the usual time for the rollcall might have difficulty in getting here. So I would hope that for the first rollcall we would allow a few more minutes than would be the case for the others.

Mr. ROBERT C. BYRD. Mr. President, I revise my request to make it encompass only the remaining rollcall votes following the rollcall vote on the Appropriations Committee amendment.

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

TIME LIMITATION ON HUMPHREY AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, following the vote on the Appropriations Committee amendment, the distinguished Senator from Minnesota (Mr. HUMPHREY) has a series of five amendments. I have discussed these with the distinguished Senator from Louisiana (Mr. LONG) and with the distinguished mover of the amendments.

I, therefore, based on my conversations, feel that I am authorized to request unanimous consent, and I do request unanimous consent, that there be a time limitation on each such amendment of 30 minutes to be equally divided between the Senator from Louisiana (Mr. LONG) and the Senator from Minnesota (Mr. HUMPHREY).

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

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

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I enthusiastically support the amendment offered by the Senator from Arkansas to provide that there will be no holdup—I repeat—no delay in the funding of revenue sharing for this year or for the retroactive revenue sharing provided by the Finance Committee bill—but that in the future—after the current fiscal year—that is 1973—revenue sharing will be considered like any other appropriation and require Appropriations Committee action.

Mr. President, what the McClellan amendment does is to require that for this appropriation of $6 billion annually, we go through the appropriations process.

And what is wrong with that? The Finance Committee has the authority to authorize these revenue sharing expenditures, I can not for the life of me understand how we can justify action by the Finance Committee not only authorizing such a large expenditure but actually appropriating it. If the Finance Committee can do so in this case, then there simply is no justifiable function remaining for the Appropriations Committee or the appropriations process.

Mr. President, there may have been a time when the Congress did not need the appropriations process. There may have been a time when it was unnecessary for the Appropriations Committee to separately consider expenditures of the various authorizing committees. There have been periods in our history when Federal spending was under control, when the budget was typically in balance, when there was no great need to be concerned about ordering priorities, no need to make the painful choices between competing expenditure programs, but Mr. President if there were such periods in our history every alert citizen knows that this is not the case today.

This Congress and the administration are on the brink of expending the stupendous sum of a quarter of a trillion dollars. It is true that our economy is bigger than ever, but even in relation to the size of our economy this Federal Gov-

ernment is expending about 22 percent of the entire gross national product—close to a record proportion—and an immense allocation of our total resources. Even allowing for rising prices and higher pay, our Federal spending is already bigger, far bigger than at any time since the height of World War II.

What the McClellan amendment would do would be to require that the Appropriations Committees and the appropriation action of the House and Senate continue to exercise a coordinating ordering and limitation of much of this quarter of a trillion dollars.

Now, Mr. President, it is true that some funds—especially trust funds—such as the highway trust fund and the social security trust fund, provide a basis for substantial expenditures without going through the appropriations process. But in these cases the expenditures come from specific, largely segregated taxes that are precisely assigned to the particular functions for which the funds are raised.

Why should not revenue sharing be treated the same way? Mr. President, of all the appropriations made by this Congress, none, not a single one, more clearly justifies the full appropriations process for its consideration and action than revenue sharing.

Consider: Are special taxes assessed to raise the funds for revenue sharing? No, indeed; the funds for revenue sharing come directly out of the Treasury. From where? From the general fund. Mr. President, if the Senate defeats this McClellan amendment it will be shattering a precedent. There is no other expenditure from the general fund which is now made without going through the regular appropriation process, except public debt transactions and interest on the Federal debt. And, Mr. President, those permanent appropriations are of an entirely different character.

What a precedent. If this can be done for revenue sharing, there remains no argument—none—for not abolishing the Appropriations Committee and the entire appropriations process.

Now, can it be said that these are technical arguments, that after all, we just do not need the kind of appropriations reconsideration and surveillance over revenue sharing that we require for defense spending or expenditures on the farm program? Is this true?

Think about it. I submit, Mr. President, that there is just not another spending program that more clearly requires regular appropriations review than revenue sharing.

Here we are engaging in a new, untried, untested program, one of the major spending programs of the Government—a mammoth $30 billion, with virtually no guidelines, no limits, no vehicle for surveillance or review. We are simply handing out this huge amount of the taxpayer's money, and we give away this vast, new expenditure. What is this but an unprecedented departure which can be used to justify any dispersal from the general funds of our Government. And in this case defeat of the McClellan amendment means no review for 5 years.

Mr. President, with all respect for my colleagues—if this body defeats the McClellan amendment it will be an act of irresponsibility and I choose my words deliberately and carefully. It will mean that the Senate chooses not to be responsible for a new, untried, unprecedented expenditure of tens of billions of dollars for 5 years.

Mr. President, I say all this as one who supports the revenue-sharing bill in its present form. The House Ways and Means Committee has done a brilliant and remarkably fair job on this bill and under the leadership of the Senator from Louisiana (Mr. LONG), the Senate Finance Committee has done even better.

My State of Wisconsin, cities and towns and villages in my State need this bill. In some cases they desperately need it. I have heard Governors and mayors make eloquent and completely convincing cases for this kind of assistance. In fact I think it would be a mistake to delay this bill even for a day—to send it to the Appropriations Committee—that is why I think the McClellan amendment represents a highly sensible compromise. It would not delay the bill at all. It would not postpone for even 1 day the provision of assistance to our hard pressed States and cities, but it would require that after this fiscal year—that is beginning July 1 of next year, revenue sharing would go through the appropriations process.

Under the McClellan amendment, the Congress—House and Senate—would then have a chance to reexamine and reconsider this sharp new departure in Federal spending. Changes in the program might be minor, but does any Senator really believe that there will not be some mistakes—probably some serious mistakes—possibly some scandals developing this colossal expenditure? Of course there will.

The McClellan amendment simply provides that the Congress will exercise the same responsible degree of review and surveillance over this program that we maintain over virtually every other expenditure from the general fund of this Government. I urge my colleagues to support it.

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, I rise in support of the amendment offered by the Senator from Arkansas (Mr. MCCLELLAN) to the revenue sharing legislation before us. It is necessary in the interests of maintaining sound, reasonable control and legislative oversight over our Federal expenditures. It is presented not as an individual proposal representing merely his own views, but as the position of the Senate Appropriations Committee. It is the minimum action needed to safeguard the appropriation process from abuse.

The need for the McClellan amendment arises from the fact that the revenue sharing bill, as reported by the Finance Committee, simply shortcuts the appropriation process entirely, not only for this year but for the rest of the 5-year period of the bill. As the bill is written, none of the payments out of the Treasury for this program would have to pass before the Appropriations Committee at all. No congressional review of the manner in which the program is handled, or the way in which the funds are expended is provided for. Once we have passed this bill as reported, we have nothing further to say about the matter. Congress will have abdicated any further function.

This shortcutting of the appropriation process is accomplished by creating a so-called revenue-sharing trust fund, into which a certain percentage of the income tax revenue of the Treasury would be paid. Out of the trust fund would automatically be paid to the States and local governments each year, without further appropriation by Congress, the sums stated in the bill—$2,650 billion for fiscal year 1972 covering one-half a year, $5.450 billion for the full fiscal year 1973, and so on. However, at no time is the balance of money in the so-called trust fund reserved from other uses, or dedicated to the revenue-sharing program alone. Ordinarily we think of a trust fund as being handled by a fiduciary for certain limited purposes, but there is no fiduciary relationship here.

On the contrary, if the balance in the so-called trust fund is more than is needed to cover the authorized revenue-sharing figure, the remaining money is simply returned to the Treasury. The bill contains no commitment that we will reserve 7 percent of the Federal individual income taxes for revenue sharing. The figure of 7 percent is simply the statistic used for budgetary planning. It is not a revenue dedicated to this purpose, in the same way that certain social security revenues are dedicated to the Federal old age and survivors insurance trust fund, or certain highway user revenues are dedicated for transportation purposes.

In fact, the so-called revenue-sharing trust fund is really a sham and a delusion. It exists only on paper, not in reality. The reality of this bill is that it appropriates—without passing through the normal appropriation process at all—very large sums of money for the next 5 years—a total of $29.575 billion altogether.

There has been no adequate reason shown why we should circumvent the normal appropriation process in this manner. There are strong reasons why we should not.

Most importantly, the Finance Committee language rejects the basic proposition that the expenditures of the Government should be provided on an annual basis. This is the foundation on which rests the concept of congressional control of the purse strings.

Second, by granting 5 years of revenue in a single action, we shall give up any real power of congressional review over how the program is being conducted. Do we really want to relinquish this vital power so easily? I do not think so.

Much has been made of the supposed conflict between the Finance and Appropriations Committees on this matter. Speaking as a member of the Appropriations Committee, I would not want to infringe on any rightful prerogatives of

the Finance Committee. Yet I think the McClellan amendment has been carefully drafted to meet the legitimate objections that have been raised against annual appropriations.

First of all, objection was made that there would not be time to provide the revenue grants for the fiscal years 1972 and 1973 if the whole appropriations process had to start from the very beginning this late in the year, in September. That is true. But the McClellan amendment takes account of that problem by incorporating in its own language the appropriation of the 1972 money and the 1973 money. So, if this amendment is adopted, the States and local governments will get their first installment of shared revenue just as quickly with the McClellan amendment as without it.

A second objection raised against the annual appropriation process has been the supposed need to assure State and local governments in advance of exactly how much money they will receive. However, the McClellan amendment recognizes this need also, by specifically authorizing appropriations to be made each year for the fiscal year ahead of the appropriation act being enacted. That is contained in subsection (d)(2) of the McClellan amendment under the heading "Advance Funding."

Mr. President, it seems to me it would be reckless in the extreme for us to grant a 5-year appropriation for this new, untried program, with no provision at all for congressional review. We have not done that with other new programs. There is no necessity for it. We have a severe financial problem at the Federal level, as surely we know. This revenue-sharing program will work just as well if we launch into it in a moderate manner, without throwing overboard all the principles of Government financing we have learned through years of hard experience.

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. HANSEN. Mr. President, I am very impressed with the arguments being made here this afternoon. I have the greatest respect for the chairman of the Appropriations Committee.

I would like to make two points. The first point is that the testimony that has now been taken by members of the Appropriations Committee is precisely the cause of the problem. We have been talking about this oversight function and the ability of Congress to hold tightly to the purse strings because we have seen that money parceled out in that way is not well spent. That is exactly why we need revenue sharing.

If we are going to let the local people, who know the local problems better than we do, spend the money where it will be wisely spent to solve the local needs and the local problems, we have to cut loose of these strings. That is what revenue sharing is all about.

We have had a lot of testimony, as the distinguished chairman knows. We have heard the pleas of all of these people that we have been doling out this money through the oversight function. As a consequence we have not been addressing ourselves to the No. 1 problems, to the problems that have the greatest support of the citizens.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield the Senator from Wyoming 1 additional minute.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 additional minute.

Mr. HANSEN. Mr. President, secondly, I think the point must be made that the States must have this money and must know that it will be there. For instance, the schools have demonstrated concern. Everyone is being assured by Congress that the money will be available. They then find that we wait until the school year is half over before we appropriate it.

Right now we are forced to pass continuing resolutions because we fail to approve appropriation bills on time. We have a long record of postponing this decisionmaking responsibility.

I think it would be a tragic error to agree to the amendment of my very distinguished and beloved friend, the Senator from Arkansas (Mr. McCLELLAN).

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLOTT. Mr. President, I want to make a few points and I will make them quickly. I am sorry it is so late in the afternoon and there is not sufficient time to discuss the matter.

First of all, I support the revenue sharing. However, I think that the reason for it is simply because the money is not at the local level to finance the necessary improvements and services that the local community needs. And it is basically because the Federal Government has usurped the basic means and the greatest number of means for raising revenue.

Second, I do not want anything I say to be taken as critical of members of the Committee on Finance. I think they have done a fine job. I only hope we do not get so many strings on this measure that it will be necessary for me to back out in my support of the bill because to me this bill is worth nothing if we put a lot of strings on it and then hand it to our people.

Third, rule XXV states simply:

> The Committee on Appropriations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriations of the revenue for the support of the Government.

To me that is very clear. I think there has been too much in this Senate of committees trying to reach over into other committees and usurping part of their function. I wonder what would be the reaction of the Committee on Finance if in its processes the Committee on Appropriations reached over and performed some of those functions which are properly assigned to the Committee on Finance. I think we would hear a lot about it.

Next, I would like to make reference to oversight and review. The Committee on Appropriations is not basically the committee in this Congress that is responsible for legislative oversight and review. This is where our discussion has gone awry this afternoon. The legislative committee is the committee that should assume responsibility for legislative oversight and not the Committee on Appropriations.

The way the bill is now written, the only real legislative review or oversight that can occur is that provided if the amendment of the distinguished Senator from Arkansas is adopted. I sincerely hope that we will adopt this amendment and not worry about scandals so much but just worry about facing up to this program to which I believe Congress is making a longtime commitment.

Mr. BENNETT. Mr. President, will the Senator yield? I wonder if the chairman of the committee will yield to me for 5 minutes so that I might just pose some questions to my friend, the Senator from Colorado.

Mr. LONG. I yield 5 minutes to the Senator from Utah.

Mr. BENNETT. My questions are not argumentative because I have been puzzled by this argument about oversight and review. I would like to pose two problems and ask how the Committee on Appropriations would handle them if it had the responsibility for oversight.

Here is Jonesville and under the conditions of the bill certain programs are proposed and adopted in which revenue-sharing funds will be used. When the audit comes at the end of the year it is discovered that the mayor appropriated money, including Federal funds, to himself. Having discovered that, what could the Committee on Appropriations do?

Mr. ALLOTT. The Committee on Appropriations has within its power probably three things to do. One, it could cut the appropriation. I do not think that is in the mind of anyone on the committee in voting for this bill. Two——

Mr. BENNETT. Before the Senator gets to the next point, is it his thought it could cut the appropriation for that particular city, leaving appropriations for other cities under the formula untouched?

Mr. ALLOTT. Let us assume, for example, that Jonesville decides to spend this money on the importation of cheap labor from some underdeveloped country in the world. I think the Committee on Appropriations could properly add a limitation that no money appropriated under this act should be used for the purpose of importing cheap labor in competition with American labor.

Mr. BENNETT. That would cover everybody and not just Jonesville. I am trying to find out if the Senator feels that under this bill the Committee on Appropriations could reduce or eliminate money available to single communities.

Mr. ALLOTT. I doubt very much if it could. It perhaps could but let me state the third thing I think this can do. They can identify malpractices and mispractices that occur in Jonesville, and in the report of the appropriations make it clear they are not going to tolerate such mis-

uses, misfunctions, or malfunctions in the future.

The trouble is what you do with the bill. You put it out and say here is $5.1 billion available over a year, but who is going to look into it every year to find out how it is functioning?

Mr. BENNETT. The bill provides at page 63:

> The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the State governments, and the units of local government as may be necessary for Congress to evaluate compliance and operations under this subtitle.

Mr. ALLOTT. I know we are passing everything over to the GAO now, but it should be the committees of Congress doing this review and oversight. That is one of the big troubles that Congress has fallen into. We have turned it over to GAO. We have even gotten them into complicated scientific fields in which they are not prepared. Let us leave it in Congress and keep the responsibility here.

Mr. BENNETT. Under this bill the Treasury must send its reports to Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENNETT. Will the Senator yield to me for 3 additional minutes?

Mr. LONG. I yield 3 minutes to the Senator from Utah.

Mr. BENNETT. Leaving that point, my second question is equally important. Jonesville has a city commission of five members. There is a great debate as to whether this money is going to be used to build a firehouse or to build a library. Three members decide it will be used to build a library. The next year, under the appropriation process, those who lost out will come out and try to persuade the Committee on Appropriations there has been a misuse of funds.

Will the Committee on Appropriations then step in and use its judgment to decide if that money should be used to build a firehouse or a library?

Mr. ALLOTT. I will say no, as long as the money is spent under the legal limitations provided in the bill, and I think the committee has provided a good bill. The Committee on Appropriations is not going to step into decisions of that sort and never will.

Mr. BENNETT. Then I did not see what oversight has to do with proper spending of the money and I think there is enough protection in the bill to protect us from improper spending.

Mr. ALLOTT. The only protection I can see is the massive reporting to the GAO, and there is no responsibility in Congress where it should be.

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

Mr. ALLOTT. I do not have any time remaining.

Mr. BENNETT. I have 1 minute left. I yield to the Senator from Washington.

Mr. MAGNUSON. I wish to clear up one point that I think is misunderstood about the function of the Committee on Appropriations. The mayor may have 10 programs and nine of them are good, and one looks like a bad program. The Senator from Utah keeps asking whether that whole community will be cut off. We are only talking about the specific one that we want to go out.

Mr. BENNETT. That is, the library and the firehouse problem.

Mr. MAGNUSON. No, I do not think anybody would object to that.

Mr. BENNETT. There are 10 programs and nine of them are good, and the 10th one is the firehouse.

Mr. MAGNUSON. No, it would be something that would be a bad program. If they want a firehouse instead of a library that is their problem because neither one would be a bad program. We are talking about a limitation of money for the purpose the Senator from Colorado mentioned.

We are not going to say that the city of Seattle or that Salt Lake City is cut out of all the program because they have one bad one. We do that all the time in the Committee on Appropriations. We put a limitation on things we should do something about. It does not cut out anyone because of a firehouse or a library.

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

Mr. McCLELLAN. I yield.

Mr. STENNIS. Mr. President, I know by experience how easy it is to get wedded to a committee that one serves on. I have the very highest regard for the membership of the Committee on Finance. But I am just not wise enough to believe that it is a step forward in sound financing and fiscal affairs, on top of the fact that we are running a deficit of around $100 billion during the last 2 fiscal years and the current one, to pass now, by legislative fiat, an appropriation in advance for 5 years in a new program for $29.5 billion more, especially in a bill in which we are taking 7 percent of the income from personal income taxes and earmarking it for this bill, without one sentence or one period in the bill to replace that 7 percent as income for the Treasury. It would take a replacement of that 7 percent, at least, to run even on this $100 billion rate that we are running now for every 3 years.

I just cannot swallow all of that in one bite, without even a second look. There is validity to a second look which comes from another committee. I stand here and argue for authorizations in the military program, but there is nothing more reassuring for you who vote for them or for me who makes the argument than the knowledge that another committee with an overall view of the problems of this Government is going to have a second look at every one of those items and make an overall judgment as to how much is to be allowed.

Here we are asked to give on IOU for 5 years for $29.5 billion, and they do not even want the Appropriations Committee to look at it. That 5-year period is a period of time during which every single Member of this body today will have his term expire, some this year, some 2 years from now, some 4 years from now. Here we are actually appropriating this much money as written in this bill, $29.5 billion—which we do not have, incidentally—over a period of time beyond the service of every single last one of us.

I am just not wise enough to believe that is the best thing to do, and I just cannot believe it is the sound thing to do. I want to see the Appropriations Committee take an even more active part in what its prime purpose should be.

I know that the time for debate has faded here on the floor. We cannot do it the way we used to do it. There are too many demands on us. We are spread out too thin. But these committees have a tremendous opportunity to find out what goes in the bills, and we need every one of them to make their recommendations.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the Senator from Indiana (Mr. BAYH).

Mr. BAYH. I thank the Senator from Arkansas. Mr. President, I have listened most of the afternoon to this very relevant discussion. As a relatively new Member of this body, and particularly as the most junior member of the Appropriations Committee, I am not the expert on the subject of the present debate, but I rise because of several phone calls I have had from some of the mayors in my State who, from some source—I know not where—have been getting erroneous information. I would like to put the record straight.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield 1 more minute to the Senator.

Mr. BAYH. It is surprising how little the Senator from Indiana can say in 2 minutes. May I have 1 more minute?

Mr. McCLELLAN. I yield 1 more minute.

Mr. BAYH. I have been told that those of us who are supporting the very meritorious amendment of the distinguished and able Senator from Arkansas are anxious to kill revenue sharing, and that that is the intent of his amendment. That could not be further from the truth. His amendment is responsible. It provides, through immediate appropriations, as much revenue sharing for a year and a half as is contained in the measure so stoutly defended by the Senator from Louisiana.

This amendment would recognize the need that State and local governments have for certainty in the distribution of revenue-sharing funds, while at the same time bringing revenue sharing—like other programs funded out of general revenues—into the normal appropriations process. The amendment also makes appropriations for revenue sharing for the period from January 1, 1972, to June 30, 1973. The total amount appropriated is $8.1 billion, the exact amount recommended by the Finance Committee.

As reported by the Finance Committee, the revenue-sharing bill would create a revenue-sharing trust fund by earmarking a certain percentage of Federal individual income taxes for that purpose. The money so earmarked would, for each of 5 fiscal years, be distributed automatically to our States and localities, without their needs being considered further by Congress. I do not believe it is wise to tie the hands of the Federal Government for so long and in such great amounts. It may well turn out in the coming years that more funds are needed

by States and localities than this revenue-sharing bill provides; or, upon reform of Federal and State income taxes, and decreasing dependence on the property tax, it may turn out that less revenue sharing is needed; or it may turn out that Federal funds are more desperately needed in other programs. In any event, Congress should retain the flexibility to respond to the needs of the Nation—needs which simply cannot be predicted so many years in advance.

Each year, the Congress and the President determine our national priorities by deciding, through the appropriations process, where our tax money will be spent. The Congress plays its role by reviewing the entire Federal budget and all proposed Federal spending programs, and by approving a level of funding for each national program. Only by reviewing on an annual, interrelated basis all our programs can we make rational decisions on priorities.

We should not bind the Nation to a certain level of funding for revenue sharing—or any other, however important, program funded out of general revenues—years before the Congress has an opportunity to consider and assess all the current needs of the country. This is particularly so today, when the Nation faces a tremendous national debt and has had vast budget deficits in the last few years.

Of course, States and localities must have adequate notice of the revenue-sharing payments they will receive, so they can plan their own budgets and set their own priorities. The pending amendment recognizes that legitimate need by specifically authorizing appropriations for revenue sharing to be made a year in advance of the year in which the funds will actually be distributed. This technique, known as "advance funding" will allow the States and localities to base their plans and budgets on revenue-sharing funds they will receive from the Federal Government.

For these reasons, Mr. President, I believe that the best interests of our citizens, and of our State and local governments, will be served if the amendment now pending is adopted. I urge my colleagues to join with me in supporting it.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 12 minutes. The Senator from Arkansas has 12 minutes.

Mr. LONG. About the same amount, then. I yield myself 1 minute.

I think it is well that we keep in mind at this point that the jurisdictional question, for the purpose of this amendment, is totally irrelevant. It does not have anything at all to do with the issue. It might be relevant if a Senator wanted to make a motion to recommit, but Senators should not confuse it with the question of jurisdiction of committees in deciding how they vote on the amendment.

It would not have made any difference if this proposal had gone to the Appropriations Committee from the Finance Committee or not. The issue would still be the same. The issue is, between those of us who agree with this concept and those on the Appropriations Committee who disagree. The question is: Should this be a program in which a revenue source is earmarked and the money is provided for years in advance—a long-term program—or should it be a program as the usual annual grant-in-aid programs are, where Congress, and in general the Appropriations Committees of Congress, have an annual review and appropriate the next year's installment based on what their judgment is after reviewing the program?

Almost every State in the Union has some sort of revenue-sharing program, and practically all of them have it on the same basis that we are recommending here—that a general revenue source simply is earmarked, and having earmarked that revenue source, it is provided that this amount of money will be available to those governments year by year and it will be distributed on a certain formula based on population or any other factors they wish to consider. That is what we have done.

I know it sounds unprecedented to some of our friends on the Appropriations Committee, because they just do not do business that way.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 1 more minute.

But it makes sense to those of us on the Finance Committee, because that is how we do business. We provide a social security bill. We provide a revenue source and earmark the funds for it to cover the program cost now and into the future.

If Senators want revenue sharing, and that is the concept we are considering, then I say it is foreign to the whole concept of revenue sharing that each year the Congress should look at the program and make a grant of x amount of dollars based on annual, year-to-year considerations. The idea of revenue sharing is that we share a certain source of revenue or we share a certain amount of revenue, and the Government with which we share it can depend on it year by year and make its plans far in advance.

It is that concept for which we plead. I know it is foreign to the Appropriations Committee's way of doing business, but that is the whole concept of revenue sharing. It is the same under all of the State governments of the Union, or practically all of them. We think that concept should be implemented, and nothing could be more destructive of it than to try to turn it into a grant-in-aid program.

That is what we are trying to get away from, a grant-in-aid program where we match a State's funds and have an annual review and decide whether we are going to match them again, and under what terms and conditions. As nearly as possible, we are trying to have a no-strings-attached sharing of revenue with States and local governments.

If we are going to do it at all, it ought to be on a long-term basis, Mr. President, and not on an annual appropriation basis.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 2 or 3 minutes. I think someone else is coming who wants to speak on this side of the question.

Mr. President, I have been very much interested in the arguments that have been made on both sides of this issue, on both sides of the question. I think they have been very illuminating, and I regret that there has not been a better attendance in this Chamber this afternoon, so that every Senator might have heard the presentations that have been made.

As we all know, as the Senator from Mississippi (Mr. STENNIS) remarked a few minutes ago, debate in the Senate does not carry with it the glamour, and possibly the force and effectiveness, that it once did. There was a time when Government was not so big, and Senators could attend the sessions when legislation was being considered, hear the debate, and also participate in it. Today the Government is so big, the committee work has so increased, and the demands on Senators' time have become so great that it is simply impossible for any of us to be present on the floor of the Senate and hear debates as we would like to.

But I am very gratified with the course this debate has taken. I appreciate the fine compliment paid me by the distinguished Senator from Louisiana, the chairman of the Committee on Finance, and I can return every word he said in full measure. I am glad he is chairman of the Finance Committee. I compliment that committee on the fine work it has done. It has brought us a bill we can all support, and I think everyone will support the bill, even if there is no change in it.

But we are presented here with a question, an issue that the Senate must be the master of. We have committees created. The Finance Committee is the creature of the Senate. It has no inherent power except as the Senate gave that committee jurisdiction. The Appropriations Committee is a creature of the Senate. Its rules are its own creation.

It has been said here by the distinguished chairman of the Finance Committee, and this is very significant, "You got all of your powers from us." That is a bit erroneous, Mr. President. We got the powers we have from the Senate of the United States.

In giving us the powers and giving us the functions, the duties, and the responsibilities we have, it may be correct and I think is correct that the Senate took those functions away from the Finance Committee. However, the Senate did it because it felt that these powers ought to be separated from those of the committee that raised the revenue, and let some other committee examine the expenditures that were made.

I yield the floor for the moment, and yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, my time as a member of the Appropriations Committee has been relatively short, as my appointment came only last February. But in those 7 months I believe I have come to understand much more deeply the nature of the control and influence which we on the committee exercise over the budget of the Federal Government. I

also feel a strong sense of responsibility as a member of this committee to be sure that the taxpayers' funds over which we have jurisdiction are well spent in a balanced fashion among the many competing Federal programs. This task will rapidly become an impossible one for our committee if we are to witness the passage of bills such as the one we are now considering which contains provisions to enable this massive revenue-sharing legislation totaling literally tens of billions of dollars to receive its funding entirely outside the purview of the Appropriations Committee.

I want to state here and now that I think all of the members of the Appropriations Committee have been most pleased with the manner in which the new chairman of the committee has dealt with the subject matter of this bill and the conflict between the 2 committees. It is my hope that the position of the Appropriations Committee will in fact be supported here by the full Senate, not that I do not support the concept of revenue sharing, but I do believe that the jurisdiction that has been established between the committees of the Senate has real meaning, and that the impact of the bill that has been reported out of the Finance Committee will seriously weaken the position of the Appropriations Committee in dealing with the whole budget. I believe the compromise that has been suggested and that the chairman of our committee has presented to the Senate is a reasonable one. It is one that gives the assurance to individual States and municipalities that they will in fact have the ability to plan ahead, and at the same time will carry out the constitutional function of Congress to take moneys out of the general fund only by appropriation.

I am very hopeful that the position of our chairman will be sustained. I make this statement with due regard for my good friend the Senator from Louisiana and the ranking member of the Finance Committee on our side of the aisle, but I cannot see the reason for the separation of the Finance Committee from the Appropriations Committee and its jurisdiction, if the position of the Finance Committee is sustained on this bill, because we are just opening the door completely to the concept of back-door financing.

I have no quarrel with the fact that this new approach to helping our States and communities meet their ever-increasing costs of operation with relatively unrestricted Federal aid is an innovation in Federal funding whose time is long overdue. But we in Congress have a responsibility toward the Federal budget in its entirety and to the taxpayers whose income makes these programs possible to periodically oversee and evaluate the effectiveness of these undertakings. And this congressional responsibility for decisions affecting the budget of our Nation—in the Senate—resides primarily with the Appropriations Committee.

I believe this is correct. Without this committee as the focal point for budget decisions the congressional balancing of Federal spending priorities would be scattered throughout different committees in the Senate. The necessary coordination and national review of the budget would be made infinitely more difficult because a greater variety of programs would be controlled by separate committees which would naturally tend to stress their own segment of the Federal structure.

Equally as important I believe is the annual program and budget review process which the Appropriations Committee holds as it conducts its months of public hearings each year on the budget. This kind of evaluation is extremely important, and I am deeply concerned because the bill we are now considering would authorize and in effect appropriate nearly $30 billion of funds over the next 5 years directly from the trust fund which it establishes with no annual appropriation review required. This is simply too large an expenditure of Federal dollars to be handled in this manner.

There needs to be a middle way between nearly $30 billion in revenue-sharing funds being allocated to the States with practically no congressional overview, and the other extreme we have seen all too often in categorical programs where reporting requirements and a myriad of different agencies to which towns, cities, and States must apply, results in discouragement and all too little progress in meeting the needs of these areas.

I firmly believe the budget review and approval process of the Appropriations Committee can and should provide this middle way for revenue-sharing legislation.

I am convinced from my time as a member of the committee that this is our responsibility—both to the Congress and to the American taxpayer at large. Adoption of Chairman McCLELLAN'S amendment will insure that this critical responsibility will not be eaten away at. I strongly urge that it be approved by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mr. LONG. I yield 3 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I believe it would be very harmful to place revenue-sharing legislation on an annual appropriation basis instead of on the 5-year program provided by the Senate Finance Committee bill and the House of Representatives. While the proponents of the pending proposal have talked about advance funding of an appropriation more than 1 year in advance, the amendment doesn't do this and if it did it would not solve the problem.

For revenue sharing to operate effectively and efficiently, State and local governments must be able to plan and budget long ahead of time. A 5-year appropriation would do this. State legislatures, in particular, need to know what to plan for during a forthcoming biennium and they could not do so under the pending amendment.

All of us are familiar with the chaotic problems which have arisen over delays in annual appropriations for such programs as impacted aid to schools and school lunches, when local agencies have prepared their budgets in reliance on Federal funding. We must not permit revenue sharing to be jeopardized by even the possibility of such occurrences.

There is no reason why appropriate surveillance cannot be carried on by both the Appropriations Committee and the Finance Committee, aided by the General Accounting Office, to make sure that abuses which may arise are stopped. Individual instances of abuse should not, of course, be an excuse for holding up the regular revenue-sharing procedures.

There are, of course, some Members of the Senate who are not in favor of revenue sharing. I hope that they will be willing to give it a fair trial, at least, by not voting for the annual appropriation amendment.

Mr. President, alluding for a moment to my own State legislature in Iowa, what is that legislature going to do when it meets next year and has to appropriate for the forthcoming biennium starting July 1, 1973? How can they budget and appropriate effectively if they do not have the assurance which the Finance Committee bill would give them?

I suggest this is probably true for all State legislatures throughout the country. There are some State legislatures which meet every year, but many of them which meet every 2 years must appropriate for the forthcoming biennium.

So, Mr. President, I think that to be efficient we should go along with the Finance Committee bill.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield myself 3 minutes.

Mr. President, I am impressed with the argument that if we are going to give grants in aid to States, we ought to do it for a 5-year period so that they can make their plans accordingly. If we want to abdicate responsibility, this is a good way to start. We do not make appropriations for the Federal Government for more than 1 year. I know that my State makes appropriations for only 2 years.

Let us see where this is going to lead. If it is done for revenue sharing for 5 years, there is every justification, and equity requires, that we do the same for Federal aid for education. Our schools throughout the country today are in distress just as much as our cities, and the schools ought to have a right to know so that they can plan, too, for next year and the next and the next.

If this is the way our Federal Government is to operate, then we are going to set precedents here which are going to lead us into a great deal of trouble. I think we had better keep these tried and tested procedures. This is a new program, and there might be some little inconvenience and slight doubt that it will not go on for 5 years if the Appropriations Committee is permitted to take a look at it each year—only slight doubt. We had better incur that risk rather than start a practice here of making 5-year appropriations.

Mention has been made of supervision over the program. It has been said that

the people will turn them out of office in the next election. If that is the way we are going to appropriate Federal aid to States and to communities, why do we need an auditing system in the Federal Government? Let the local people turn them out. What do we need, if Congress does not supervise it to see that no waste and extravagance or malpractice occurs? If we do not do it, the people will turn them out. So there is no need to have auditing, and so forth.

This is not going to work. We need every bit of supervision that it is practical to give in order to protect the taxpayers' money.

It has been said that this money came from them. Certainly. But the Federal Government is taking this money from them, and Congress is responsible ultimately to the people as to how it will be spent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield myself 1 additional minute.

Mention has been made of being turned out. We are the ones who will be accountable when things go wrong down there, because we gave them a 5-year program without the proper supervision and oversight it ought to have.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, the distinguished Senator from Arkansas appropriately referred to this bill several times in the course of his speech as an aid program or a grant-in-aid program, and it is well that he would; because if this amendment is adopted, this will no longer be a revenue-sharing bill. It will be a Federal grant-in-aid program, on annual review just as the other Federal grant-in-aid programs are—a Federal grant-in-aid program for more general purposes than the ordinary Federal grant-in-aid program. This will no longer be a revenue-sharing program, which States well understand, because most of them have such a program.

These are some of the States that have revenue sharing—by no means all of them:

New York distributes 21 percent of the net proceeds of their personal income taxes, and they distribute it on a formula to every county, depending upon the size of the city, and so forth. That is about how we do it in Louisiana. We collect what we can with the cigarette tax, and then we spread it among the cities, depending upon their populations, and it varies with the size of the city.

Under Michigan's revenue-sharing program, they dedicate 17 percent of the net collections of their personal income taxes. This money goes to counties in proportion to population, with one-half required to be passed on to the cities and villages, based on their population. So it goes.

But revenue sharing is known in all the States that have it, and practically all have it, and it works the same way.

It is not at all an annual review proposition. You simply earmark a certain source of money or a portion of it, or you could even do it by a dollar figure and say this is the amount it is going to be, and year by year you spread it among the local governments the same way.

If Senators want to change the revenue sharing to a grant-in-aid bill, they should vote for the McClellan amendment. But if they want revenue sharing that is a long-term program like social security or unemployment insurance or disability insurance or a great number of other programs the Finance Committee has handled—in which we have undertaken to put a program into effect and dedicated a revenue source to it, and said this program continues indefinitely—then the Senators should vote down the McClellan amendment. Do Senators want revenue sharing or a grant-in-aid program? If they want revenue sharing, they should vote for the Finance Committee version. If they want a grant-in-aid program, subject to annual reviews and to being cut off in any year after an annual review, they should vote for the McClellan amendment.

Those of us who feel that this ought to be a sharing of a certain portion of the Federal Government's revenues from personal income tax feel that it should be a revenue-sharing bill, and we have set out a formula and have proceeded to use the same procedure the States have in setting out their revenue sharing bills.

Mr. MILLER. Mr. President. will the Senator yield?

Mr. LONG. I yield.

Mr. MILLER. When we get down to it, does it not amount to a question of how the taxpayers' money is going to be used most efficiently? If it cannot be done on a long-term planning basis, it is not going to be used as efficiently as otherwise. Is that not so?

Mr. LONG. The Senator is completely correct.

Mr. McCLELLAN. Mr. President, if what was said during the last colloquy is correct, if that is sound, then that should apply to all Federal Government programs. If that is the way it is best done, that is the way it should be done.

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

Mr. McCLELLAN. I yield.

Mr. PASTORE. We ought to do it with the OEO, we ought to do it with help to our institutions, we ought to do it with education, and we ought to do it with respect to health programs. We ought to do it in everything and give up the whole prerogative of the United States Congress. All we have to do is come here in one session of Congress and appropriate money ad infinitum, which would bind other Congresses and would bind other Presidents.

I say that what is being done here today is going to come back and haunt us. Nobody wants to deny the cities and the towns and the State houses any of this money. All we are saying is that there has to be supervision, because we have a responsibility.

There has been talk about this being a grant or a sharing. It is not a sharing. This is a lump sum appropriation. It does not say 7 percent of the personal income tax every year ad infinitum. It does not say that at all. It is not like the 21 percent in Louisiana, which the Senator from Louisiana mentioned. This is a sum of $30 billion to be distributed over a period of 5 years. It is being appropriated now, and it runs beyond the term of the present President of the United States, even if he is reelected, and it runs beyond the term of any governor. It runs beyond the term of any mayor. It even goes beyond the term of some Members of the Senate.

Mr. McCLELLAN. Mr. President, in my original remarks I said that if the attempt being made here to bypass the regular, established processes of appropriating money succeeds, what we do here today will come back to haunt us. I said that I hope the ghost never walks in this body. The only way to keep it from doing so, if we follow the practice that we are beginning today, is to vote for this amendment. I hope that it will be agreed to.

Mr. MONDALE. Mr. President, I rise to oppose amendment No. 1450, offered by the distinguished Senator from Arkansas (Mr. McCLELLAN). I have the greatest respect for the jurisdiction of the Committee on Appropriations, of which the Senator from Arkansas is chairman.

But I believe that requiring annual appropriations would contradict the basic purpose of the Federal revenue-sharing bill under consideration.

This bill is intended to ease the growing pressure of State and local taxes—and particularly of the regressive and overextended local property tax. Its purpose is to share Federal revenue, raised through the broad Federal tax base, with hard-pressed State and local governments.

If State and local governments cannot tell far in advance the amount of revenue-sharing funds which will be available, they will be unable to budget these funds for basic programs. Instead, they will be forced to assure that adequate sources are available from State and local funds to finance important programs, and treat Federal revenue-sharing funds as a bonus for expenditure on nonessential activities.

Mr. President, the device used to finance this bill—the creation of a revenue-sharing trust fund on the books of the U.S. Treasury—is commonly used where advance assurance of adequate funding is needed. It is the basis for payment under the Social Security Act, the Federal Highway Act, and a number of other laws.

The pending amendment strikes at the very heart of the concept of revenue sharing. I urge the Senate to respect that concept and reject the amendment.

The PRESIDING OFFICER (Mr. BROCK). All time on the amendment has now expired.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1450) of the Senator from Arkansas (Mr. McCLELLAN).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DOMINICK (when his name was called). On this vote I have a pair with the distinguished Senator from Tennessee (Mr. BAKER). If he were present and voting, he would vote "nay"; if I were at

liberty to vote, I would vote "Yea." I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from South Dakota (Mr. McGOVERN). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. WEICKER (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Oregon (Mr. HATFIELD). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), 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. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The respective pairs of the Senator from Tennessee (Mr. BAKER) and that of the Senator from Oregon (Mr. HATFIELD) have been previously announced.

On this vote, the Senator from Hawaii (Mr. FONG) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 34, nays 49, as follows:

[No. 402 Leg.]

YEAS—34

Allen	Ervin	Pastore
Allott	Gravel	Pell
Bayh	Gurney	Proxmire
Bible	Hollings	Randolph
Boggs	Hruska	Roth
Brooke	Inouye	Smith
Burdick	Jackson	Stennis
Byrd, Robert C.	Jordan, N.C.	Stevens
Case	Magnuson	Symington
Chiles	McClellan	Young
Cotton	McGee	
Eastland	Montoya	

NAYS—49

Aiken	Fulbright	Muskie
Anderson	Gambrell	Nelson
Beall	Griffin	Packwood
Bennett	Hansen	Pearson
Bentsen	Hart	Percy
Brock	Hartke	Ribicoff
Buckley	Humphrey	Schweiker
Byrd, Harry F., Jr.	Javits	Scott
	Jordan, Idaho	Sparkman
Church	Kennedy	Spong
Cook	Long	Stafford
Cooper	Mathias	Stevenson
Cranston	McIntyre	Talmadge
Curtis	Metcalf	Tower
Dole	Miller	Tunney
Edwards	Mondale	Williams
Fannin	Moss	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Dominick, for
Mansfield, for
Weicker, against.

NOT VOTING—14

Baker	Goldwater	Mundt
Bellmon	Harris	Saxbe
Cannon	Hatfield	Taft
Eagleton	Hughes	Thurmond
Fong	McGovern	

So Mr. McCLELLAN's amendment (No. 1450) was rejected.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TALMADGE. I move to lay that motion on the table.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from South Dakota (Mr. McGOVERN).

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

STATEMENT BY SENATOR McGOVERN

I urge the Senate to swiftly enact revenue sharing so as to bring help to our desperately strapped city and state governments. Revenue sharing is the cities' last hope of solvency.

Our cities and states have been caught between the Nixon inflation and the Nixon recession. Their cost has been soaring, while revenues trail far behind. Revenue sharing is urgently needed to help balance the books.

I am a co-sponsor of the revenue sharing legislation now being debated on the floor of the Senate.

In the long run, we need expanded federal assistance for state and local education cost, in addition to revenue sharing. We must lighten the burden of property taxes on the average home owner.

I have asked my campaign chairman Lawrence F. O'Brien and Vice-Presidential candidate Sargent Shriver to lead a major effort to lobby Congress for revenue sharing.

I am confident Congress will act to relieve the Nixon fiscal crisis of our cities and states.

Mr. HUMPHREY. Mr. President, I call up my amendment No. 1475.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 37, line 19, add the following:

(b) A unit of local government may not spend more than 25 percent of its entitlement for capital expenditure purposes, except this part shall not apply to sewage collection and treatment facilities; refuse disposal systems; public transportation (including transit systems and street repair and construction).

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

Mr. HUMPHREY. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate——

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Chair is having a very difficult time in keeping order in this body this afternoon. It is very difficult even for the Chair to hear. If the membership will indulge us, we will proceed with business in an orderly fashion.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Minnesota has five amendments.

Mr. HUMPHREY. The Senator is correct.

Mr. MANSFIELD. There is a time limitation of 30 minutes on each amendment and on at least two, and possibly three, there will be a rollcall vote. So I make this statement at this time to alert the Senate that we will be in session for somewhat longer and that there will be votes tonight.

I thank the Senator for yielding. And I ask unanimous consent that the time not be taken out of the time allotted to the Senator from Minnesota.

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

Mr. HUMPHREY. Mr. President, I yield myself whatever time may be necessary.

Mr. President, this amendment, I believe, is a very worthy addition to the bill that is pending before the Senate.

I am a strong supporter of revenue sharing. However, I believe that most of the revenue sharing that this Congress provides will be needed for what we call the operating budgets of the State and local governments, particularly of local governments. Many of the services furnished today by counties, villages, cities, and other municipalities are underfunded and understaffed, and are therefore inadequate.

The arguments that the mayors and the county commissioners and Governors made for revenue sharing was that this money was needed.

The PRESIDING OFFICER. Will the Senator suspend. Let us have order in the Senate. The Senator will please suspend. May we have order in the Senate.

Mr. HUMPHREY. The argument that was made by the Governors, mayors, and others was that the revenue-sharing funds to be made available by Congress were needed for the purpose of operating local governments. I do not want to see these revenue-sharing funds put into massive public works in local governments when there are programs which have been authorized and funded by this Congress to take care of those needs. For example, we have programs to take care of our highways, we have programs for hospital construction, we have programs that would relate to the needs of the community for an industrial park. There are certain priority programs, however, that I have included in my amendment as exceptions, because of the urgent nature of those construction projects; for example, sewage collection and treatment facilities. We have presently a very substantial separate program for those facilities. But oftentimes the local government does not have its share of the funds to meet the matching requirements.

Refuse disposal systems and public transportation are very much needed in some of our areas. The whole purpose of this amendment, therefore, is to see to it that local governments that receive

revenue-sharing funds will not or may not spend more than 25 percent of those funds for capital expenditure purposes.

This means, in other words, that the Congress will have through the authorization and appropriation process some control over the amount of funds that go to local communities for what we might call capital expenditures or public works.

I have just voted to uphold the committee on its bill and to deny the Committee on Appropriations any jurisdiction in terms of funding of revenue sharing. Having done that I do not want to see revenue sharing used as the way to escape the appropriation process for what we call capital improvements, capital structures, or for public works. I believe these revenue-sharing funds are needed primarily for and should be directed primarily toward the operating budgets of the local units of government. They should not be a kind of separate bonanza or a separate fund for purposes of public construction.

Local governments can issue bonds for that purpose; local governments can come to the Congress for that purpose. There are Federal programs for capital construction on a matching basis. This amendment would permit at least up to 25 percent of revenue-sharing funds to be used, but no more. I think it is a good precaution, and I would urge the Senate to adopt the amendment.

Mr. President, we in the Congress must work toward a new method of funding capital expenditures, but for the present, it is important to maintain the integrity of the existing grant program.

I am convinced that allowing unrestricted use of revenue-sharing funds for capital expenditures might in fact provide a backdoor method by which categorical grant programs would be cut.

I have noted time and again the efforts of some in the Congress and the executive branch to gut the categorical programs. We saw this happen on model cities. We saw it happen with aid to education. I have opposed these cuts, not out of partisanship, but out of the conviction that the programs were sound and needed to be continued.

What I am arguing is this: If unrestricted use of revenue-sharing funds for capital expenditures were allowed, then I fear that local communities will suddenly find that applications for capital expenditures under the present categorical programs will not be approved.

Either by implication or by fact, communities will be told to use revenue-sharing funds in order to build water and sewer lines. We would find a de facto cutback in categorical capital improvement programs simply because an alternative source of funds—revenue sharing—would be available.

And, in the end, the communities would be the losers—for no longer would funds go toward improving public services.

Mr. President, I ask support for this amendment.

It is reasonable.

It will help assure the purposes of revenue sharing so ably stated in the committee report.

And, it will assist in maintaining the purposes of the categorical capital project grant program.

Mr. LONG. Mr. President, I yield myself so much time as I shall need.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, this amendment would provide that not more than 25 percent of the moneys could be used for capital expenditures, with certain exceptions. It may be that some particular item is badly needed. It might be a city hall. It would depend on the community. It might be a firehouse. However, it could be this one particular thing they desperately need and have not been able to get. In the Committee on Finance we took out the high-priority expenditure categories, because we thought revenue sharing should work on the basis that the people of the community would decide what they thought their money should be spent for. It should be treated as their money, and in the last analysis it is their money.

All we are seeking in this bill is to put some of this money on a two-way ticket where it goes back to the people it came from to begin with. So why should we tell them if they need a new city hall or if they need a new firehouse that the funds cannot be used for that purpose; or if the courthouse is burned down, why should they not have the opportunity to get a new courthouse? In many years, it might be unwise to spend money in that way, but this is one reason why it should be on a long-term basis, because we should not be second guessing the people on what they need the most.

I hope this amendment is not agreed to. While it may be true that in 90 percent of the cases the Government might well be advised to spend most of the money on personal services, or police protection, or something that the Senate would exempt like sanitary sewage, there might be individual cases where the tragedy of that area was that the courthouse burned down and that they needed that more than anything else, or perhaps the schoolhouse had fallen down and that is what they need. Why should those people be precluded from using their best judgment in that respect?

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

Mr. LONG. I yield.

Mr. RIBICOFF. The matter under discussion was argued at great length in the Committee on Finance. We recognized that over the years we have built up so many Federal categorical grants that many communities today are locked in by matching grant programs and are spending for purposes that may not be highest on their list of priorities. The time has come to take a hard look at these categorical grants, for in many instances they do not work for the best interests of the communities and in fact limit each and every community's options.

Therefore, we came to the conclusion that if we start a new program, and revenue sharing is a new program, we should take the strings off the communities and let them be the masters of their own fate and make their own decisions. We are confident that since each community will have to list publicly in area newspapers how it spends the money, people of that community or State will be able to check on the actual expenditures, and hold the local or State officials to account. Is that not correct?

Mr. LONG. That is correct. In other words, we had all of these grant-in-aid programs until the cities found themselves in a situation as the Senator has described. What we need most is to fill in around the cracks where they have no Federal aid programs.

This would give them the discretion to spend it where they need it the most.

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

Mr. LONG. I yield.

Mr. BENNETT. As I read the amendment of the Senator from Minnesota, can the chairman tell me what would happen if a community decided to spend 26 percent of its money on capital improvements?

Mr. LONG. The bill is defective in that regard. It does not say. The amendment would probably be followed by subsequent amendments to reduce the revenue sharing by that amount, or something of that nature.

Mr. BENNETT. It does not say if it is to be applied each year or to the total 5-year period. Is that correct?

Mr. LONG. It does not say, but it still would be subject to the basic objection that we sought to avoid in revenue sharing. It denies local governments the discretion they should have.

Mr. BENNETT. Does the Senator feel that there should be separate rules for local governments and States? This amendment just puts the limit on local governments and not on the State?

Mr. LONG. I agree with the Senator.

Mr. BENNETT. The amendment is rather loosely drawn.

Mr. LONG. I do not think the amendment should be agreed to.

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

Mr. LONG. I yield.

Mr. COOK. It seems to me that in going through this book, as the measure applies to my State, the county of Owsley in eastern Kentucky will get $38,393.

It can only spend 25 percent on capital improvements. The reason why it is spending so much money now locally is that it has a jail that is 100 years old and it costs too much to operate. It has a courthouse that is costing it a fortune to operate. If they could build new ones, it would cost them less to operate and they would have more money for operating their government.

Here is Lee County. It has lost a courthouse. It is going to get $93,241. If we are talking about 25 percent of $93,000 we are not talking about doing anything in the way of providing new facilities so they can have efficient government and efficient operations, so they are not spending all their money in government operations overhead.

Here is Powell County. It is going to get $66,914.

Robertson County is going to get $30,312. It can spend only 25 percent on capital improvements. It might as well not spend anything on capital improve-

ments. It might as well continue to run its local government out of buildings it has run it out of for 100 years.

Rockcastle County is going to get $72,399.

Rowan County is going to get $72,399.

Russell County is going to get $64,720.

Spencer County is going to get $46,072.

Todd County is going to get $63,623.

Trigg County is going to get $68,562.

These figures are not from the star print.

I do not know how, if one examined into this question, he could still say that they should be given this money to operate out of buildings that they have been operating out of for a long time and which is costing them a fortune. They would like to have something new so they could save money in overhead and utilize it for services that the people really ought to have and the money they are required to have to meet the needs of the citizens.

The penalty is only as to local governments. The States can do anything they want. The only restriction is that the local governments can use up to 25 percent for capital improvements, and the rest must be used for operations of local governments. It may be said that there are programs which allow building of jails. That may be so, but if we are going to build jails all over the United States, we are going to have to have more money in that program.

Once we have this program and we are told, "You have revenue sharing," then we will have a tough argument saying we have to build up this program and that program, because now we have revenue sharing. If we are going to put in this kind of restriction, I would rather have none at all.

Mr. LONG. I was personally inclined to put in an amendment saying that no more than 10 percent shall be used in pay raises, but I did not. It should depend on the conditions in the locality. The reason why we should not have a limitation on pay raises is the same reason we should not have one on capital improvements. How can we sit here in this Chamber, not knowing anything about the community we have in mind, and say whether they should use the money to build a courthouse or a firehouse or use the money for a pay raise?

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

Mr. LONG. I yield.

Mr. COTTON. The Senate has just decisively rejected the proposal to have the Appropriations Committee exercise control over these expenditures, and I, for one, accept that decision without rancor. Now it would be a little inconsistent for the Senate to constitute itself as a super appropriations committee and come out with a restriction as to how the money shall be spent.

Mr. LONG. I agree with the Senator.

Mr. HUMPHREY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. HUMPHREY. Mr. President, I am pleased that I have been able to provide this discussion on the amendment, because it reveals just why such a proposal is needed. When I hear, for example, that a county gets $30,000 under revenue sharing, one thing it ought not to be spending that $30,000 for is on a new jail. I am sure that county has services that are needed for its people—health services that are needed, recreation services that are needed, care of streets, things that need to be done, money that can be paid to local government officers.

I have been a prime mover of revenue sharing for years. I did not have to wait for Mr. Nixon. I started hearings on revenue sharing in the Government Operations Committee in the 1950's. Every mayor and every supervisor that I know of who came down here testifying in favor of revenue sharing did not say, "I want this money to build a new jail." They came down here and said, "I want revenue sharing because we cannot pay our garbage removers, we cannot pay our municipal workers, we cannot take care of the police department, we cannot take care of the fire department, we cannot take care of basic municipal services."

Now we hear that we really ought to have revenue sharing so we can build a jail or get some other kind of new facilities. May I suggest that those are facilities that ought to be paid for out of local government resources? If we have a need in this country for employment, we have the accelerated public works law. We have the Economic Development Association. Northeastern Minnesota is eligible under the Economic Development Association to get loans and grants to build a courthouse, to build a jail, to build auditoriums, and to do similar other things.

But I predict to this body that if it does not utilize restraints as to whether these funds are going to be used for capital improvements, they will find it will be like a hemorrhage and all the moneys will be used up. The folks back home who have been waiting for projects will say they want a new auditorium, a new swimming pool, a new building for the mayor. We will find that revenue sharing will be used for that, when we thought it was going to be used to bail out communities that could not pay their bills. They were coming down here bankrupt and saying they could not meet their payrolls. The mayor of Detroit came down before the committees here and in the other House and told us he would have to lay off large numbers of policemen and firemen. Are we going to say now that, if they decide they want to fix up the lakeshore or build a new jail or courthouse, they can do it with revenue-sharing funds?

All this amendment provides is that they cannot spend over 25 percent of their entitlement for that. That entitlement is their money. It is not made available in one lump sum, but about $5 billion each year. Most of these facilities are built by local governments, and that is where the difficulty is. States are not going broke, because they have greater taxing power. The local governments are the ones that are really in trouble. What we are really saying in this amendment is that they ought not to spend more than 25 percent of their entitlement on capital improvements—that 75 percent ought to be maintained for operating expenses in townships, villages, and municipalities.

I think it makes sense. I have a great deal of faith in the ability of people to run their own affairs, but I have also been an elected official, and I am now, and I know of the pressure on mayors and city councils. This will be money that they do not have to raise taxes for.

When we have a city council or local government getting these funds, we will find them saying, "Well, we have always wanted to build a new park. We ought to have a new mayor's office because this one does not look good. We ought to have a new garage, because the one we have is not very good." When they do not have to tax anybody or issue bonds for that, it is going to be mighty easy to yield to temptation—mighty easy.

This is simply to say, yes, up to 25 percent. Frankly, I do not think any of it should be, but up to 25 percent can be, and if they spend over that they will lose their entitlement. That is what the penalty is.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, the Senator says he has been in local government, and so have I. The thing that bothers me about this is the exceptions the Senator has made about capital expenditures.

The exceptions that the Senator makes in his amendment are for capital expenditures. For example, the exception for sewage collection and treatment facilities refuse disposal systems, public transportation—certainly in the nature of the construction of streets—all of those are capital expenditures. It seems to me that we are picking and choosing which ones we want to exempt from capital expenditures, and which ones we do not.

Mr. HUMPHREY. That is correct. May I say to the Senator, I think there is a great deal of difference between those vitally needed services and building a new stadium, for example. They want to build a new football stadium in Minneapolis. Are they going to use revenue sharing for it? As much as I love the Minnesota Vikings and as much as I would like to see them build a new baseball park, even though the Twins have not done so well, I do not want to see them use revenue sharing for it. But they may have to do something about their sewer system.

Mr. COOK. I remind the Senator that he said awhile ago that he wished there could be no percentage for capital improvements at all. If that is what he meant, and yet he had in his amendment language to limit capital expenditures to 25 percent, but exempts the other things in his amendment——

Mr. HUMPHREY. That is correct.

Mr. COOK. Today in my State, in a county like Wolf County, that is going to get $36,000, I have a notion there is no one in Wolf County who is going to decide to build a swimming pool with those revenue-sharing funds, because that guy will not be county judge very long if he does.

After all, these local officials have to run every 2 years, too. And I have a notion that the mayor of the city of Louisville might not get reelected if he took the revenue-sharing funds and decided to build a new stadium.

But the point is, we do have facilities throughout the United States that are for a public purpose, and I might sug-

gest to the Senator from Minnesota that I have never seen a bond issue raised in the State of Kentucky when the people are asked to raise revenue to build a jail, because they are not going to vote for it for that purpose. They never have and never will.

So we thought, to begin with, it was a matter of determining local priorities. Now we say, "Local priorities, fine, but here are the restrictions under which those local priorities are to be determined." I think, after making a determination of what many rural counties are going to receive, and then to impose these restrictions on local communities and counties throughout the United States, which we do not impose on the State governments, is most inequitable and unfair.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Do I have any left?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HUMPHREY. Mr. President, I offered this amendment with the hope of some discussion here. As I said to the distinguished chairman of the committee, I believe this is a problem with revenue sharing.

As a proponent of revenue sharing, and I make no apologies for it, I am hopeful that my view of what could happen under this legislation without this restriction does not take place. I believe we will have a chance, later on, to observe just how these funds are expended, and, Mr. President, I shall withdraw my amendment at this point and move on to another.

Mr. RIBICOFF. Mr. President, before the Senator from Minnesota withdraws his amendment, I commend the Senator for bringing this issue before the Senate. While I disagree with him, he has raised a very pertinent problem, and I am positive that the Committee on Finance will exercise its responsibility, with its oversight function, to make sure that these funds are being expended correctly.

I do not know whether the Senate realizes it or not, but we are creating an entirely new type of government financing. It is very difficult to predict at the present time where this is going to lead. We could very well turn out with the Federal Government becoming a large partner with the States and localities. I foresee the possibility that the categorical grant programs as we now know them may be eliminated and large sums of money given by the Federal Government—money that they have collected from the taxpayers—to the States and localities.

There is no question but that we should not simply dismiss the argument that when one sector of the government collects money and another spends it without responsibility, there may be waste and a misuse of funds. The Senator from Minnesota should be commended for raising this point for revenue sharing is an untested concept, its consequences for the future are unknown. I believe, however, that we should give the States and localities the benefit of the doubt, begin this program with relatively few strings attached.

The Finance Committee will be watching this program most carefully and will provide further restrictions if the need arises.

Mr. HUMPHREY. I thank the Senator from Connecticut.

Mr. President, I did say to the distinguished chairman earlier yesterday that some of my amendments I would offer for the purpose of discussion here, because I am deeply interested in this legislation and a strong supporter of it. I believe what the Senator from Connecticut has said is very pertinent. I do not know whether we have full knowledge of what we are doing, but I believe we have moved toward a new relationship between governments. I withdraw my amendment.

AMENDMENT NO. 1476

Mr. HUMPHREY. Mr. President, I call up my amendment No. 1476, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of title III add another title, title IV, to read:

TITLE IV—PROPERTY TAX LEGISLATIVE RECOMMENDATIONS

The Joint Committee on Internal Revenue Taxation is hereby directed to undertake a comprehensive examination of real estate tax administration and the property tax and report back to the Congress by June 30, 1973, on its findings along with legislative recommendations to insure a more equitable distribution of real estate tax administration and property taxation in the several States and localities.

Mr. HUMPHREY. Mr. President, I hope that I may have the attention of the distinguished chairman. I trust that the chairman will look with some favor upon this particular proposal, because it is my hope that out of revenue sharing we might be able to activate a very systematic study of the whole property tax question in this country.

If there is any one issue that seems to be a burning issue, one that really hits every one of us when we are out speaking to our constituents, it is the assessments that are made, how the assessments are made, the rate of taxation upon real property, upon what we call the homeowners, on the land, the house, and the buildings, and I have a feeling that we ought not to use revenue sharing just as a sort of band-aid or a special type of therapy on top of what is already a very sick and out of balance tax system at the local level.

There is no committee that I know of that could do a better job of examining into this matter than the Committee on Internal Revenue Taxation. I am speaking of the committee, with its professional staff, taking a look at the whole basis on which taxes are levied at the local level on property, because every one of us in this body receives letters day after day from people out in our State, telling us that their taxes went up, and when we tell them, "Look, we reduced taxes here in Congress," they say, "Well, you may think you have, but my taxes have gone up," and then you have an exchange of correspondence, and the next thing you know, the tax that went up was the taxes on their homes, the property taxes. Sometimes the rate of taxation does not go up, but the assessment goes up.

As a matter of fact, Mr. President, I feel that some way or other, we ought to have a system whereby a person, when he improves his home, gets a sort of tax credit, rather than an additional assessment. I have recommended this to some of our legislators back home, just as we have, for example, an investment tax credit for industry, and say, "If you modernize your industry and put in new tools, we will give you an investment tax credit." I think we ought to say to the working man and his family, "If you build a patio, put on a porch, build an extra bathroom, and make it a little more liveable for your family, instead of having your taxes increased, you ought to be given some kind of a merit badge in the form of a tax credit."

This amendment, however, does not go into specifics. It simply asks the Joint Committee on Internal Revenue Taxation to undertake a comprehensive examination of real estate tax administration and property tax and report back to Congress.

So I repeat, Mr. President, the purpose of this amendment, simply stated, is to authorize the Joint Committee on Internal Revenue Taxation to undertake a comprehensive study and analysis of the property tax and report back to the Congress with legislative recommendations.

Mr. President, I have traveled this country a great deal in the last year. And, almost everywhere I go, no matter to whom I talk, nothing infuriates the people more than the property tax—the property tax with all of its injustices, all of its inequities, and all of its unfairness.

Few communities have escaped the rising toll of the property tax in the last few years. It doesn't matter whether you live in the city or the suburbs, whether you are a farmer or a wage earner, whether you rent or own your home, whether you live on the urban fringe or in rural America, the property tax will find you—and undoubtedly, the finding will cost you more money than you paid last year on your property tax bill.

The problem, Mr. President, is not simple. In fact, it is one of the most complex I have ever faced in all my years of government. On one hand, there is the increasing cost of government—government at all levels, but particularly at the local level. Costs have increased for just general government purposes by $12 in the last 5 years.

Augmenting this cost of general government is the increasing cost of education. New schools must be built, teachers must be paid, new equipment must be utilized, there are more pupils requiring schools; different kinds of schools—from vocational schools to educational parks—must be constructed. In short, educational financing requirements, financed almost exclusively from property tax levels, keep going up and up—almost without any end in sight.

And, the vast majority of new expenditures requirements falls on the property tax. The property tax dates back to the simpler days when real estate and

land were a prime measure of the ability to pay. Yet, what has happened in this Nation is that homeownership and land no longer approximate the realistic ability of progressive taxation.

Yet, this Nation maintains its overreliance on a tax that has a small revenue potential and an inequitable incidence of effect.

What has happened in this Nation is that the burden of property tax payment has become overwhelming while the method of property tax assessment has become unfair and in many cases downright punitive.

No one doubts the burden of property taxes. It falls most heavily on the elderly living on a fixed income and on the renter, who unlike the homeowner does not get a measure of tax relief by being allowed to deduct property taxes from income taxes.

At the same time, the rate structure, the valuation procedures, and the assessment ratios in many of the communities are unfair, inequitable and injust. The abuses of the local property tax are legendary. A report by the Advisory Commission on Intergovernmental Relations documents case after case in which local industry "negotiates" its industrial tax payments to a locality. Local laws establish certain industrial zones, with different valuations and rate structures than in commercial sectors or residential sectors. Vast timberlands and farmlands are held by speculators who profit from the under-valuation of the land.

All of this leads to a divergence between property tax law and property tax collection practice. Last year, for example, an article in the Wall Street Journal reported that a major corporation in Gary, Ind., had an underassessment of its industrial installation of some $110 million. The industry refused to provide information on capital investments, on depreciation schedules, and even refused to take out city building permits because such action would reveal the true worth of its property.

This case, I am sure, Mr. President, is extreme, but it points quickly to the problem—the complexity of the tax, the many different points of influence to which it is susceptible and the results of influence and administration that make the tax itself unfair and uneven in its burden.

We have reached a situation in the United States where the average tax on homes in some communities ranges from $300 to more than $800—just for a $25,000 home. In some States, farm real estate taxes more than doubled between 1960 and 1970 while net farm income rose about one third. And, the elderly of this country are being forced to sell their homes, sometimes at below market value, because they cannot pay their taxes.

Mr. President, there have been a number of proposed solutions to the property tax problems, especially as it relates to the financing of education.

The Nixon administration has floated the proposed value-added tax with a system of rebates for the poor, and a potential of some $20 billion for educational financing.

I question whether or not the answer to the property tax is in fact a new tax. Mr. President, I have spoken time and time again in opposition to the value-added tax. I have not changed my mind in the last 3 months. I am opposed to this giant-size national sales tax. And, I will fight it.

Others have suggested that the States take over the property tax—a kind of statewide property tax with a rebate to the local units of government so that property taxes could be reduced. In effect this would mean that the State contribution to education financing would increase, and the local burden would decrease. Built into some of these proposals are provisions that provide special treatment to the elderly and renter.

Still other proposals have focused on the need to make the real estate tax administration simple and fair—with new methods of assessor appointments, new administrative procedures, and more equal valuation mechanisms.

What this points to, Mr. President, is the need for a comprehensive review by the Congress to help sort out these questions, to focus on Federal responsibility in this area, and provide some concrete legislative recommendations within a time frame that does not seem like an eternity for our citizens.

That is what this amendment proposes to accomplish.

I do not know the answers to all the questions I have raised in proposing this amendment. But, I do know that we in the Congress have a special obligation to both be informed on them and move as quickly as prudent legislation will allow on solving some of the problems.

That is the spirit in which I offer this amendment, and that is the spirit in which I ask for the Senate's approval.

Mr. LONG. Mr. President, I find considerable appeal to this amendment. I have not had a chance to give it adequate consideration, but I have discussed it with the ranking member on the other side of the aisle, and he finds no objection to it. I find a great deal of appeal in it.

Frankly, one of the reasons why we in Louisiana need revenue sharing is because of the shortcomings of our property tax assessment system. My guess is that if that could be straightened out and put on a more logical and uniform basis, many of our problems might be solved and we might not need revenue sharing so badly.

Mr. CURTIS. Mr. President, will the Senator yield me 7 minutes?

Mr. LONG. I yield.

Mr. CURTIS. Mr. President, the idea of revenue sharing has a great appeal. It is true that the Federal Government with its high taxes has taken the lion's share of the available revenue. The idea that the revenue sources should be shared with the States and localities has much merit.

In President Nixon's proposal for revenue sharing, a considerable portion is what was referred to as "special revenue sharing." It called for the discontinuance by the Federal Government of certain Government activities and the turning of that revenue saved by the Federal Government over to the States. The State could then continue that particular activity or use the funds for other purposes. This would be helpful to the States. It would bring the control closer to the people and at the same time would not increase the expenditures of the Federal Government or increase the debt.

Unfortunately, the bill that passed the House, which has been reported out by the Finance Committee, does not follow this pattern. Actually, it is a bill to give to the States and the localities something over $5 billion a year. It is a 5-year program that will cost approximately $30 billion. There will be no Federal activities discontinued or terminated. It is not revenue sharing because the Federal Government is going to have to borrow the money to do it. Again, I repeat that I favor the idea of sharing the Federal sources of revenue with the States and localities, but the current bill is a new program of having the Federal Government send checks to the States, to the cities, to the counties, and other local subdivisions, and they have to borrow the money to do it. I do not believe this program should be carried on with borrowed money. Therefore, I cannot support it.

According to the daily Treasury statement, the national bonded debt has increased in the last year by more than $27 billion. This means that in the past year we have increased the national debt by more than $74 million a day, or based upon a 24-hour day, the debt has risen by more than $3 million an hour. Neither the Congress nor the Executive can escape this responsibility. There will be a day of reckoning.

Therefore, I cannot support a proposal to start a new program which over a 5-year period is going to add to the debt by $30 billion. The additional interest that will have to be paid if this one program is handled by borrowing the money for the 5-year period will be almost $4 billion.

My basic reason for not supporting this legislation is that it must be done with borrowed money. However, there is one other feature of the bill which is very disturbing to me. Under the formula for distributing funds to the various States and localities, there is a factor called "total tax effort." This means that if by reason of economy or efficiency a State or a subdivision could reduce taxes, they would be penalized by having their Federal funds reduced. If on the other hand they increased taxes, their share of Federal funds would increase. This factor in the formula could well prevent any tax relief from ever being passed on to the taxpayers by reason of revenue sharing.

Mr. LONG. Mr. President, if the Senate would permit me to accept the amendment, I would be happy to do so and yield back the remainder of my time. I think the amendment has merit.

Mr. HUMPHREY. I appreciate the response of the chairman.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

AMENDMENT NO. 1477

Mr. HUMPHREY. Mr. President, I call up my Amendment No. 1477.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of title III, add another title, title IV, to read:

TITLE IV—FEDERAL IMPOUNDMENT INFORMATION

SHORT TITLE.—This title may be cited as the "Federal Impoundment and Information Act".

AMENDMENT OF THE BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950.—Title II of the Budget and Accounting Procedures Act of 1950 is amended by adding at the end thereof the following new section:

"REPORTS ON IMPOUNDED FUNDS

"SEC. . (a) If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

"(1) the amount of the funds impounded;

"(2) the date on which the funds were ordered to be impounded;

"(3) the date the funds were impounded;

"(4) any department or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

"(5) the period of time during which the funds are to be impounded;

"(6) the reasons for the impoundment; and

"(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

"(b) If any information contained in a report transmitted under subsection (a) is subsequently revised, the President shall promptly transmit to the Congress and the Comptroller General a supplementary report stating and explaining each such revision.

"(c) Any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is so transmitted."

Mr. HUMPHREY. Mr. President, this amendment is identical to an amendment that was voted upon in the Senate on November 13, 1971. On that occasion, that amendment was passed by a vote of 48 to 18. I hope it will be accepted here today.

Mr. President, as the Senate considers a multibillion-dollar revenue-sharing proposal, I believe that it is appropriate to discuss the Nixon administration's $10 billion impoundment fund of appropriated tax revenues.

At the heart of the concept of Federal revenue sharing is the allocation of large amounts of Federal money to help cities, States and municipalities meet a fiscal crisis. And all of us know that the fiscal crisis which now touches nearly every government—large and small—has given birth to a new crisis. And this crisis is one of a people's lack of confidence in their institution of government.

In the neighborhoods and streets of America, governments are failing to provide adequate, basic services to the people. The dirty streets, deteriorating houses, unsafe neighborhoods, poor schools, and a lack of opportunity across the breadth of this country can be partly blamed on the fiscal crisis which local governments face.

Revenue sharing is an important first step which the Senate must now take to redress a serious imbalance in the way the Federal Government collects revenues and provides fiscal relief to non-Federal governmental bodies.

I would be remiss in my duties if I failed to bring to the attention of Members of the Senate, while we consider this legislation, the fact that the President of the United States is currently refusing to spend over $10 billion in appropriated money.

This sum which is nearly twice that of the total involved in the current revenue sharing legislation could go a long way to create jobs and improve public services and facilities in urban and rural America.

The President's Office of Management and Budget reports that as of June 30, 1972, the total of impounded funds is currently $9,110,078,000 with an additional $1.5 billion of unspent funds withheld "for reasons other than routine financial administration."

My distinguished colleague from Montana, Senator METCALF, has already placed the OMB list of impounded funds in the RECORD on August 16, 1972. I will not do so now. However, I would like to list a few highlights of the funds President Nixon is now impounding. Senator METCALF has appropriately called these funds the President's "treasure chest." Here are just a few items:

Three hundred million dollars unspent for urban mass transit;

One hundred and twenty-two million dollars unspent on airport and airway facilities and equipment;

One hundred and five million dollars unspent for model cities;

Forty million dollars unspent for Appalachian regional development.

These are all part of the $9.1 billion. From the other $1.5 billion in Richard Nixon's treasure chest are found such items as:

Five hundred and fifty million dollars for water and sewer grants;

One hundred and seven million dollars of rural electrification loans;

Fifty-eight million dollars in HUD rehabilitation loans;

Twenty-one million dollars in National Science Foundation funds for educational and institutional support.

President Nixon's refusal to spend these funds is absolutely indefensible. As he presses the Congress to pass a $5.5 billion revenue sharing plan, he dares to impound these other funds.

I want to make it more difficult for any President to impound funds.

Appropriated funds are now impounded in a semi-secret fashion away from the eyes of Congress and the American public. Few members of Congress are aware that these impoundments are being carried out. And the public has a right to know that its tax revenues are not being spent.

In order to secure this right for the Congress and the American public, I am today, offering an amendment to H.R. 14370 that will insure that when tax revenues appropriated by Congress are impounded, Congress and the public will be informed by the President. In his notification report the President would be required to include the following:

First, the amount impounded; second, the date on which the funds were ordered to be impounded; third, the date the funds were impounded; fourth, any department or establishment of the Government to which the impounded funds would have been available for obligation except for such impoundment; fifth, the period of time during which the funds are to be impounded; sixth, the reasons for the impoundment; seventh, to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

Mr. President, I believe this amendment goes to the heart of the relationship between the executive branch and the Congress.

It redresses a serious imbalance between the two branches by making it more difficult for a President to impound funds or, in fact, to impose a type of line-item veto on congressional appropriations.

This amendment passed the Senate on November 13, 1971, as an amendment to the Revenue Act of 1971. Along with several other important measures, it was deleted in conference.

I believe that my amendment merits the support of all Members who seriously desire to limit a power currently abused by the President of the United States.

Mr. President, I ask unanimous consent that a letter I have received be printed in the RECORD following my discussion of this amendment.

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

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, I simply repeat that what my amendment requires is a reasonable act on the part of the executive branch of Government, in cooperation with those of us in Congress who have to take the responsibility for appropriating these funds. It would require that the President shall transmit to Congress and to the Comptroller General of the United States a report containing certain information that is listed in the amendment, and that any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is transmitted.

I hope the chairman of the committee will see fit to accept this amendment, because I believe it is what one might call related information.

We are asking for billions of dollars of new money to be made available, and we already have billions of dollars that are impounded.

EXHIBIT 1

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 5, 1972.

HON. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: In response to your letter of July 24, 1972, requesting information on budgetary reserves, I am en-

closing our most recent tabulations of accounts with reserved funds. These tabulations are in the same format as those provided on two earlier occasions this year and reflect the status of budgetary reserves at the end of the fiscal year.

I hope this information is helpful to you.

Sincerely,

CASPAR W. WEINBERGER,
Director.

BUDGETARY RESERVES, JUNE 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. The provisions of the Antideficiency Act (31 U.S.C. 665) require the President to establish reserves of appropriated funds for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Table A, attached, lists the items and amounts being reserved on June 30, 1972, for such routine financial administration. They total $9.1 billion, which is a reduction of nearly $1.5 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some—a much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routinne financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table B, attached, lists the items and amounts held in reserve on June 30, 1972, for reasons other than routine financial administration. They total $1.5 billion, a reduction of more than $200 million from the amount so reserved in January of this year. Of the $1.5 billion total, almost $450 million was released and apportioned on July 1, 1972, as indicated in the various footnotes on Table A.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years.

TABLE A.—*Budgetary reserves for routine financial administration, June 30, 1972—agency and account*

[In thousands of dollars]

EXECUTIVE OFFICE OF THE PRESIDENT

National Security Council, $33. This amount was in excess of 1972 needs.

Special Action Office for Drug Abuse Prevention, $682. Represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.

FUNDS APPROPRIATED TO THE PRESIDENT

Appalachian Regional Development Programs, $40,000. Apportionment awaits development of approved plans and specifications.

International Security Assistance: Foreign military credit sales, $15,350. Because of increased private financing, the legislated program ceiling was achieved without the use of the full budget authority appropriated.

International development assistance: Prototype desalting plan, $20,000. Apportionment awaits development of approved plans and specifications.

Inter-American Foundation, $41,624. Amount represents balance of initial funding from AID transfer to cover first four years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Construction, $70. Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaited additional appropriation for construction.

Scientific Activities Overseas (special foreign currency program), $352. Amount shown here was in excess of 1972 needs.

Animal and Plant Health Service, $2,049. This amount was in excess of 1972 needs.

Farmers Home Administration

Mutual and self-help housing grants, $729. Amount shown here was in excess of 1972 needs.

Direct loan account (farm operating loans limitation), $12,453. Amount reflects release of $37 million for last quarter of fiscal 1972. The balance of loan authority is being held pending demonstration of further need.

Consumer and Marketing Service

Consumer protective, marketing, and regulatory programs, $760. Amount shown here was in excess of 1972 needs.

Perishable Commodities Act Fund, $1. Amount shown here was in excess of 1972 needs.

Forest Service

Forest protection and utilization: Cooperative range improvement, $624. Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Youth Conservation Corps, $1,730. These funds were released from reserve and apportioned in July 1972 for the CY 1972 program.

Forest roads and trails, $402,040. Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Expenses, brush disposal, $13,303. Amount shown here was in excess of 1972 needs.

Forest Fire Prevention, $115. Amount shown here was in excess of 1972 needs.

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

19th Decennial Census, $11,028. These funds had been held in anticipation of the need to pay printing costs. They were released and apportioned for this purpose on July 1, 1972.

Regional Action Planning Commissions

Regional Action Planning Commissions, $300. Funds will be released when Mississippi Valley Regional Commission is formed.

Promotion of industry and commerce

Trade adjustment assistance (financial assistance), $50,000. Amount shown here was in excess of 1972 needs.

Inter-American Cultural and Trade Center, $5,446. Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.

National Oceanic and Atmospheric Administration

Research, development, and facilities, $214. These funds are for disaster relief to fisheries. Apportionments are made as applications from the States are processed following contingencies under which the funds must, by statute, be made available.

Research, development, and facilities (special foreign currency program), $286. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.

Promote and develop fishery products and research pertaining to American fisheries, $257. Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

National Bureau of Standards

Plant and facilities, $1,495. Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.

DEPARTMENT OF DEFENSE—MILITARY

Shipbuilding and conversion, $1,388,946. For use in subsequent years; these projects are fully funded when appropriated.

Other procurement programs, $21,020. For use in subsequent years; these projects are fully funded when appropriated.

Military construction and family housing, $171,304. Apportionment awaits development by the agency of approved plans and specifications.

Civil defense programs, $1,277. Amount was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Special foreign currency program, $4,903. Apportionment awaits development by the agency of approved plans and specifications.

DEPARTMENT OF DEFENSE—CIVIL

Corps of Engineers

Construction, General

Lafayette Lake, Indiana, $183. Funds are being held in reserve because of local opposition to initiation of construction of the project.

Lukfata Lake, Oklahoma, $450. Construction funds are being held in reserve pending the completion of a new general design memorandum leading to an environmental impact statement.

New York Harbor Collection and Removal of Drift, $80. Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army forwarded the proposal to the President on June 21, 1972, and his recommendations are currently under review.

Panama Canal Government

Capital outlays, $850. These FY 72 funds, reserved at the request of the Panama Canal Government, will be combined with the 1973 appropriation for the purchase of major items of capital equipment.

Wildlife conservation, $474. Includes estimated receipts not needed for current year program. Will be used in subsequent years.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Buildings and facilities, $2,565. Apportionment awaits development by the agency of approved plans and specifications.

Office of Education

School assistance in federally affected areas, $4,996. Apportionment awaits development by the agency of approved plans and specifications. Construction obligations will be incurred subsequently.

Higher education, $1,462. Apportionment awaits development by the agency of approved plans and specifications.

Educational activities overseas (special foreign currency program), $16. Apportionment of this amount awaits development of approved plans and specifications by the agency.

Social Security Administration

Construction, $12,095. Apportionment awaits development of approved plans and specifications by the agency.

Special Institutions

Gallaudet College, $516. This amount was in excess of funds which could be effectively used in 1972.

Howard University, $3,714. Apportionment of this amount awaits development of approved plans and specifications. Construction obligations will be incurred subsequently.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Model cities programs, $105,000. This amount was released on July 1, 1972. Its earlier reserve enabled several cities to count on proceeding with their FY 1973 programs.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Public lands development, roads, and trials, $16,694. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Indian Affairs

Road construction, $53,699. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Outdoor Recreation

Land and water conservation fund, $30,000. Consists of 1972 annual contract authority which was made available by P.L. 91–308, approved July 7, 1970. It has not been used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases. The 1973 budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.

Bureau of Mines

Drainage of anthracite mines, $3,623. Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications in FY 1973.

Bureau of Sport Fisheries and Wildlife

Construction, $9,075. Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization. The Appropriations Committees of the House and Senate have directed that the funds be used in fiscal 1973 for the construction of other facilities. Release is scheduled shortly.

National Park Service

Parkway and road construction, $72,621. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Reclamation

Construction and rehabilitation, $1,055. Funds are being held in reserve pending completion and review in FY 1973 of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.

Operation and maintenance and replacement of project works, North Platte project, $84. This amount fulfilled the legal requirements for this account of an annually established contingency reserve.

DEPARTMENT OF JUSTICE

Federal Prison System

Buildings and facilities, $4,299. The apportionment awaits development of approved plans and specifications.

DEPARTMENT OF LABOR

Grants to States for unemployment insurance and employment services, $20,192. Late enactment of supplemental appropriations and lower unemployment insurance workloads permitted savings to be made.

DEPARTMENT OF STATE

Education exchange fund (earmarked proceeds of payment by Finland on World War I debt), $22. This amount was released and apportioned on July 1, 1972, to fund the 1973 program.

Bureau of Educational and Cultural Affairs

International Educational Exchange Activities (special foreign currency program), $5. Funds represent recent recovery of prior year obligations in excess of current year needs. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.

DEPARTMENT OF TRANSPORTATION

Coast Guard

Acquisition, construction and improvements, $7,607. Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.

Alteration of bridges, $1,000. Apportionment awaits development of approved plans and specifications.

Federal Aviation Administration

Facilities and equipment (Airport and Airway trust fund), $115,897.

Grants-in-aid for airports (Airport and Airway trust fund), $6,368.

Construction, National Capital Airports, $900.

Civil Supersonic aircraft development termination, $4,506.

Other, $2,200.

Apportionment of the above FAA accounts awaits development of approved plans and specifications.

Federal Highway Administration

Territorial Highways, $5,000. New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have only recently begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93.000.

Federal-aid highways:

(1) 1973 contract authority, $5,700,000.

(2) Remaining balance from reductions made in prior years, $246,798.

Urban Mass Transportation Administration

Urban mass transportation, $299,970. The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments resulted in $1.0B of this amount being used by June 30, 1972, another $1.0B (including this $300M) will be apportioned for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Underlining supplied.)

TREASURY DEPARTMENT

Office of the Secretary

Construction, Federal Law Enforcement Training Center, $22,239. Apportionment awaits development by the agency of approved plans and specifications.

Expenses of administration of settlement of World War Claims Act of 1928, $1. Amount shown here was in excess of 1972 administrative costs.

Bureau of the Mint

Construction, $79. Apportionment awaits the completion of studies for the effective use of funds.

ATOMIC ENERGY COMMISSION

Operating expenses:

Reactor development—Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA, $43,350.

Biomedical Research—Funds held in reserve pending development of a plan for effective utilization, $370.

Plant and capital equipment:

Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs, $175.

Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects, $2,533.

Funds held in reserve for possible cost overruns and other contingencies, $2,200.

ENVIRONMENTAL PROTECTION AGENCY

Operations, research and facilities, $7,294. Reflects release of $28M for Cincinnati laboratory. Remainder awaits completion of EPA study of requirements for other laboratory facilities.

GENERAL SERVICES ADMINISTRATION

Construction, public buildings projects, $17,971.

$10,803 thousand is being held for future obligation. The projects are not ready for construction and financing is under review. Apportionment awaits completion of this action.

$7,160 thousand is reserved to meet possible contingencies that might arise in the course of construction.

Sites and expenses, public buildings projects, $11,567. Reserved to meet possible contingencies or for use in subsequent years.

Operating expenses, Property Management and Disposal Service, $769. Amount shown here was not needed in 1972 for stockpile disposals.

VETERANS' ADMINISTRATION

Grants to States for extended care facilities, $8,420. State plans and requests for funds were not presented to the extent originally expected. Amount shown will be available for program in future years.

OTHER INDEPENDENT AGENCIES

Cabinet Committee on Opportunities for Spanish-Speaking Peoples

Amount, $5. This amount was in excess of 1972 needs.

Federal Communications Commission

Salaries and expenses, (construction) $460. These funds are intended for replacement of a monitoring station. Funds remain in reserve until results of study requested by Congress are available regarding the need for continuation of fixed monitoring stations.

Federal Home Loan Bank Board

Interest adjustment payments, $46,888. Funds which could be effectively utilized by the Board in fiscal year 1972 were apportioned. This amount was not needed.

Foreign Claims Settlement Commission

Salaries and expenses, $19. This amount was in excess of 1972 needs.

Payment of Vietnam and Pueblo prisoner of war claims, $150. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.

Smithsonian Institution

Salaries and expenses, Woodrow Wilson International Center for Scholars, $11. Reserved for contingencies. Will be apportioned if and when needed.

Temporary Study Commissions

Commission on Highway Beautification, $25. Amount being held for completion of Commission's work in 1973.

Commission on Population Growth and the American Future, $30. A small contingency amount was set aside to cover any increases in contracted costs after the Commission completed its work in May, 1972. No increases occurred and the funds are not needed to complete the work of the Commission.

National Commission on Consumer Finance, $50. For terminating the Commission in 1973 after the report is completed.

Aviation Advisory Commission, $587. These funds were released and apportioned on July 1, 1972 to carry Commission through its expiration date of March, 1973.

Commission on Government Procurement, $1,300. $1.4 million to remain available until expended was appropriated in the Second Supplement Act of 1972. $100 thousand was apportioned for 1972; the remainder will fund the Commission's operations through April 1973.

United States Information Agency

Salaries and expenses (special foreign currency program), $407.

Special international exhibitions, $746.

These amounts were released and apportioned July 1, 1972.

Water Resources Council

Salaries and expenses, $25. Funds were held in reserve pending establishment of new river basin commissions.

Total, [1] $9,110,078.

TABLE B.—*Reserves for reasons other than routine financial administration, June 30, 1972*

[In thousands of dollars]

Agency and account:	Amount
Department of Agriculture:	
Rural Electrification Administration:	
Loans	[1] $107,000
Farmers Home Administration:	
Sewer and water grants	[2] 58,000
Department of Housing and Urban Development:	
Rehabilitation loans	[1] 53,042
Grants for new community assistance	[1] 5,000
Basic water and sewer grants	[3] 500,000
Department of Transportation:	
Federal-aid highways	623,000
Rights-of-way for highways	50,000
Urban mass transportation	[4] 299,970]
Atomic Energy Commission	[5] 17,655
NERVA-nuclear rocket	(16,990)
Plowshare	(665)
National Aeronautics and Space Administration:	
NERVA-nuclear rocket	21,914
National Science Foundation:	
Educational and institutional support	[1] 21,000
Graduate traineeships	[6] 9,500
Reserves established pursuant to President's Aug. 15, 1971, directive to curtail previously planned Federal employment levels	[7] 61,750
Total	[8] 1,527,861

[1] This amount was released and apportioned on July 1, 1972.

[2] Of this amount, $42,000,000 was released and apportioned on July 1, 1972.

[3] Of this amount, $200,000,000 was released and apportioned on July 1, 1972. The remainder is being held for subsequent apportionment.

[4] This amount was released and apportioned on July 1, 1972. It is listed here because of public and congressional interest. It is not counted in the total of Table B because its use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments result in $1.0 billion of $3.1 billion total being used by June 30, 1972, another $1.0 billion (including this $300 million) is being apportioned for fiscal 1973, leaving $1.1 billion, or $550 million shown per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Emphasis supplied.)

[5] Pending enactment of 1973 appropriations, it is planned that these funds be applied to AEC's total program needs for 1973.

[6] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[7] These funds are the remainder of $280 million in reserves established initially under the President's directive of August 15, 1971. The originally reserved amounts were largely released to meet costs of pay raises and other essential purposes.

[8] Of this $1.5 billion total, $447 million were released and apportioned on July 1, 1972 (as itemized in the preceding footnotes).

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[1] Of this total, $467 million was released at the start of fiscal 1973.

Mr. BIBLE. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. BIBLE. I followed this impoundment problem for a good many years, and I must say with complete frustration, because they do appropriate the money and the executive freezes it. Could the Senator give me a ball park figure of the billions of dollars impounded at the last accounting date?

Mr. HUMPHREY. Yes. As of June 30, 1972, the total impounded funds, according to the report I now have, signed by the Director of the Office of Management and Budget, in the letter addressed to me of August 5, 1972, it was $9,110,078,000 with an additional one-half billion dollars of unspent funds withheld for reasons other than routine purposes.

Mr. BIBLE. I wholeheartedly support the amendment of the Senator from Minnesota and I hope that the chairman of the committee might see fit to take it; but, in any event, I would hope that we could find some way to put teeth in the appropriation bill to compel expenditures once appropriated.

Mr. HUMPHREY. I could not agree more with the distinguished Senator from Nevada.

Mr. LONG. Mr. President, this amendment is identical—nearly identical to the amendment the Senator offered to the Revenue Act of 1971, to which I agreed on the Senate floor, and which we took to the conference with the House, but the House would not agree to it. They would not permit the amendment to go to the House for a vote, because they said the amendment was not germane to the revenue bill to which it had been added. We did what we could, but it was not agreed to.

The pending amendment would not be germane. It would not be germane as it was not germane to the bill the previous time.

If we arrive at the same impasse, what is the alternative? The only option is to stand fast and if that is how it is going to be, there is not going to be any bill.

At this moment, what I am trying to do is to keep nongermane amendments from the bill because I want the revenue sharing bill to become law.

The Senator from Minnesota is the earliest sponsor of the revenue-sharing bill. No one wants it to pass more than the Senator from Minnesota. He was the initial sponsor. He was a former mayor. My impression, from hearing the testimony of the mayors, was that they were more impressed and have a higher

regard for the Senator from Minnesota, who is one of their own who understands their needs, more than anyone else. When he spoke to the conference of mayors, he got a bigger hand, greater applause, a standing ovation, a warmer reception than anyone else. He would not be the man to keep revenue sharing from becoming law.

I would therefore urge that the Senator defer this matter until we can put it on some other bill, so that he would not mind if it did die in the House, because I know that he would insist on it if we did take it to conference. I would hope that the next time we go to conference with the House on his amendment, we would go and play for keeps, on the basis of either taking this amendment or having no bill. The Senator would not want that done on this bill.

Mr. HUMPHREY. Let me say to the distinguished Senator from Louisiana that his words of flattery, his words of commendation, his words of friendship, are just so refreshing and so enriching to me that I am almost persuaded—almost.

What I want to say to the Senator that if this amendment is not germane, then Mother's Day does not come in May.

Mr. President, I will tell you why. Because this deals with revenue and it deals with funds. It does not deal with taxes but with revenues.

What we are doing is providing money to local governments. How do we know that, after we have gone through all this business, the President might not decide to impound this money? It is highly doubtful in the case of an election year, but it could be done. There is no way, apparently, that they could deny the President, according to present practice anyway, saying to the Senate and House, after we pass the revenue-sharing bill, "Well done. Well done, fellow citizens. But, we are not going to give them one dime."

All I want, once we pass this bill, is for the President to put the money out where it belongs. This is the people's body here. We are the elected representatives of the people. I want to know on a regular basis when funds are withheld, what is withheld, the date they are withheld, and the amount withheld. That is all we are asking for.

We want a report instead of having to write to the manager of the Office of Management and Budget all the time saying, "Will you please tell us what you are not doing and what is happening to this money?"

Mr. LONG. Mr. President, this is the original Humphrey bill——

Mr. HUMPHREY. Yes, it is a great piece of legislation. [Laughter.]

Mr. LONG. And we think we have this bill so drafted that the money cannot be impounded. If we have failed to do that, then I would welcome an amendment to carry out what we think we have achieved. What the Senator is trying to do is to keep them from impounding something else. That is an entirely different matter.

Mr. HUMPHREY. What I am trying to get them to do with my amendment is to report what they impound. The right to know—freedom of information—the right to know. May I say to my dearly beloved friend, my old friend from Louisiana, my young friend from Louisiana—[laughter]—that this amendment is so germane that it is like a twin. Here is revenue sharing and all that the Senator from Minnesota is saying is, "Please, Mr. President, tell us about the revenue we appropriated and that you will not share. Tell us when you decide not to do it and how much it is. Give us a little old report."

That is all. Just a little report.

Mr. PERCY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. PERCY. I would certainly hope that the committee would accept the amendment. After all, I would certainly have to vote for it. I voted for it once before. It passed the Senate overwhelmingly. We have a right to know. We want to know. I should think that the executive branch of the Government would wish us to know and have this information. I feel that, as it passed the Senate overwhelmingly before, the distinguished chairman of the committee should accept the amendment. It passed the Senate 48 to 18 before, when it was offered in November of 1971.

Mr. LONG. I have prepared 800 pages of good amendments which are relatively noncontroversial. I am talking about parts of H.R. 1 which will provoke no controversy at all, I am sure. May I say that about 100 pages of H.R. 1 will provoke severe controversy.

If we get into the social security area in this bill, then I am going to oppose amendments concerning social security because I am certain it will open up a great big field and will bring up reasonable doubt whether the bill will ever become law. If we start on social security amendments, I know that the 800 pages of our hard work the Finance Committee has put into the subject will mean that we might be here the remainder of the year.

This is a good amendment. I voted for it myself and put it on the bill. I would vote for it again on a different bill and jeopardize the chances of its becoming law in conference. This amendment is not relevant. It is not germane. We had it on a different bill and I agreed to vote on it. I did the best I could in the conference. The House said it was not germane. They will say that again when we go to talk to them about it.

We have many nongermane amendments facing us. We have social security amendments. We have the voter registration amendment, as well as those on social security. We have a tax reform amendment.

The committee spent a whole year working on tax reform amendments. Now some of our highly regarded, sincere, and vigorous Senators, are going to open up the tax reform area. I guess, even with the 800 pages of social security amendments, I have some ideas myself on tax reform. So if we want to stay here until Christmas or New Year's before we pass this bill, I can get my plans ready just as everyone else can, but once we start to accept amendments of this kind that do not have anything to do with the purpose of the pending bill, there is no doubt in my mind that we will be around here for a long time.

Then what will happen? By the time we go through all this, the House Ways and Means will say to us, "Do you not recall the reorganization bill you helped us pass?" These nongermane amendments cannot be considered—after we spent a month arguing about the whole thing and then they refused to go along on the basis that it is not germane and they will not consider it, or talk about it, nor will they come back or give the House a chance to vote.

I am willing to help the Senator with this very proposition and give the Senator my vote and my support on a bill where the proposition has some chance of becoming law. This one does not have any chance of becoming law.

Mr. HUMPHREY. Why do we not try it? I have great faith in the chairman.

Mr. LONG. Mr. President, every hour we spend trying to make the House take this amendment is just one more hour that the revenue sharing bill does not become law.

This sets a precedent. So far we have not had an amendment added to the bill that is not at least relevant to the revenue sharing concept and that I did not think was relevant to revenue sharing.

The nearest thing to a nongermane amendment was the one offered by the Senator from Minnesota that I agreed to accept and to make a study of the property tax matter.

I know that the States need it. I know they need it in Louisiana, because they have such a confused property tax in the State that they are not collecting what I think is fair and equitable.

However, when the Senator starts to get off on this proposition and require a report on the impoundment of funds in a bill which we think we have drafted so that the funds cannot be impounded, we are getting into a nongermane area on an amendment that should not be added to the bill. It opens up the bill to nongermane amendments. It sets the stage for a rash of social security amendments, some of which will be offered anyway. But we will be saying that everybody can start to pick and choose. And we will have no excuse to not vote for a whole raft of amendments which contain merit but which should not be added to the bill.

I hope that the Senator will not insist on adding his amendment to the bill, even though I will be happy to help him seek and obtain what he is trying to accomplish. If he would add his amendment to another bill, I will be glad to find a bill and say, "Here is a bill to put the amendment on." Perhaps the debt limit might be a good one. But this is not a bill to which the amendment should be offered.

Mr. HUMPHREY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to be added as a cosponsor of the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) be listed as a cosponsor of my amendment.

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

Mr. JAVITS. Mr. President, I deeply believe that this reform is highly important. And if the Senator should decide to leave it on this bill, I will support it.

Basically, impoundment of funds over the years has taken place in order to establish reserves, according to section 1221 of the General Appropriation Act of 1951, which reads:

> In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available.

According to testimony before the Judiciary Committee in 1971, the language was intended by Congress simply to authorize the Budget Bureau to impound to effect savings in cases where greater efficiency or changed conditions made these savings possible; it was not intended to enable the President to frustrate the will of Congress. But if you look at page 2 of the June 30, 1972, report from the Office of Management and Budget on impounded funds, you will find that the Budget Bureau seems to think it can impound funds merely to carry out broad economic and program policy objectives. This should not be allowed to take place, and when it does take place, the Congress ought to know.

I appreciate the arguments of the Senator from Louisiana (Mr. LONG). I would want to say that my own feelings, coming from a very big State which is in a lot of fiscal trouble, both itself and in its municipalities, are that we have grave problems. And the impoundment of funds has been very much abused, not just by this President, but by every President since World War II. And I think that it is time that we get it straightened out.

Mr. HUMPHREY. Mr. President, I want to assure my friend, the chairman of the Finance Committee, that he has done an admirable job. I assure him that I am not trying to be meddlesome or cantankerous about this. I am not trying to add on an amendment merely because I pulled it out of a drawer and wanted to put it on the bill. If I did not believe the amendment was germane—as I believed with respect to the property tax amendment—because it relates to the reason for the bill, to provide revenue, I would not be offering amendments.

I will not be voting for a lot of amendments on the bill.

The amendment yesterday had administration support. They had been supporting this measure. I voted for some of those and modified some in order to make them more acceptable and more reasonable.

This amendment does not do a single thing more than to require the Secretary to act in this matter. It requires that the Secretary of the Treasury act in the name of the President and that if he finds that State or local units of government are not doing what they ought to do, he will withhold funds and report to Congress. And that is what we are asking.

What does my amendment say? It does not compel the President and it does not try to take over his prerogative as he sees it. The amendment says:

> If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

Then we list the information he would have to supply—the amount of the funds impound; the date on which the funds were ordered to be impounded; the date the funds were impounded; any department or establishment of the Government to which such impounded funds would have been available except for such impoundment. There is also other information that he would supply.

We are merely asking the questions to be answered that we ask the State and local units of government to answer under the bill.

We ask the State and local governments for a lot of information. That information is made public. I really believe, and I say this with great respect and affection for the chairman, that while this amendment is not earth shaking and will not change the course of events, it will provide this. It will enable this Congress to provide the public with accurate information as to what is happening in appropriating funds. We have to take the responsibility for the appropriations on this.

I received a call today from my State complaining against the bill. They said:

> What do you mean, appropriating this money? You don't have it in the first place. You are just a spender.

I get letters and calls like that. I would like to be able to say, "Yes, we appropriated some funds, but they did not get to you."

I have mayors and local government officials call me and say:

> Senator, I thought there was a big program, but I hear the money is impounded.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I ask the chairman to accept the amendment. I hope he does. If he does not, I shall have to ask for the yeas and nays, which I had not planned on doing.

Mr. LONG. Mr. President, I regret that the Senator feels that way. I do not know how any chairman could be more considerate than to say, "If you want to offer your proposal, you can offer it to a bill, any one of which I could suggest to the Senator, which would seem to be an appropriate vehicle for your amendment, but it is not germane to the pending bill."

I would be glad to appoint the Senator from Minnesota chairman of the conferees, if he wants to go and see if he can get the House to accept it. However, when one is doing the best he can to resist nongermane amendments, and when a Senator proposes to offer one that the House would refuse to take for the same reason that they refused to take it last year—while I do say that the Senator is usually one of the most reasonable men that I know—that is one of the most unreasonable demands that I know of that has been made upon me.

Mr. President, I would be willing to help the Senator and to accept the amendment on the debt limit bill. And that is one that the President has to sign.

Mr. HUMPHREY. Mr. President, when will the debt limit measure be considered?

Mr. LONG. It will have to be before the end of October. I would be glad to accept the amendment on that bill, adding it to a bill that the President will have to sign.

Mr. HUMPHREY. Mr. President, let me suggest that I am a reasonable man and that the Senator from Louisiana is a reasonable man. The Senator cannot say for sure that the House conferees will accept it.

Mr. LONG. I can say for sure. I have been there before.

Mr. HUMPHREY. Why does the Senator not take it and give it his best. If he cannot sell it this time, we will come back another time.

Mr. LONG. This amendment is not a germane amendment. We have a lot of amendments here that are not germane that we are trying to keep off the bill. Many are social security amendments, which on other bills I would favor. I have had prepared 800 pages of social security amendments. I have them ready to send to the desk. I think the Senate will agree to them if we try to put the social security amendments on this bill.

What is my argument when we take the first completely nongermane amendment, which is the same amendment dropped off the last time because it was nongermane, and proceed to add this nongermane amendment? What position can I take as manager of the bill when somebody shows up with another amendment which I have voted and supported for years, and say, "Here is something that has been kicking around for 4 years and it should be voted on"?

I can show the Senator hundreds of items in H.R. 1 where there is no good reason why we should not take them. I am not saying it is a threat. If we are going to take the time to impede this bill long enough to pass on the matters that are in H.R. 1, we will be here for a long time. Of course, there are other people who do not want to let H.R. 1 go through piecemeal, and those people are going to offer family assistance on this bill. If that happens, we will be here until someone is ready to say uncle, which may be when the next session starts, because there are people who feel strongly that it cannot be justified by those who believe in family assistance. There are those of

us who believe in workfare rather than welfare, who will not yield, who will not give up, and we will make it stick.

Frankly, if we are going to play this game of putting nongermane amendments on this measure, especially when the Senator has the opportunity to put it on another bill, because either we pass the debt limit bill or we go out of business, I think it is most unreasonable to say that it must be added to this bill. If it is, it will not come back from conference and then I suppose the Senator will challenge the conferees that they were not on the level when they yielded in conference.

I would like to make the Senator's amendment law, but I say that the Senator should not insist on his amendment here. Let us put it on something where it can be retained.

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

Mr. LONG. I yield.

Mr. HUMPHREY. I have no assurance that the other body would say this is germane to the debt ceiling bill. We cannot legislate in this body on the basis of what the other body might say is germane. I do not feel this is a nongermane amendment. I respectfully disagree with the Senator. I am not going to be voting for a lot of nongermane amendments. I will give the Senator my cooperation on that, but I do not want to make a cause celebre out of this. I know if the Senator takes this amendment he will try to get it passed and he will come back with it.

Mr. LONG. I regret very much we cannot accept the amendment. If I accepted this, there are other nongermane amendments I would feel compelled to agree to.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. LONG. I intend to move that this amendment be laid on the table because it is not germane. I do not think we should start to take nongermane amendments. There is no telling where we will end up if we do. In the first place this amendment can be considered on another bill, and I would be happy to support it on another vehicle.

Therefore, reluctantly, I move that this amendment be laid on the table.

The PRESIDING OFFICER. The question is——

Mr. HUMPHREY. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. 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 Missouri (Mr. EAGLETON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from California (Mr. CRANSTON), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 46, nays 39, as follows:

[No. 403 Leg.]

YEAS—46

Aiken	Curtis	Miller
Allen	Dole	Nelson
Allott	Dominick	Packwood
Anderson	Eastland	Randolph
Beall	Edwards	Ribicoff
Bennett	Fannin	Roth
Bentsen	Gambrell	Schweiker
Boggs	Griffin	Scott
Brock	Gurney	Smith
Buckley	Hansen	Sparkman
Byrd, Harry F., Jr.	Hruska	Stafford
Byrd, Robert C.	Jordan, N.C.	Stennis
Cook	Jordan, Idaho	Stevens
Cooper	Long	Talmadge
Cotton	Magnuson	Tower
	McIntyre	

NAYS—39

Bayh	Humphrey	Muskie
Bible	Inouye	Pastore
Brooke	Jackson	Pearson
Burdick	Javits	Pell
Case	Kennedy	Percy
Chiles	Mansfield	Proxmire
Church	Mathias	Spong
Ervin	McClellan	Stevenson
Fulbright	McGee	Symington
Gravel	Metcalf	Tunney
Hart	Mondale	Weicker
Hartke	Montoya	Williams
Hollings	Moss	Young

NOT VOTING—15

Baker	Fong	McGovern
Bellmon	Goldwater	Mundt
Cannon	Harris	Saxbe
Cranston	Hatfield	Taft
Eagleton	Hughes	Thurmond

So Mr. LONG's motion to lay Mr. HUMPHREY's amendment (No. 1477) on the table was agreed to.

Mr. HUMPHREY. Mr. President, now that my good friend from Louisiana has given me the commitment that he will take this amendment on the debt limit bill, I trust that the recent vote will not in any way alter that. We will offer it at another time. I am really sorry that we were unable——

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

Mr. HUMPHREY. I yield.

Mr. LONG. The commitment is still good. I will be happy to support it on another bill, and, for lack of another bill, I will be glad to put it on the debt limit bill.

Mr. HUMPHREY. My affection for the Senator is exceeded only by my admiration for his integrity and ability.

Mr. President, I want to bring up my amendment No. 1473, but, for the edification of this distinguished body and those who may have more pressing engagements, let me say that I do not intend to ask for a rollcall vote. In fact, I call the amendment up only for discussion, and after discussing it, I shall withdraw it.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated.

The assistant legislative clerk read the amendment (No. 1473) as follows:

On page 37, after line 19, add to section 103:

MAINTENANCE OF EFFORT

(a) That the local government will maintain its present level of tax effort, measured for purposes of this section by general tax effort as defined in section 106 (b), (c), and (d).

(b) The Secretary shall, for each entitlement period of pay, pay out of the trust fund those entitlements to which each unit of local government is entitled, conditioned on fulfillment of part (a) above.

(c) The Secretary shall have the authority, upon reasonable determination that a unit of local government is unable to meet said conditions established in this section through the occurrence of a national disaster; or if the State or Federal Government assumes responsibility for expenditures which (before July 1, 1972) were the responsibility of local governments; or if a local unit of government suffers an inordinate decrease in tax base; or if a local unit of government so notifies the Secretary that expenditures in any category are no longer of a high-priority nature, to waive part (a) of this section in the payment of entitlement for each unit of local government.

Mr. HUMPHREY. Mr. President, the purpose of this amendment is to insure that the prime objectives of revenue sharing are in fact fulfilled.

This amendment mandates that local units of government continue to raise local revenues to spend on locally determined services with the same tax effort as in the past;

Put simply, it means: a community's own revenues raised from locally indigenous sources relative to the total income in the community shall not decline.

This amendment does not require that property taxes be maintained at present levels. The language explains that local government units should reduce property taxes by a tax adjustment program—a tax adjustment program which calls for the raising of revenues from a tax system related to income as well as property.

Mr. President, as I read the committee report, the fundamental goal of revenue sharing is to assist in the operating and maintenance of public services. Revenue sharing is designed to help arrest the deteriorating quality of life in many areas of the Nation.

And, to accomplish this goal, we in the Congress, have a responsibility to see that Federal funds raised by Federal tax collections are not substituted for locally raised funds on a wholesale basis.

Mr. President, there are some who have viewed revenue sharing strictly as a measure of tax relief. I think it is time to set the record straight. The Revenue Sharing Act of 1972 should be seen as what its title describes—a revenue-sharing proposal.

The plain fact is, as the League of Cities Conference of Mayors reports, that spending in our local communites and counties is increasing at about $3.7 to $4 billion a year. That represents about 5 to 10 percent of the total revenues raised locally each year. Revenue-sharing funds going to local units of government amount to about $3.5 billion this year. At least on an aggregate, revenue sharing is about the same as 1 year's expenditure level.

It might be more accurate to characterize revenue sharing as the Tax Adjustment Act of 1972. In the last 12 years, throughout the United States, there have been more than 450 major tax increases. If the influx of Federal funds retards or slows down this seemingly never-ending process of increased taxes, increased user charges, and increased municipality utility rates, then it will have served a useful function.

Mr. President, all of us want to cut property taxes. Time and time again over the last 7 months, I heard: "Property taxes are too high." "I'm paying too much." "It is breaking my back, not to mention my wallet." "I'm living on a fixed income, and I can't even afford my own home."

The fact is, Mr. President, the whole subject of property taxes is one that demands an answer. People are demanding that the rise in property taxes be stopped—they want reductions. That is one reason why I will set in motion a study of the property tax with a mandate to report back to the Congress with legislative recommendations.

I have heard various plans being floated dealing with property taxes, especially that tax pertains to educational financing.

The administration has floated the possibility of a value added tax—a giant sized national sales tax to which I am opposed.

There are other methods to help cut property tax cost.

I would direct the attention of the Senate to what has happened in Minnesota where the State support of education has increased from 43 percent to an estimated 72 percent for the coming school year. This allowed the average school property tax to fall by some 20 percent. And when the State restructured its general tax program, overall property tax figures fell by some 11.5 percent from 1971 to 1972.

Mr. President, I ask unanimous consent that testimony of Governor Wendell Anderson on revenue sharing that documents these facts be printed in the RECORD.

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

STATEMENT OF WENDELL R. ANDERSON, GOVERNOR OF THE STATE OF MINNESOTA

Minnesota needs Federal Revenue Sharing. Minnesota needs revenue sharing for local and state government, not because it has been doing a bad job in tax and fiscal policy, but because it has been doing a good job.

Over the past few years, Minnesota has undertaken an extensive reform of its tax structure. This year's Advisory Commission on Intergovernmental Relations' report said, "A cluster of highly innovative 1971 Minnesota actions combined to produce the outstanding fiscal case study of the year. The Minnesota legislature and the governor joined to rewrite the book on State fiscal policy toward local government." The article was entitled "The Minnesota Miracle."

Minnesota has accomplished the following reforms:

1. The state support of education from non-property taxes has increased from 43% in 1970–71 to an estimated 70% for the coming school year, 1972–73. The formula for school support has been drastically reformed to achieve equalization in school expenditures and local school tax rates. The average school property tax fell over 20%.

2. Massive state aid to local government began in 1968 and was increased 30% in 1971. The state now distributes to local non-school units of government $26 per capita of unrestricted state funds. This aid rises automatically to $28 per capita in 1972. The formula of aid is adjusted to reward those units who need the aid the most. To illustrate the magnitude of this aid, the City of Minneapolis receives approximately $16 million this year. This compares with the $4.8 million to be provided in H.R. 14370. In addition, another $10 million is distributed to local government from shared taxes.

3. The inequitable personal property tax has been abolished.

4. The state began in 1968 to pay 35% of the property tax bill of every homeowner, up to a $250 maximum.

5. To insure equity to renters, the state gives renters an income tax credit of up to $90.

6. Senior Citizens with an income below $5,000 have a special tax credit whereby the state pays a portion of their property tax. The payment ranges from 90% to 10% of their property tax, depending on their income and their property tax.

7. The Minnesota sales tax completely exempts food, clothing, and all medicines in order to blunt the regressivity of this consumption tax.

8. Of the state's $2.9 billion biennial budget, more than 60% is directly returned to local schools or municipalities as aid.

9. The average property tax fell 11.5% in Minnesota from 1971 to 1972 as a result of the restructured state tax program. Minnesota may well be the only state where property taxes decreased overall.

10. To avoid the bulkanization of the state tax structure, the state outlawed local sales and income taxes.

In a preceptive comment, Frank Trippet, in *The States: United They Fell*, said this of state taxation in general, "To ascertain the purpose of the state legislature's fiscal behavior it is necessary to recall the *true constituency* it serves. This is not the people. The legislature's true constituency (with the infrequent exception when a single strong leader becomes its true constituency) is composed of that loosely coalesced community of commercial interests enumerated previously, the corporate community of industry, finance, and business—banking, realty, insurance, trucking, rails, liquor, mining (coal and minerals), fuel (oil and gas), sometimes gambling (horses, dogs, jai-alai), power (gas and electric utilities), and farming (when it takes on a corporate personality as in the Florida citrus industry).

"It is this true constituency that the legislature protects with its celebrations of thrift. It protects the true constituency from carrying a reasonable share of the tax load. Anyone acquainted with the promotional literature published by the states to attract industry will be aware that they invariably boast of the light tax burden carried by business and commerce in the state. In addition, certain states offer specific tax forgiveness to incoming businesses. Truth is a rarity in some fields of promotion, but in this the states do not lie; an abundance of scholarly expert research exists as solid corroboration. It is a truism that the history of state taxation is a history of regressive direct personal consumer taxes combined with only slightly progressive income taxes; a persistent reluctance to tax business and industry has been part of that history. It will be useful to keep this commonplace in mind along the way to some deeper understanding of the legislative nature."

Historically, the Legislature and governors in Minnesota have relied on the state income tax and a moderate sales tax exempting food, clothes, and medicines. This policy, coupled with the falling property tax, has avoided the worst features that mar the tax structures of many states.

However, reform is not without its problems. The pressures on local property taxes remain and threaten the successes of the fiscal program. The high state income tax is invidiously compared to states without an income tax and used to attack the reform program by the interests who oppose progressive taxation. The state's tax resources are sorely strained by its need to both maintain its aid to local schools and municipalities at adequate levels and to fund state programs of pollution control and penal decentralization and reform.

To maintain and to perfect Minnesota's tax reforms, we need revenue sharing. Minnesota's local governments need it to meet their pressing needs in law enforcement and pollution control, and to hold the property tax in check. Minnesota state government needs it to maintain its fiscal reforms without increasing the state's already large tax efforts.

In a short run sense, Minnesota state also needs revenue sharing. State tax collections for the fiscal year just ended are $91 million short of those anticipated by the 1971 Legislature. The estimates are short principally because of federal actions. The national government's wage and price controls, particularly the Phase I freeze, drastically cut into the anticipated growth in wages and prices. The effect was a cut in anticipated income and sales tax revenue. It is rather ironic that slowing inflation presents a fiscal problem to the state. State expeditures are also substantially below estimates and revenue for the current year may meet estimates, but the entire $91 million loss will not be made up by these factors.

I am aware that amendments have been submitted to H.R. 14370 which will reduce or abolish the tax reform incentive of the bill. Minnesotans were extremely pleased by the provisions of H.R. 14370 which offered incentives to reform the generally poor state tax structures. To now see this incentive removed is a rebuff and affront to those who have succeeded in state tax reform, as has Minnesota, and is a crushing blow to those states which are still seeking tax reform. I do not believe any fair-minded person can sincerely defend the tax structures of states who lack income taxes, who rely on regressive sales taxes and on the most obnoxious tax of all, the property tax.

I can understand that Senators from these states have a legitimate concern that their states are not left out of revenue sharing. However, H.R. 14370 as passed by the House does guarantee them their due. Only one-half of the state share of H.R. 14370 is based on state personal income tax effort, and even here a minimum ½% of the state federal personal income tax liability is guaranteed.

I ask that the proposed amendments to weaken the tax reform incentive of H.R. 14370 be defeated and the bill approved.

Mr. HUMPHREY. The point I am making, Mr. President, is that there are better ways to deal with property tax relief than through revenue sharing—even though revenue sharing can be part of the answer. Property tax relief encom-

passes not only the rate of taxation, but the method and equality of assessment.

Different cities and localities administer and collect property taxes with vastly different degrees of efficiency and fairness.

Revenue sharing must not be just a substitution of federally collected tax dollars for locally collected tax dollars.

I am for allowing local units of government, with Federal assistance to make the property tax, and other taxes, fair. And, I want to give them the incentive and the time to do so.

That is one reason I offer this amendment—because I think it will lead to tax reform at the local level.

Local governments raise about $38 billion in property taxes. Revenue sharing money going to local units will amount to about $3.5 billion. This is less than 10 percent of aggregate of nationwide revenue from property taxes. That could, in individual cases, provide some tax relief, but realistically, for the vast majority of people, it will not. Cities where the tax bite is the greatest are crying out for funds just to provide a decent level of services.

And some cities, such as Baltimore and Philadelphia, have already programed revenue sharing funds—which they have not yet received—in this year's operating budget.

So, what we are really after, Mr. President, is tax reform—and this is where I believe my amendment will help.

This amendment does not freeze the local taxes. Property taxes can and should go down, just as long as the aggregate total revenues collected is maintained. My amendment does not affect the mix of taxes—local governments can reduce property taxes and maintain the aggregate by utilizing more progressive types of taxation. And, if a State assumes some taxing responsibility with a statewide property tax, then under terms of this amendment, localities can reduce taxes and still receive an entitlement.

Mr. President, this amendment is not a string in the sense of the traditional limitations of categorical programs.

We are not telling localities how to raise taxes. They retain the flexibility to do so, and to decide their own mix of taxes.

We are not telling localities that taxes cannot be reduced. We are saying that localities ought to look first at the burden of the taxes, and make efforts to bring the principle of ability to pay to the tax system so that taxes are fair and equitable.

And, we are not freezing, for all time, the level of taxes and revenues.

There are sufficient provisions to be flexible if a locality suffers a local recession or a natural disaster, or if the State or Federal assumes responsibility for an expenditure that was once totally a local function, then local taxes can, in fact, and will likely be reduced without affecting a unit of government's revenue sharing entitlement.

In short, this amendment does not bar tax relief—it encourages tax reform and tax justice. Revenue sharing ought to be a vehicle for improving services, for increasing the quality of life, for assisting localities to meet their pressing fiscal crises, and be an incentive for State and local tax reform and justice.

In summary, my amendment would require localities to maintain their tax effort in order to receive revenue sharing funds. Certain caveats are entered to this amendment that give local and State governments wide flexibility that does not prohibit reducing property taxes.

Thus, if the local government "solves" a problem for which it has previously expended locally raised funds, the local government wants to redirect taxes, then upon simple notification to the Secretary of the Treasury, the locality will continue to receive revenue sharing funds.

I believe that my amendment is progressive. It will spur reform of taxes at the local level, giving communities the incentive to reduce the burden of property taxes, make a fair administration of assessments, and develop a progressive mix of taxes that does not penalize the working families of this Nation.

The amendment will help end the confusion over tax relief and tax reform.

It will spur the Federal Government to work closely with the States and localities in a partnership effort to find more equitable means of financing public schools.

And, it will assure that the fundamental purpose of revenue sharing—bringing the public services of this Nation up to the level people expect them to be—will be accomplished.

Mr. President, I have offered this amendment just for the purpose of stating to the chairman and to my colleagues in the Senate that revenue sharing must not be an excuse or a substitution for local community effort. I do not believe that we in Congress ought to take on the burden of raising taxes and revenues and relieving local governments of that burden and responsibility. I look upon revenue sharing as a way of helping communities do a better job. I look upon it as a way of encouraging local communities to reexamine their tax structures. That is the reason I offered the other amendment, which calls upon the Joint Committee on Internal Revenue to make this study of the property tax system.

I believe this study itself will be helpful toward the objective of which I speak, and because I feel that with the acceptance of that amendment by the chairman of the committee and by the Senate, calling for the Joint Committee on Internal Revenue to make a reexamination and evaluation of the local property tax system and to report back to Congress, I need not press for action upon this particular amendment.

I speak on it because I believe this record, as we go into this new system of financing local governments, ought to reflect a pretty good debate and dialog as to what it is all about.

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

Mr. HUMPHREY. I yield.

Mr. LONG. Mr. President, I wish to thank the Senator for his cooperation in not insisting upon having a vote on this amendment at this time. We did explore this subject, and it has a great deal of merit. The difficulty is that there are isolated situations where a tax cut is actually justified. Mayor Alioto set out a number of such hardship situations when we raised this question with him. As I recall, Mayor Moon Landrieu, of New Orleans, reported the situation that each fall he has raised taxes every way he could raise them, but what has happened now is that the wealthiest suburbs have been the beneficiaries of the wealthiest people moving there and away from the city, one reason being that the city's taxes are so high. It would be very desirable that he reduce taxes if he could. He is not expecting to do so. But the truth is that in some cities, such as New Orleans, the tax rate is already too high. It ought to be cut. If revenue sharing could help do that, it might be desirable. That is not what they plan to use it for. They need the money badly for additional services.

Mayor Alioto pointed out that in some cases the city puts a tax on that is nothing but a nuisance, unfair, inequitable tax that could not be defended by any justice or logic, only because it is so desperately in need for money that it has no alternative.

Taxes such as that ought to come off, if the community finds some source of revenue by which it could justify removing most of that unjust tax.

I suggest that the Senator join us in studying the extent to which communities do in fact reduce taxes when this bill is on the books. If we find that this is becoming an abusive situation, I will join him in trying to see if we can work out the best answer to it.

I appreciate the Senator's cooperation, and I assure him that, while we cannot support this amendment as it stands today, if we find this to be a bad situation and if it works out the way the Senator fears it could happen, I would be happy to cooperate with him to correct it.

Mr. HUMPHREY. I thank the chairman.

I offered this amendment because it is the only way I could get a chance to express myself on the concern I have. I do not believe that at this time we ought to weight down this bill with that kind of restrictive language, until we get some experience under revenue sharing. I merely want to put up the warning flag on it.

I happen to be very much devoted to the officers of local government. I think they have had a terribly difficult time. Ninety percent of the government that affects the lives of the people of this country takes place at the county and local level. Yet, they are the ones all too often without the resources to do the job they are asked to do. That is why I have been for revenue sharing.

After all, this is the people's money. We talk about Federal dollars and State dollars. It is really dollars of the American people. People now move from one locality to another. It is not the way it used to be, with people locked into a community all their lives. Millions of people are moving back and forth across this country, and I want to see the level of public service across the Nation improved, so that whether you live in New

Orleans or Minneapolis or Boston or Los Angeles, or wherever you may be, or whether you live in a rural countryside in a small community, there is at least a reasonable level of education, a good level of education, health care, transportation, and things that make for what we call good living. That is why I support this bill.

I thank the chairman very much. I have no other amendment that I wish to offer. I appreciate the chairman's cooperation, and I thank him for the help he is extending to all of us. He is doing a good job.

Mr. LONG. I thank the Senator.

Mr. HUMPHREY. Mr. President, I withdraw the amendment.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 40, after line 14, insert the following new paragraph:

"ADJUSTMENT WHERE NEW TAXING POWERS ARE CONFERRED UPON LOCAL GOVERNMENTS.—If a State establishes to the satisfaction of the Secretary that since June 30, 1972, one or more local governments within such State have had conferred upon them new taxing authority, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent of the larger of—

"(A) an amount equal to the amount of the taxes collected by reason of the exercise of such new taxing authority by such local governments, or

"(B) an amount equal to the amount of the loss of revenue to the State by reason of such new taxing authority being conferred on such local governments."

On page 40, line 15, strike "(3)" and insert in lieu thereof "(4)".

On page 40, line 23, strike "(4)" and insert in lieu thereof "(5)".

On page 41, line 9, strike "(5)" and insert in lieu thereof "(6)".

Mr. BUCKLEY. Mr. President, this amendment represents a modification of amendment No. 1484, which I submitted yesterday. It is a modification which was drafted by members of the staff of the Finance Committee.

The purpose is to correct what I believe was really an oversight in the provisions aimed at maintaining the level of State effort in support of local communities. Under the present bill, in its present form, if there was any cutback in the extension of transfer of funds by the State to local governments, then there would be an equivalent cutback or withholding of the revenue-sharing funds destined to that State.

An exception was made in a situation in which a State assumes responsibility for a category of expenditures formerly carried by local communities. In such a situation, the bill allows the State to reduce its transfers by the amount of money it is assuming. The bill in its present form, however, does not take into consideration a situation in which a State might confer upon local levels of government new taxing authorities or in which it might transfer to these local levels of government tax powers then possessed by the State itself.

In other words, the impact of the bill as it now reads would be to tend to freeze the internal tax structure within a State. Yet, I think we all would agree that one of the pressing needs at the present time is to have State and local governments get together and see what can be done to arrange for a more equitable internal distribution of taxing powers.

My amendment, therefore, would permit an adjustment to be made where new taxing powers are conferred upon the local governments; and it would permit the States in question to reduce their transfers of local units of government by the amount of new taxes which are raised by local governments in the exercise of a new taxing authority or, in the alternative, by an amount equal to the amount of loss of revenue to the State by reason of the transfer of a taxing authority from the State to the local governments.

I understand that this amendment meets with the approval of the sponsors of the bill; and if it does, I shall not ask for a record vote.

Mr. BENNETT. Mr. President, the chairman and I have discussed this proposal. We think it does represent an omission from the text which we are happy that the Senator from New York was able to supply. Since, as he said, the text of the amendment has been discussed with and agreed to by the staff of the committee, I have been authorized by the chairman to say that the committee will accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 7, 1970, he presented to the President of the United States the enrolled 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.

FEDERAL REVENUE SHARING ACT—AMENDMENT

AMENDMENT NO. 1493

(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) 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.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR BENTSEN AND SENATOR CHURCH TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders on tomorrow, the distinguished Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes.

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

ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the two orders for the recognition of Senators on tomorrow, the Senate resume consideration of the revenue-sharing bill; that the unfinished business, the interim agreement, be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow.

The PRESIDING OFFICER. Is the Senator asking that the previous order for the morning business be vitiated?

Mr. ROBERT C. BYRD. I thought that this order, if it were adopted, would automatically vitiate the previous order.

The PRESIDING OFFICER. It would have that effect. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE LEGISLATIVE PROGRAM

Mr. ALLEN. Mr. President, I should like to make a short prefatory statement and then have the opportunity to engage in colloquy with the distinguished majority leader with respect to the program for the remainder of the week and for the remainder of the session.

Mr. President, I should like to state that I recognize, understand, and appreciate the role of the joint leadership in the setting of the program, in calling up bills for consideration within certain limits. I wish to commend the distinguished majority leader and the distinguished assistant majority leader for the efforts that I know they have expended in seeking to bring up by agreement H.R. 13915,

the antibusing bill. I commend them on their efforts and am hopeful that they will be successful. This is a most important bill. With the pell-mell rush to adjourn and a mountain of legislation that is necessary for the Senate to consider, the junior Senator from Alabama notes that no Saturday session is scheduled. I might say here that I am delighted to see the distinguished Senator from New York (Mr. JAVITS) coming into the Chamber, as the junior Senator from Alabama notified him earlier this evening that before this session today would end, he intended to engage the distinguished majority leader in colloquy with regard to the possible calling up of H.R. 13915.

The junior Senator from Alabama notes the absence of a work schedule for Saturday. He also notes an informal projection of the program, as shown on page 2 of the whip notice, some seven specific items, some of which are not on the calendar, which must be considered by the Senate prior to sine die adjournment.

So the junior Senator from Alabama would like to inquire of the distinguished majority leader as to just what the prospects are of calling up H.R. 13915 for consideration by the Senate.

Mr. JAVITS. Mr. President, will the Senator from Montana yield before he replies to the Senator from Alabama, as I may be able to furnish the Senator some additional information?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, the Senator from Alabama did inform me that he would raise this question as, obviously, it is his intention to raise it frequently, which is his privilege. But I wish to inform the Senator from Alabama that having decided he wanted it on the calendar and having decided he would not send it to committee, that means something. It is not an absolutely nebulous proposition. It means it will not have that prior consideration by a highly informed committee which measures usually receive.

For that reason, and for many others, but certainly for that reason, I might tell the Senator that it took us days—not hours, but days—in the conference on the higher education bill to come out with what we did. That was a conference with the House and Senate. So I cannot anticipate a short debate. In all honesty and fairness, I cannot advise the leadership that there will be anything like a short debate on this matter, or that this bill can be disposed of in some brief period of time, as the Senator from Alabama says, on a Saturday.

I cannot do that at all. The distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) has been very diligent, about this matter, as has the distinguished Senator from Michigan (Mr. GRIFFIN). They are both very much interested in it. They approached me, and I said I would get a meeting together with my colleagues on both sides of the aisle who are interested in the bill to discuss it with them. I tried to get such a meeting together and found that they did not feel there was even any point to meeting as yet until the calendar was clear of the two measures—that is, revenue sharing and the agreement respecting nuclear weapons.

So, I could not even make that step. However, they understood and I understand that we will confer about it. It is our duty to do so, and we will. We will give our views to the leadership on both sides. However, I certainly cannot allow any impression to prevail, because it is quite erroneous, that this matter can be disposed of in a short period of time or that we can take it up and easily iron it out.

Nor am I in a position to agree to any unanimous-consent request. And as I have said, the decision of the Senator from Alabama not to refer the measure to the committee is a decision that it will have to be done on the floor and not in committee. This lengthens the time. Experience shows that that requires a longer period of time. But that is the Senator's decision. He has made up his mind. I do not quarrel with it.

As was noted, and as I say, I acted in a matter similar to this 15 years ago, although for a different reason, the different reason being that the committee situation at that time did not work as it should have. I do not think that is so now. I think that the Committee on Labor and Public Welfare, of which I am the ranking member, would give this matter prompt and thorough consideration. However, again I thought I should tell the leadership what the result of the conference was, and I now report.

Mr. MANSFIELD. Mr. President, if I may interpolate there, because the question was originally addressed to me, I would say that the distinguished Senator from New York has in part given some of the answer which I had intended to give, because there has been an attempt on the part of the Democratic leadership to meet with both sides and see if some agreement could be worked out. The results so far have been negligible.

It is the intent of the leadership to go ahead on the present basis with the interim agreement and the revenue-sharing bill. And I am sure that meets with the approval of the distinguished Senator from Alabama, who indicated when he spoke earlier this week that he would like to get bits and items out of the way, if I recall correctly what he said.

Mr. ALLEN. The Senator is correct.

Mr. MANSFIELD. Mr. President, I would like to make an inquiry at this time, if I may, now that the distinguished Senator from New York is on the floor, as to what the Senator from New York and the Senator from Alabama would think of referring the legislation being discussed at this time to the committee with the proviso that it report it within a week's time.

Mr. ALLEN. Mr. President, does the Senator care to give his impression?

Mr. JAVITS. Mr. President, I must say that I am not chairman of the committee. I am only its ranking minority member. I would want to discuss the matter with the Senator from New Jersey (Mr. WILLIAMS), the chairman of the committee, as to what time he feels we will require. However, as to the order of magnitude cited by the leadership, I do not know whether it would be 2 weeks, 11 days, or whatever time that we might need.

Mr. MANSFIELD. Mr. President, I do not think that 2 weeks would be unreasonable because the Senator from Alabama has indicated that he would like to have action on this proposal before we adjourn.

Mr. ALLEN. The Senator is correct. Now, speaking only for the Senator from Alabama, I would feel that it would be fair to send the bill to the committee with definite instructions that it report the bill in some shape or form and to follow that with a unanimous-consent agreement that on the bill coming back to the Senate, it will immediately be called up for consideration by the Senate and become the pending business first, and then the unfinished business.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I could not agree to that suggestion. We do not know what the committee will report. How does the Senator expect the Senators who are interested to buy a pig in a poke? They do not know what they will be agreeing to in terms of a unanimous-consent agreement or in terms of the bill that will come out of the committee.

Mr. ALLEN. It is an up or down vote on the bill that will come before the Senate.

Mr. JAVITS. I do not think there is any up or down vote possible on the bill, because no one will agree to a unanimous-consent request that bars amendments, substitutes, and everything else. So, I do not think there is any question about voting up or down on the committee bill.

Mr. ALLEN. Mr. President, no one suggested that. All that the junior Senator from Alabama suggested was that the bill then become the unfinished business of the Senate and the Senate would then have the authority to work its will on the bill.

Mr. JAVITS. The Senator is addressing himself to the leadership as well as to the Senator from New York, who needs to consult with the chairman of the committee in the first place, as to how long it will take to turn out the bill. As to the unanimous-consent request, it would be with the option to every member of the committee itself. I could not agree to that part.

Mr. MANSFIELD. Mr. President, it appears to me that what has been suggested may have considerable merit in it—for the distinguished Senator from New York to meet with the chairman of the committee and other interested people to at least discuss this matter. That is all that we can do at the present time.

The reason that we are not meeting here Saturday is that if we did meet, we would just be tilting at windmills. And one thing that the Democratic leadership has tried to do has been to try to maintain a good degree of credibility with all Members so that if they are called in on a Saturday, for example, it would be with some assurance that there

would be some action, some momentum, and some votes. And that was not just in view of the situation which has developed, but that might be very probable in the Saturdays ahead, depending upon the progress made with the schedule outlined.

As the distinguished Senator from Alabama has indicated, it is outlined pretty thoroughly on page 2 of the notice issued by the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD).

It is our intention tomorrow to lay aside the interim agreement on offensive weapons and confine ourselves exclusively, or almost exclusively—there may be some items that are noncontroversial—to the revenue sharing bill.

It is our intention on Monday to go back on the revenue sharing bill and stay with that until it is finished. And we hope it will be finished by Monday night. But only time will tell if that will be the fact. Then we will go back on the interim agreement, and we will stay with that until it is finished or disposed of one way or another. Very likely the leadership will be forced to submit a cloture motion. However, the stalling on this most important corollary to the SALT agreement must be done away with and the interim agreement disposed of one way or another.

It is my recollection, and again I am depending on memory, that what the distinguished Senator from Alabama and those who are associated with him seek is action on the antibusing bill, so-called, before the Senate adjourns later this month, if we are lucky. Is that a correct statement?

Mr. ALLEN. The distinguished majority leader has correctly stated the position of the junior Senator from Alabama and the distinguished Senator from Mississippi (Mr. STENNIS) and I feel also the position of the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. STENNIS. Mr. President, will the Senator yield for a brief statement?

Mr. ALLEN. I yield.

Mr. STENNIS. Mr. President, I preface my remarks, as did the Senator from Alabama (Mr. ALLEN), by saying that I am one of those who greatly appreciate what the leadership has to contend with and how they do contend with it. That applies to the minority leadership as well.

But this is not new subject matter we are dealing with. This matter has been debated here with considerable interest and it has spread over the Nation for 3 or 4 years. This is a busing bill; it is nothing but a busing bill. This is the first bill that has emerged from either body on that subject alone. This is a national matter. It is a domestic matter, it is true, but it is a national matter. The platforms of the two major parties make an expression on this subject. They are not together on it but they recognize it and they express themselves on it. This bill is expressly devoted to this subject and it is not tied to something else, and the bill passed the House by a sizable majority.

I feel that to represent our people we have to urge and assist and do everything we reasonably can do to get this bill considered. As a matter of fact, that is the reason we are here: to represent our people.

Mr. ALLEN. That is correct.

Mr. STENNIS. The national interest, of course, must be considered. There is a national interest.

The interim agreement and the SALT agreement are important matters and I want to join the leadership on both of them. But I do not believe that the bill we have before us, the so-called revenue sharing bill, is any more important nationally than this bill on the school situation. Until something is done we are not going to get the best out of our schools. I appreciate what the leadership has done. I am not complaining to the Senator from New York but he said he could not get anything out of his cohorts until these matters are disposed of. So I think a proposition has been made here, agreed to by the Senator from Alabama, and I heartily concur. It gives all of us something to work on, but it will take a lot of drive. I have respect for every committee and I know they work on this subject matter, but I think we deserve some kind of understanding in view of the shortness of time.

I thank the Senator.

Mr. ALLEN. I thank the Senator from Mississippi.

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

Mr. ALLEN. I am glad to yield.

Mr. MANSFIELD. We are faced with a difficult situation, one that is not unusual, although not so rare, either. We face the possibility of this bill being called up at some time on the basis of statements already made and the result, in my opinion, would be interminable debate.

Therefore, I would hope that it would be possible for the distinguished Senator from New York at an appropriate time to meet with his associates on the committee and others, because there are many who are interested in this subject on both sides, to see what the possibilities would be to have this bill referred to committee, and to have the committee report the bill within a time certain.

I would not go so far as to suggest a unanimous-consent agreement because that would be impossible at this time.

In my opinion it would be impossible if a bill were reported from committee. But at least to some extent we would be following the regular procedures, and we would be able to avoid this pressure which is on the leadership on a daily basis, and the pressure comes from both sides of the aisle, as to what we intend to do about this legislation having to do with busing.

I have not yet had a chance to sit down and talk with the distinguished Republican leader, the Senator from Pennsylvania, but I intend to do so at an appropriate time. But I want to reiterate that the Democratic leadership on its own initiative has been trying to meet with both sides to see what the possibilities are, and as the Senator from Alabama knows, those possibilities up to this time have been laid on the table.

Mr. ALLEN. Yes, and I appreciate it. As the Senator from Mississippi stated, I appreciate the efforts being made by the distinguished majority leader to get this bill before the Senate for consideration as the unfinished business of the Senate.

The distinguished majority leader understands that when the junior Senator from Alabama said as far as he was concerned he would agree to the proposal of the distinguished majority leader that the bill go to committee for 10 days provided that when it comes back it then becomes the unfinished business before the Senate, he did not ask that a definite time be set for a vote on the bill. We take our chances on that. But in 10 days' time the junior Senator from Alabama doubts if we will complete all seven of these items of business, and it would, therefore, be given an opportunity to be considered by the Senate with several "must" pieces of legislation to come. In that way he feels there would be a vote on the bill.

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

Mr. ALLEN. I yield.

Mr. MANSFIELD. The figure of a week, 2 weeks, 10 days, all of these figures have been bruited about. I do not think the figures are so important now. In the first place, the distinguished Senator from Alabama indicated that what he wanted was action before Congress adjourns. That is a matter which I think would be open to negotiation.

However, I have another proposal to make, and I have discussed this with no one.

What would the Senator think of referring the legislation in question to a committee, to have it reported by the committee at an appropriate time, and to make it the pending order of business for, let us say, November 10, 1972, after the election is over?

Mr. ALLEN. Well, that would not appeal very much to the junior Senator from Alabama unless we knew what other items of business remain undisposed of. We would just be getting an agreement out of thin air to come back. I do not believe there would be a quorum in the Senate.

Mr. MANSFIELD. On this issue we would have a quorum.

Mr. ALLEN. I do not believe there would be a quorum.

Mr. MANSFIELD. If it is that important I think we would have the full regiment in attendance at that time.

Mr. ALLEN. Speaking only for the junior Senator from Alabama he does not think very much of the proposal of the majority leader.

Mr. MANSFIELD. This would give us a chance to get rid of the appropriation bills and other matters, and it would give our colleagues who are campaigning a chance to meet with their people and make their speeches and do what is necessary to seek reelection. Then, if we could come back after the campaign, we could just confine ourselves to this one issue and maybe avoid a lot of difficulties which confront the leadership now.

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

Mr. ALLEN. I wish to make one statement and then I will be glad to yield to the Senator from Michigan. That would be all right if we would add to that pro-

viso that on a certain date there would be a vote on the bill.

Mr. MANSFIELD. That is not unreasonable and I hope if we get that far the distinguished Senator from New York and his associates would agree.

Mr. ALLEN. That would suit the junior Senator from Alabama and he would recommend it to his associates.

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

Mr. ALLEN. I yield.

Mr. GRIFFIN. First, I speak as the junior Senator from Michigan and not necessarily in the place of the distinguished minority leader. I wish to commend the Senator from Alabama for his leadership and to associate myself generally with what he has said. I hope he will stick to his guns; that if there is a reference to the committee, the committee be required to report in not more than 10 days, and that the bill be made the pending order of business.

I, of course, would reject the suggestion of the majority leader that it go over until after the election. I have made it clear—I am one of those who have some campaigning to do—to my constituents that I would stay here through election day, if necessary, to see that the Senate passes this important legislation. This measure, which has passed the House, is very close to what the President has recommended. It seems to me that we owe it to the President to have an up-or-down vote on this measure.

Mr. MANSFIELD. Does the President approve this legislation? I am just seeking information.

Mr. GRIFFIN. Yes, he does, and I think that we owe the President a vote on it.

Mr. ROBERT C. BYRD. Mr. President, in view of what the distinguished assistant Republican leader has just said, it should not be too difficult to get a quorum here after the election.

Mr. MANSFIELD. Not at all. I said a regiment. If 51 would come in, that would constitute a quorum.

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

Mr. ALLEN. The distinguished majority leader, by his own words, said we would have a regiment here to consider that matter because it is so important. That underscores the necessity of this bill being brought up here for consideration by the Senate.

Mr. MANSFIELD. I should have learned by now never to engage in a dialog with the distinguished Senator from Alabama, because I always come off second best.

Mr. ALLEN. I promised to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am undecided whether the proposal for November was in jest or half-jest——

Mr. MANSFIELD. It was serious.

Mr. STENNIS. But it should not be done until a real effort has been made here to get this bill to its rightful place for consideration in whatever time is remaining, because it certainly ranks in importance with anything else that is on the docket.

Mr. GRIFFIN. Mr. President, will the Senator yield for a further observation?

Mr. ALLEN. I yield.

Mr. GRIFFIN. I was at the White House with other Republican leaders at a meeting with the President of the United States, and I can say, on authority, that, as far as the President is concerned, this busing legislation is on his "must" list. I realize that it has not appeared on the "must" list that has been circulated so far, but it should be on the "must" list before we adjourn this session of Congress, so far as the President is concerned.

Mr. ALLEN. I appreciate the information offered by the distinguished Senator from Michigan.

Mr. ROBERT C. BYRD. Mr. President, will the able Senator yield?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. I hope all sides will take under serious consideration the proposal made by the distinguished majority leader, to the effect that the bill be referred to the appropriate committee for a specified length of time, say 1 week or 10 days or 2 weeks, then that the bill be reported back to the Senate and placed on the calendar, and let the unanimous-consent agreement rest there.

I think both sides—and all Senators—recognize that the majority leader is always very fair and impartial, and that he would, at an appropriate time, then call up the bill and let the Senate debate it. I feel confident of that. If the bill were referred to a committee and reported back, that I think would meet the very logical and reasonable objection that has been expressed by the distinguished Senator from New York (Mr. JAVITS). The committee would have worked its will. A bill would have been reported and placed on the calendar, and the majority leader, at some appropriate time when he thought it best and when he thought he could do so, would then call up the bill. It seems to me that is the best way to get action on the bill before adjourning sine die.

Mr. ALLEN. Mr. President, in answer to the question by the distinguished assistant majority leader, after that period of 10 days or 2 weeks, we would be right back where we are right now, pleading with the majority leader to bring up the bill.

Mr. ROBERT C. BYRD. If the distinguished Senator will yield——

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. Except for the fact that a committee of appropriate jurisdiction would have had a chance to study the bill, and I think that is a justifiable objection on the part of the Senator from New York. I favor the bill——

Mr. ALLEN. I know that.

Mr. ROBERT C. BYRD. But I also favor the tested and tried parliamentary procedures of the Senate, and for that reason I think the bill should go to a committee. No further objection could then be made along that line. The bill would have gone to committee. The committee would have worked its will. The bill would be on the calendar, and the situation would be much improved over what it is at this point.

I, for one, would not want to come back after the election just to take action on this bill. Of course, if that is the will of the Senate, I will be here, Lord willing, but I would like to see some action taken on the bill before sine die adjournment—let the Senate work its will, let us have a vote on the bill. If those in opposition to it can muster a majority, well and good, but let us have a vote on it, up or down, before adjournment sine die.

I think the majority leader has made the right proposal. I hope that Senators on both sides will give it careful and appropriate consideration.

Mr. ALLEN. That is all very well, but if we could agree by unanimous consent that the bill go to committee and repose there for some 10 days, why would it not be fair to go one step further and say that upon its return from committee, it not only go on the calendar but he brought up and become the pending question and the unfinished business before the Senate?

Mr. ROBERT C. BYRD. Yet, pragmatically speaking, it might not be possible. Suppose the interim agreement should still be before the Senate as the unfinished business. Would we want such a unanimous-consent request to displace the interim agreement as the unfinished business? I think it would depend on what the situation was in the Senate at the time the committee reported the bill back. In the first place, I do not think we could get unanimous consent to do what the Senator suggests. The Senator is requesting something that, from a very practical standpoint, it seems to me, we might as well admit, to begin with, we cannot get.

Mr. ALLEN. That being the case, we are not going to get unanimous consent to do the rest of it.

Mr. ROBERT C. BYRD. I have not conceded that. Such a procedure might very well be agreed to. I would hope so.

Mr. MANSFIELD. Mr. President, may I bring this to a conclusion? I dislike being between the devil and the deep blue sea. I am sure this matter is going to be raised again and again and again if no agreement is reached, but the hour is getting late. I would like to get home and see my wife while we are still here.

Mr. ALLEN. We will reach unanimous consent on that.

ORDER FOR ADJOURNMENT UNDER 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow.

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

(Subsequently, this order was changed to provide for the Senate to convene at 9 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders tomor-

row, the distinguished Senator from New York (Mr. JAVITS) be recognized for 15 minutes, and that following the remarks of the distinguished Senator from New York the other orders for the recognition of Senators previously entered into then take effect.

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

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators previously entered into, the distinguished majority leader (Mr. MANSFIELD) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished majority leader tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 14370.

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

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL 10 A.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 o'clock a.m. on Monday, September 11.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. Following the recognition of the two leaders under the standing order, the distinguished Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished Senator from Texas (Mr. BENTSEN) for not to exceed 15 minutes. He will be followed by the distinguished Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes, after which the Senate will resume the consideration of H.R. 14370, the so-called revenue-sharing bill, the unfinished business being temporarily laid aside throughout the day of tomorrow.

Amendments to the revenue-sharing bill will be voted on throughout the day. Yea-and-nay votes will occur.

In view of the fact that there will be no Saturday session this week, it is necessary that the Senate make as much progress as possible tomorrow on the revenue-sharing bill.

Senators will therefore please be prepared for a full day of work tomorrow.

ADJOURNMENT UNTIL 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 7:44 p.m. the Senate adjourned until tomorrow, Friday, September 8, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 7, 1972:

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Peter J. Bensoni, of Minnesota, to be a member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1977; reappointment.

BOARD OF PAROLE

Thomas R. Holsclaw, of Kentucky, to be a member of the Board of Parole for the term expiring September 30, 1978, vice William F. Howland, retired.

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. Phillip Buford Davidson, Jr., xxx-xx-xxxx U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 7, 1972:

NATIONAL SCIENCE BOARD

The following-named persons to be Members of the National Science Board, National Science Foundation, for terms expiring May 10, 1978:

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.
Joseph M. Reynolds, of Louisiana.

EXTENSIONS OF REMARKS

POSTAL SERVICE STANDARDS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 7, 1972

Mr. HARRY F. BYRD, JR. Mr. President, I frequently hear unfavorable comments about the Postal Service. Not all such criticism is fair.

In this regard, I cite an article published in the Roanoke Times of July 5 which shows that this new organization is trying to give us better mail service.

One of the most encouraging developments in the Postal Service is the establishment of service standards. I am pleased to note that the Roanoke District of the Postal Service is meeting the national standard for local delivery—next day delivery with 95 percent reliability.

This is most encouraging, and I hope to see more standards like this in the near future for all types of mail.

I ask unanimous consent that the text of the article, "Postal Service Attaining Goals, District Chief Says," be printed in the Extensions of Remarks.

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

POSTAL SERVICE ATTAINING GOALS, DISTRICT CHIEF SAYS

(By Robert B. Sears)

Knocking the mail service is still a popular pastime a year after a government corporation, the U.S. Postal Service, took over the venerable U.S. Post Office Department.

But Charles L. Fallis, manager of the Roanoke District of the Postal Service, a man not without a certain bias about mail matters, doesn't take much stock in the knocking.

Fallis, a 44-year-old career employe, who began as a railway postal clerk in Cincinnati 19 years ago, is a relaxed, low-keyed, pleasant-spoken executive, whose mild manner has to be deceptive.

Deceptive, for one reason, because his job is bigger than it sounds.

He is responsible for 509 post offices from Appomattox on the east to Princeton, W. Va., on the west, and from a point between Harrisonburg and Staunton on the north to the North Carolina line on the south. The district includes all of Southwest Virginia clear to Lee County and the Kentucky line.

Fallis believes the Postal Service is doing a good job, and here are some of the reasons:

Last November, the Postal Service instituted a nation-wide local area service improvement program for first-class mail.

"Our goal," Fallis said, "was to give next-day delivery service with 95 per cent reliability."