

At Vanderbilt University, for instance, 33 graduates achieved Ph.D. status in 1961, compared to 126 in 1971.

Nationally, there were 29,000 new Ph.D.'s in 1970, an incredible increase that will soar the Ph.D. ranks to 60,000 a year in a decade if that rate continues.

With a record number of highly educated, highly trained graduates looking for employment, a tight job market has caused many Ph.D.'s to take less demanding jobs.

A major reason for the job decline stems from the huge cutbacks in federal spending for defense-aerospace-research projects. Ironically, the availability of these jobs a decade ago is what prompted many students to pursue Ph.D.'s in the first place.

In addition to the prospect of federal jobs, the Ph.D. corps ballooned when many male students continued their high-level academic pursuits as a way to dodge the draft and the Vietnam war.

A further problem, noted in a Southern Newspaper Publishers Association Foundation report edited by Vanderbilt Provost Nicholas Hobbs, is that more and more students are viewing college as a permanent life-style, rather than preparation for a life's work.

"All of this seems to be a part of the avoidance of that fateful moment when one is forced to leave the university for a seemingly hostile outside world," the report says.

Not all doctoral candidates fit in this category, of course. But the problem of bringing the number of Ph.D. recipients in line with the nation's job requirements is one that deserves attention from government leaders and educators alike.

#### EULOGY TO WILLIAM FITTS RYAN

##### HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1972

Mr. ADDABBO. Mr. Speaker, on September 24, 1972, I attended and participated in ceremonies at Canarsie Park, Brooklyn, N.Y., in recognition of

"Jamaica Bay Day" in New York State. The ceremonies were particularly timely in light of action this week by the House of Representatives approving by an overwhelming vote a bill to establish the William Fitts Ryan National Park.

This landmark legislation will preserve and protect the natural resources of Jamaica Bay and other land near the entrance to New York Harbor for the benefit of future generations. The House of Representatives changed the proposed name of this recreation area from Gateway Park to the William Fitts Ryan National Park, a most appropriate step in light of the tireless efforts of our late colleague in support of this and many other environmental measures. As a co-sponsor of the bill, I am quite pleased that the national park will carry the name of our most distinguished and dedicated former colleague.

At the ceremonies this past weekend, I had the pleasure of introducing Mrs. Ryan and the Ryan family to those in attendance. Following those introductions, we heard an inspiring eulogy to William Fitts Ryan, delivered by his former congressional assistant and friend, Mr. Michael Cohen. At this point, Mr. Speaker, I place in the Record the full text of Mr. Cohen's remarks and eulogy to our late colleague, William Fitts Ryan:

When people talk about Bill Ryan they remember many things. They remember that he was never afraid to stand alone when he knew he was right. Thus, he was often ahead of his time in such issues as civil rights, peace, middle and low income housing, and of course, the protection of the environment.

Some of us see these as separate issues, each righteous and just. Bill Ryan saw them as just one issue. His was a political career with a singular and all-consuming purpose. He was dedicated to the principle that we should all enjoy a life of quality, dignity and beauty.

Gateway was another battle he fought to improve our lives. Here the urban dweller

can come and find recreation, natural beauty, and rest.

Bill Ryan saw the Gateway area as offering us a new and rare opportunity—The opportunity of creating a national recreation area open to millions of urban dwellers who have been barred by distance and by economics from access to our national parks system. To him Gateway was more than a vast assemblage of water and sand, more than just a way to preserve and enhance the ecology of the area. His vision was an accessible unspoiled area at which millions of persons who were tied to asphalt pavements could come and enlarge their experience and enrich their lives.

In the New York Metropolitan region there are more than 19 million people. By the year 2000 there will be some 30 million. Bill Ryan saw Gateway as their national park. A park for the millions not fortunate enough to be able to afford summerhomes, long vacations, or expensive trips to our great western preserves. He saw it as a park for the millions of disadvantaged whose summer recreation resources are now limited to an open fire hydrant or a crowded neighborhood pool. He saw it as a park for the middle income families now excessively charged for private recreation facilities. He knew that for the urban child, preserving our wilderness areas in Wyoming or Colorado had little meaning. That child would still be left to the hot summer streets of his neighborhood. And Bill Ryan acted in his uniquely tenacious way to help bring about Gateway for that child.

Bill shared the view of Interior Secretary Walter Hickey that "We have got to bring the natural world back to the people rather than have them live in an environment where everything is paved over by concrete and loaded with frustration and violence."

When Bill Ryan saw an opportunity to correct an injustice or to improve people's lives, he never passed it by. He would organize and act as no one else could. He had the unique quality of getting people to accomplish things they thought impossible. Thus great achievements surrounded his brief but full life. His final achievement was Gateway or, as I hope it will be known, the William Fitts Ryan National Park. We have all been touched by Bill Ryan, we know it, and we are better for it. And we shall remember him.

## SENATE—Thursday, September 28, 1972

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

#### PRAYER

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

Eternal Father who watches over Thy people by day and by night, and hast promised that wherever they are gathered in Thy name Thou art in the midst, be with us who now call upon Thee. In this sanctified silence and through the unfolding events of the day be Thou our guide and strength.

Dispel, O Lord, any sense of frustration, ineptitude, or failure. Rally our shared resources for completing the common task of making a better nation.

Be graciously near those whose labor is difficult and obscure, especially those who care for the homeless, the aged, the little children, the sick, and the imprisoned.

May we be joined in heart and in labor

with all those who work for peace and justice at home and abroad. Keep us strong and steadfast when we would falter and fail. Reward us at the end with souls at peace with Thee and with one another.

We pray in His name who first loved us. Amen.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 27, 1972, be dispensed with.

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

#### SANCTIONS AGAINST NATIONS HARBORING TERRORISTS

Mr. SCOTT. Mr. President, on behalf of the distinguished majority leader and myself, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will read the concurrent resolution.

The assistant legislative clerk proceeded to read the concurrent resolution.

Mr. SCOTT. Mr. President, I ask unanimous consent that further reading of the concurrent resolution be dispensed with.

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

Mr. SCOTT. Mr. President, the entire world is conscious of the terrible events which occurred at Munich on September 5 and 6. In its Senate Resolution 358, adopted by unanimous vote on the 6th, this body expressed its sorrow and alarm and resolved that all means be sought to bring an end to such acts of barbarism as we have recently witnessed. It is our duty as the representatives of an aroused people that we not let the matter rest.

The President has directed and the executive branch has mounted an all-out effort against terrorism both within the United States and in cooperation with foreign governments and interna-

tional organizations. The President has directed the Secretary of State to take personal charge of efforts around the world to make sure that all possible effective measures are being taken. We must not fail to voice our strongest and most unequivocal support for these actions, so that they may be carried forward with the full knowledge by all parties that the people and the Government of the United States are united on these issues. It is not a partisan question.

In addition, we must continue to express our deep concern at the increase of terrorist violence and to insure that every effort is made to combat the use of terror by those who would undermine world order. We must insure that individual civilians are not exposed to the risk of being taken hostage or being killed for the political ends of small groups of fanatics.

The resolution we are offering today requests the President to consider the imposition of direct sanctions against nations which provide sanctuary for these globe-traveling terrorists.

Mr. President, long prior to the most recent tragedy, our Government was already actively pressing for effective international action to combat aircraft hijacking and sabotage and other forms of terrorism. The 1963 Tokyo Convention on Crimes Aboard Aircraft, the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft, and the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation have resulted largely from U.S. initiatives.

Together, these agreements are designed to obtain the prompt return of passengers, crews, and aircraft in cases of hijacking and to facilitate the apprehension and prosecution of international airline hijackers and saboteurs, wherever they may be found. The Secretary of State has personally taken the lead at the direction of the President in calling for the widest possible adherence to these conventions by other governments.

In addition, a special subcommittee of the International Civil Aviation Organization convened in Washington on September 4 of this year to consider provisions of a United States and Canadian sponsored convention which would provide for termination of air services and other boycott activity against a state which does not fulfill its obligations under the Hague and Montreal conventions to extradite or punish offenders. The special subcommittee has now forwarded draft articles of such a convention—sponsored by Canada, the Netherlands, the United Kingdom, and the United States—for early consideration by the full legal committee of the ICAO.

In immediate response to the Munich killings, ambassadors or chargés from more than 50 countries, including a number of Arab nations, were called into the State Department on September 6 and 7 to be informed of our concern with continued acts of political terrorism. As the first step of a continuing consultation process, the foreign representatives were urged to join with the United States to

improve international capabilities for countering terrorism. In addition, the Secretary has sent a series of personal messages to foreign ministers throughout the world, urging their cooperation on measures to control terrorism.

At the United Nations, the United States on September 10 exercised its Security Council veto for only the second time ever, to enforce our determination that Israel military action over the cease-fire line be considered in the context of the Munich murders and terrorism elsewhere against the Israeli State and its people. The Secretary General, with our full support, moved to place the problem of terrorism before the General Assembly earlier this month, and during the General Assembly, the United States will press for priority attention to a draft convention developed by the International Law Commission on the Prevention and Punishment of Crimes Against Diplomatic Agents and Other Internationally Protected Persons.

These are some of the things the United States has done and will be doing in the immediate future. These measures must go forward, and they must carry with them the full weight of support from every segment of the United States, and especially from this Congress.

And, in conclusion, individual nations must know that the Congress of the United States is prepared to support the President in further steps to stop these senseless and desperate murders.

Mr. President, I ask unanimous consent that further action on the resolution occur immediately following the special orders and at the beginning of the period for the transaction of routine morning business.

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

Mr. MANSFIELD. Mr. President, I am pleased to be a cosponsor of the concurrent resolution which was initiated by the distinguished Republican leader. It expresses our feelings about a situation which has been developing and which must be curbed. It is also a means whereby the legislative and executive branches can work in partnership, because, as the distinguished Senator has pointed out, this is not a partisan matter. It is one which affects all of us. I think it is a good move, and I would anticipate that the Senate would approve the resolution overwhelmingly.

Mr. SCOTT. I thank the majority leader.

Mr. President, I yield back my time.

#### ORDER OF BUSINESS

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

#### THE PRESIDENTIAL CAMPAIGN

Mr. FANNIN. Mr. President, we are in the midst of a presidential election campaign, so we can expect to see some hard fighting and political warfare in the next few weeks. What we all hope and pray is that the candidates involved will recog-

nize the rights of the others; and that throughout this land we will have the good sportsmanship and the same type of understanding that has made this Nation great.

Mr. President, I am deeply concerned that facilities belonging to the Democratic presidential candidate are being used to promote demonstrations against President Nixon.

This is an extremely dangerous practice that is contrary to the democratic—with a small letter "d"—traditions of this Nation. It would appear that this tactic is the product of desperation, evidence that the challenger has failed to generate enthusiasm for his own candidacy through positive means and, therefore, some of his supporters are resorting to negative efforts to sabotage the campaign appearances of the President.

Just one article to illustrate what I am saying. This is from Los Angeles, an Associated Press release, and I will just read it:

Antiwar activists used telephones at the local campaign headquarters of Democratic presidential candidate George McGovern for two nights to promote a planned demonstration against President Nixon, a McGovern spokesman says.

But McGovern campaign officials have told the activists they cannot use their telephones any longer, spokesman Fred Epstein said.

"I don't know who allowed them to use the phones or who told them to stop," Epstein said today. "It probably was some overzealous person in the campaign."

"Once I knew it wasn't going on any longer, I didn't pursue trying to find out who was responsible," Epstein said. "The important thing is that the antiwar activists no longer are using the McGovern phones."

A "handful" of persons had been using the phones to seek support for a demonstration outside the Century Plaza Hotel when Nixon addresses a \$1,000 a plate campaign dinner Wednesday, Epstein said.

Protest organizers have said "More than 20,000" persons are expected to take part in the demonstration, but police say their estimates range from 20,000 downward to 1,000.

Senator McGovern's campaign headquarters in Los Angeles has admitted that their facilities were used in an attempt to promote a demonstration last night outside the Century Plaza Hotel.

The Democratic candidate was quoted recently as criticizing President Nixon for not making more personal campaign appearances. Yet, when the President does schedule such appearances, the Democratic candidate's campaign machinery is then utilized to promote a demonstration that is likely to disrupt and detract from the real issues to be discussed.

Senator McGovern has charged that press coverage of this campaign has concentrated on the organizational problems and on other problems of campaigning rather than on the issues.

Yet, it is Senator McGovern's supporters and allies who attempt to organize disruptive demonstrations which prevent the President from focusing clearly on the issues. And I have yet to hear the Democratic candidate repudiate the individuals or groups who think that the way to support McGovern is to prevent President Nixon from speaking.

Mr. President, on several occasions in



the past few months Senator McGovern has compared the policies of President Nixon with those of Hitler. This is an outrageous comparison. The Senator is engaging in divisive rhetoric that contributes nothing to the understanding of the issues. He is attempting to enflame without informing.

Since the Democratic candidate raised the subject of Hitler, however, I would like to point out that certain elements opposing the President have taken a page from the Fascist, or Communist, book in their efforts to influence our elections.

Most of us in the Senate are old enough to recall the tactics used by Hitler to gain power in Germany. Other dictatorships have followed the same blueprint.

One of the main tactics used is the deployment of bands of fanatical demonstrators who shout down or intimidate anyone who speaks contrary to the Fascist, or Communist, line.

Mr. President, our political and electoral system depends upon the right of candidates for public office to speak freely and without disruption. Without this guarantee, we will cease to have political freedom. We will sink into anarchy, or a Communist or Fascist dictatorship.

It appeared that we were headed this direction in the 1960's when violent demonstrations, street and campus riots, were the order of the day. There was a brief time when extremists ruled the speakers stand—that is, it was a time when extremist elements infiltrated audiences so that they could drown out any speaker who said anything the radicals disagreed with.

Mr. President, the American people quickly tired of this radical element that provided us with nothing more than disruption, disorder, and destruction.

Those who organize massive demonstrations almost inevitably vow, it seems, that they are nonviolent. After the experience of the past decade, we know that all too often such demonstrations are infiltrated by radicals who seek to cause incidents, who seek to use force to achieve their selfish ends.

It had been my fervent hope that we had learned something by the unreasonable violence of the 1960's.

We have had more than 3 years of relative calm in America. People lowered their voices, and we have been hearing each other much better during the past 3½ years. We do not have to agree with each other, but we certainly should have a right to speak and to hear what others are saying.

With the coming of the current election campaign, we have seen the signs of return of the disruptive, so-called street politics, which repulsed Americans in the past decade.

At Miami Beach this year we saw renewed attempts by small, radical groups who attempted to gain publicity through juvenile behavior, the use of obscenities, the senseless destruction of property, assaults on convention delegates, and interference in the rights of other Americans.

On Tuesday we saw a few disrupters

attempt to divert attention from the President and the issues. These disrupters shouted their simplistic slogans as the President spoke at the Statue of Liberty. The President very properly pointed out that out of the many hundreds of persons present, no more than a half dozen took part in the demonstration. Yet, when this tiny demonstration began, television cameras swung in their direction. And, of course, the Washington Post gave them coverage. Bad manners seem to make news these days.

Then, again last night, efforts once more were planned to disrupt the President's campaign by staging a demonstration in Los Angeles.

Mr. President, the right to demonstrate is precious and should be treated with respect. But demonstrators have an obligation to maintain the peace and they must not interfere with the other fundamental rights.

If our political system is to function and to maintain political freedom, then candidates and political organizations must respect the rights of others to conduct a campaign free from disruption or intimidation. Some simple good manners and good sportsmanship also is advisable.

As an American who believes in our democratic system, I want to hear both candidates.

In a New York Times article on April 25, 1972, Senator McGovern wrote:

I want this Nation we all love to turn away from cursing and hatred and war to the blessings of hope and brotherhood and love.

If he truly believes this, I urge Senator McGovern to repudiate those individuals or groups who are using disruptive tactics in their campaign on his behalf. If it were the other way around I would urge President Nixon to do the same.

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

Mr. FANNIN. I am happy to yield to the distinguished Senator from Maryland.

Mr. BEALL. I congratulate the Senator from Arizona for the observations he has made this morning, and wish to take this opportunity to observe, as he does, that in any political campaign, there is a great deal of talk on both sides, but usually the candidates and those working for them stay within the limitations of propriety and respect without which the democratic process would lose all meaning.

It is not unfair in a campaign to attack your opponent's record.

Nor is it unfair to make this record known to those who may be disturbed by it.

A campaign is, in the simplest context, communication between a candidate and his people and the voters of this country.

All of us, Democrat and Republican alike, are dedicated to letting the candidates on both sides have their say—whether we agree or disagree on what is said.

However, I have noticed a dangerous trend which began in the last election and culminated just this week with conduct that is totally outside of our democratic system.

In 1968, as you will recall, both President Nixon and Senator HUMPHREY were confronted at times with individuals who refused to let them speak. As a matter of fact, I guess Senator HUMPHREY—then Vice President—experienced this more than any other candidate as he was constantly heckled and prevented from speaking by so-called antiwar protesters.

I remember thinking at the time of how disagreeable this was in a nation that prides itself on allowing all points of view to be presented. It was censorship—pure and simple—as screaming and yelling demonstrators cut off remarks to those who came to hear what a candidate had to say.

It was a demonstration of intolerance that is not acceptable in a democratic society.

And now I regret to say that I believe we are experiencing conduct even more reprehensible in this political campaign.

And I am referring to the use of telephones, as the Senator from Arizona pointed out, at the headquarters of presidential candidate McGovern in California by antiwar activists to promote a demonstration against President Nixon.

Never before has a presidential candidate allowed his facilities to be used to arrange a demonstration against the President of the United States—a demonstration that could have led to serious violence.

I have heard no comment from Senator McGovern with respect to this escapade. I would hope that he would take this opportunity to condemn these antics which are so demagogic in an open and democratic society. I call upon him to disassociate himself from such demonstrations and reaffirm his devotion to the principle that all candidates for office have a right to meet with the public without such interference.

All of us must be concerned about democracy in this country and our tolerance for the viewpoints of our opponents.

We are not just talking about respect and courtesy to a candidate for President. We are talking about respect for the Office of President of the United States.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Maryland for his remarks. I certainly agree that both the President of the United States and the candidate for the Presidency deserve to be heard.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Under the previous order, the Senator from New Jersey is recognized.

#### NIXON ADMINISTRATION A DISASTER FOR WORKING PEOPLE

Mr. WILLIAMS. Mr. President, the nearly 4 years of the Nixon administration have represented a period of disaster for the working people of our Nation.

As we have seen in such episodes as the grain deal and the ITT affair, this is an administration which has been peculiarly responsive to the interests of a special few.

At the same time, and in stark con-

trast, it has either ignored the vital needs of our working people, or has readily subordinated those needs to other considerations.

Certainly the most havoc-wreaking and visible aspect of the administration's performance, from the point of view of our working people, was the administration's deliberate and heartless contraction of job opportunities, as part of its original program for dealing with inflation.

That effort brought our unemployment rate from 3.4 percent at the start of the Nixon administration to over 6 percent during most of the last year.

In terms of people, this has meant the addition of between 2 and 2½ million people to the lists of the unemployed.

One inevitable byproduct of the skyrocketing unemployment rate has been the addition of millions of people to the Nation's welfare rolls.

Because of the destruction of job opportunities, people have been forced to choose between starvation and welfare.

And now their predicament is mocked by the President, with his pious talk of the "work ethic versus the welfare ethic."

So deliberate was the administration's determination to reduce employment that the President repeatedly vetoed congressional attempts to create jobs.

These include the Employment and Training Act of 1970, which would have created hundreds of thousands of jobs in public service employment; the Accelerated Public Works Act of 1971, authorizing \$5.6 billion for job creation in areas of high unemployment; and the Economic Opportunity Act Extension of 1971, which provided for additional jobs for out-of-school teenagers under the Neighborhood Youth Corps.

It was only after long months of opposition and constant threats of a veto that the President, under great pressure from throughout the Nation, finally reversed himself and signed the Emergency Employment Act of 1971.

Under that bill, some 150,000 previously unemployed persons are now working for State and local governments on locally designed public service jobs.

With characteristic hypocrisy, the administration now takes great credit for the success of this program.

While I believe that other Senators will speak this morning in more detail on the administration's record regarding jobs and manpower programs and the alternatives available, I think the fundamental point is that this administration, in determining the policies it will pursue, has deliberately refused to take account of the needs of our working people—including the most basic need of opportunity for a decent job.

For those workers fortunate enough to be employed during this period of vanishing jobs, the administration has been presented with the unparalleled opportunity—as a result of recent congressional enactments—of making great strides toward achieving the goal of safe and healthy workplaces for all Americans.

Here again, the record has been one of neglect and ineptness—or worse.

The Occupational Safety and Health Act of 1970 gave the administration

ample statutory authority to begin an effective attack upon the more than 14,000 deaths, the more than 2.2 million disabling injuries, and the hundreds of thousands of disabling occupational diseases that occur in the workplace each year.

Since its enactment, as I am sure that every Member of Congress is fully aware there has been a great outcry from employers concerning its enforcement stemming in large part from the administration's failure to make its regulations meaningful and accessible to the smaller employer.

The administration would have the workman believe that this outcry attests to its zealotry in enforcing the act on his behalf.

This, of course, is far from the fact.

It should be clear that the administration's failure to recognize the need of the small employer for information and assistance—a need which the large enterprises are able to meet on their own—has endangered the workers employed by those small businessmen.

Moreover, it is clear that the administration has made very little effort to take on in any meaningful way some of the most insidious dangers of the workplace, such as the health hazards caused by the thousands of toxic materials to which workers are subject.

The Department of Labor's widely trumpeted target health hazards program—designed to give special enforcement emphasis to some of the most serious health dangers—has so far been a grave disappointment.

For example, despite the now well-known fact that asbestos threatens more than 200,000 with the risk of cancer and lung disease, and despite the administration's recognition that it is not only in widespread use, but that such use is readily susceptible to swift compliance action, only 48 inspections for dangerous use of this substance were conducted during the first 5 months of the program.

Other health hazards included in the target program—carbon monoxide, silica, lead, and cotton dust—were similarly neglected; in fact, all of the target hazards together accounted for less than 2 percent of the inspections made by the Labor Department during this period.

It is clear that despite the administration's ballyhoo regarding this program, workers who suffer the threat of shortened lives and impaired health because of these substances, have little reason to take comfort from the administration's expressions of concern.

Farmworkers are another group whose safety has been treated with appalling neglect by the administration, even though the President, himself, has publicly recognized that agriculture is one of the most hazardous of occupations, and has pointed out that increasing technology has brought the dollar cost of agricultural accidents to \$2 billion annually.

Despite this public pretense of concern, the administration waited till a year and a half after the act's passage before even appointing an advisory committee whose role will be to begin considering what protections should be accorded farmworkers.

No action has been taken to require even temporary protective measures against exposure of farmworkers to pesticides—another hazard whose existence the President has recognized.

Thus, in flagrant disregard of the act's clear mandate that occupational hazards should be dealt with on a "worst first" basis, the administration has given the lowest possible priority to the dangers faced by this largely powerless group of workers.

The administration's lack of interest in achieving the most meaningful objectives of this act has also been demonstrated in its unwillingness to support more than a minimal level of research into the health and safety hazards of the workplace.

Recognizing the tragic lack of attention that had been accorded such research over the years, Congress established a National Institute of Occupational Safety and Health for the express purpose of undertaking a variety of research efforts concerning toxic materials and harmful physical agents, as well as other factors affecting safety in the workplace.

Measured against the scope of the health hazards which exist on the job, and the research needs which must be met, the administration's budget requests for this Institute can only be categorized as irresponsibly meager.

One measure of the gap between recognized need and the administration's program may be found in the number of toxic substances known to be used in industry.

As the administration itself acknowledges, over 12,000 toxic substances are so used, but unfortunately, standards exist for only some 400 of these.

Despite the many thousands of hazardous substances which require research, the administration has subjected the Institute to such strangling budget constraints that it is able to produce medical criteria for only about a dozen of these known 12,000 substances a year.

While Congress, in evident exasperation with the administration's callous indifference toward the essential research responsibilities of the Institute, more than doubled its funding in the fiscal year 1973 appropriations bill, this effort of course fell victim to the veto which signified the President's relentless determination that Congress must conform to his own narrow view of the essential health and education needs of the Nation.

The history of the previously enacted Coal Mine Health and Safety Act of 1969 provides its own dismal record of half-hearted implementation.

Despite the broad authority given the Department of Interior by this act, and despite the ample funding provided to implement that authority, the failure to take effective action has led to a fatality rate in underground coal mining which has shown no improvement since before the act's passage.

And each new major disaster that has occurred since then has provided further demonstration that lack of adequate enforcement action by the administration has been a significant cause of these tragic accidents.



Indeed, when this lack of enforcement resulted in the loss of 125 lives in the Buffalo Creek, W. Va., disaster, the administration went so far as to claim it had no jurisdiction over the unsafe conditions which existed there.

The political motivations and responsiveness to narrow private interests which have led the administration to preside over the almost systematic emasculatation of the Coal Mine Health and Safety Act have been repeatedly demonstrated.

Shortly after Congress enacted this legislation, the Labor and Public Welfare Committee learned that the implementing safety regulations were being written in closed-door secret meetings between the Government and the coal industry.

Those meetings ended after Congress complained, but the cozy relationship has continued right down until today.

Administration employees who had been helpful in writing the legislation were fired.

A Government lawyer preparing to fly to a Federal court in Virginia to defend the constitutionality of the act was ordered to stay home and silently watch the Federal court enjoin the enforcement of the act.

A political campaign specialist was hired as the "enforcer" of the act and proceeded to set up a system of reducing penalties in newly styled closed-door meetings with the industry. It should be noted, or maybe I should say underscored, that he is now one of the top officials of the committee to reelect the President.

One cannot recite the entire litany of failure, but let one other example suffice.

One coal company was cited eight times for violation of the same regulation requiring guards over electrified trolley wires.

Each time, this company—owned by one of the major oil producers in the world—was fined only \$25, as if nothing more were involved than a parking ticket.

But nine hard-working Americans had to pay with their lives when those unguarded electrical power wires were involved in the Blackville disaster last Memorial Day weekend.

Mr. President, while there are many other areas in which the administration has paid lip service to the well-being of our working people, but has in actuality undermined efforts to respond to their needs, one further area which is particularly timely is that of private pension plan protection.

A 3-year study by the Senate Labor Committee has made it unmistakably clear that not only do a small portion of the American workers ever earn a vested right to a private pension, despite years of employment with a single firm, but that in a heartbreaking number of cases, employees who do attain a vested right find it to be an empty hope when their plan terminates with insufficient funds to pay its obligations.

Mergers, business failures, and the movement of plants from one part of the country to another have made this an all too frequent occurrence.

It is clear to anyone who looks at this problem with the least bit of concern that there is a need for legislation to provide employees with reasonable vesting rights, and to protect those rights by imposing realistic funding requirements and by providing reinsurance of unfunded liabilities.

The Labor and Public Welfare Committee has reported a bill for this purpose which is unanimously supported by all members of the committee.

However, being responsive to such compelling needs of our working people is not the course which this administration has chosen to pursue.

In league with the chamber of commerce, which believes that meaningful pension reform is too expensive, the administration has pressed for its own version of pension legislation.

While it does provide for vesting of pension rights, such vesting would be based on the administration's so-called rule of 50, which would exclude many workers who could not meet this particular formula.

Even more glaringly, the administration's proposal fails to provide for systematic funding of private pension plans nor any program of insurance against pension plan termination.

In short, the administration's position on pension legislation offers nothing but a vain and empty promise, designed simply to delude American workers that the administration is concerned about protecting their interests.

The administration's posture on this issue is symptomatic of its attitude toward the entire range of issues affecting the working people of this Nation.

This administration is plainly incapable of committing itself to making life better for all our people—not just the stockholders of ITT and the large grain exporting companies.

#### ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Under the previous order, the distinguished Senator from Utah (Mr. MOSS) is now recognized for not to exceed 15 minutes.

#### THE ECONOMIC ISSUE IN 1972

Mr. MOSS. Mr. President, rarely in the Nation's history has the private interest so dominated over the public good.

This week, as President Nixon attends \$1,000-a-plate dinners in his own honor, 5 million Americans remain unemployed. As the Republican administration and its friends in big business celebrate the greatest corporate tax cuts in history, the American consumer must pay the fastest rising prices in 20 years. Today, the Nixon administration is reaping the financial and political rewards of 3½ years of the most arrogant form of favoritism.

It is not hard to understand why the Nixon administration has been so successful in raising funds this year among the Nation's corporation executives. Few Presidents have been so devoted to their interests.

Within a few months of taking office Mr. Nixon had appointed his old law

partner to head up a special presidential task force to develop ways of easing the corporate tax burden. In 1 year Richard Nixon had achieved a corporate tax cut of 15 percent. Using a variety of gimmicks, including accelerated depreciation, investment credits, and special tax deferral systems, he made it clear to one and all that big business had a friend in the White House.

The cost of this favoritism continues to plague the American people as a whole. They continue to feel the impact of a "trickle down" policy which gives big tax breaks to business, ignores the needs of the consumer, and vetoes any significant effort by Congress to deal with the jobless situation directly.

The American people continue to feel the burden of high and rising prices which have been spurred on by zooming profits and an administration laxity toward antitrust policy. Never has the monopolist had it better than under Richard Nixon.

The President, quite understandably, has chosen not to campaign on the economic issues in 1972. Instead, he engages in vague generalities such as the "work ethic" and the contribution of immigrant Americans to the "building of America."

It is not surprising that the incumbent President would prefer that the American people ignore the facts and figures; not see the record behind the rhetoric.

#### JOBS

I have brought with me just three charts which demonstrate quite vividly the direction of the American economy under 3½ years of the Nixon administration. The first of these concerns the question of jobs.

In January of 1969 when Richard Nixon became President, the economy was operating at full employment conditions. One year later, the jobless rate had climbed to 4.9 percent. By last year it had risen to 5.9 percent. Today it remains far above the level of the last 10 years.

These figures are from the Bureau of Labor Statistics. They are not from any source that could be considered political or biased in any respect.

These national figures, however, fail to measure the serious unemployment problem faced by many groups in the country. Vietnam veterans, for example, have an unemployment rate of approximately 8 percent, while American blacks have one around 10 percent. In many rural areas, such as the southern and central counties of Utah, the unemployment rate almost doubles that of the national average.

The administration response to this serious situation has been a failure from the very beginning. For 2½ years the administration pursued its notorious "game plan." What this came down to was that the Government should hold back on production and job opportunities in order to stabilize prices. This "game plan" was responsible for unemployment rising from 3.4 percent in January of 1969 to 6 percent by August of last year.

Even when the unemployment situation had become outrageous to all Americans, the administration refused to take action. In December of 1970 when Con-

gress passed the Manpower Act, the President vetoed it. In July of the following year, when Congress passed the accelerated public works, a bill to create 200,000 jobs in environmental protection work, the President again vetoed the measure. Even when he finally agreed to sign the Emergency Employment Act of 1971, the President destroyed the entire intent of the legislation by firing 150,000 Federal workers. At the same time the President took this action, he proposed billion-dollar tax bonanzas for the American business corporation. In January of 1971, for example, he issued an Executive order cutting corporate taxes by \$35 billion over the next decade. In addition to liberalizing depreciation allowances, the President handed big business a \$5-billion-a-year tax break in the form of investment credits. He also created a special tax-deferral system for export firms, another bonanza which had to be paid for out of individual taxes. None of these giveaways were considered inflationary by the same administration which had called direct job programs inflationary.

#### PRICES

Just as the Nixon administration would prefer to speak of "the work ethic" than to actually do something about the jobless situation, it prefers to speak of "fiscal responsibility" rather than protect the consumer from exorbitant price increases.

As can be seen in this second chart, a chart on prices during the 3½ years of the Nixon administration, the national rate of inflation, as measured by the wholesale price index, has risen at an annual rate of 4.4 percent. This compares to a year-to-year average of only 1.1 percent during the 8 years of the Kennedy and Johnson administrations. There are two major reasons for the failure of the Nixon administration policy. They represent the two stages of Nixon thinking on the price issue. For the first 2½ years, prior to August 15, 1971, the administration policy on prices was "hands off." The Government had no role to play in prices. Government told big business that it had a free hand in raising prices. It abandoned guidelines, jawboning, or any other method of Government persuasion to keep prices in line.

The results of such a "hands off" policy were inevitable. Corporate prices, especially steel, rose at a shocking rate.

On August 15, the President began a 90-day wage-price freeze. He followed this with an indefinite period called phase II of wage and price controls. Few Americans believe this control system has been equitable. While wages have been tied to strict annual guidelines, prices have been allowed to increase according to vague "cost" conditions.

Nixon's "new economic policy" has been a failure with regard to prices. In the last 9 months, prices have risen at an annual rate of 5.9 percent. This compares to a rate of only 5.2 percent in the 8 months prior to the freeze. Wholesale prices are in fact rising today at their fastest rate since 1951.

Overall, the Nixon administration's price policy has been disastrous for the American consumer. Since taking office in January of 1969, consumer prices have

risen at an average of 18 percent. The cost of basic consumer items such as home maintenance, food, insurance, and medical services have risen at a considerably faster rate. The Joint Economic Committee, for example, has pointed out that a visit by a physician now costs 23 percent more than it did when Nixon was inaugurated, a hospital room 41 percent more, and surgery 38 percent more.

Just about everything has gotten a lot more expensive under the Nixon administration, and now the Republicans are talking about starting a national sales tax.

#### INTERNATIONAL ECONOMIC DIFFICULTIES

The third chart I have brought today concerns America's international economic difficulties. This chart is by the U.S. Department of Commerce.

When President Nixon took office the United States balance of trade enjoyed a modest surplus. By 1971, that surplus had become a deficit of \$2 billion a year. For the first time since 1893 the United States was importing more goods than it was exporting. This year the situation has become much more extreme. Despite President Nixon's historic devaluation of the dollar, something he promised he would never do, the trade deficit now surpasses \$6 billion a year.

This trade deficit has had a disastrous impact on the U.S. employment situation. In 1971, for example, the American Federation of Labor estimated that the United States lost 400,000 jobs as a result of overseas competition. This competition did not come from foreign firms, but from American firms located overseas. These multinational conglomerates, supported by the Nixon administration, sought to take advantage of the low wages and tax benefits of overseas production. Cynically, they have robbed the American worker of his livelihood to enlarge their own profits.

It is difficult to find an area of American economic life where the Nixon administration has not taken the initiative to favor big business as against the average American consumer and working man. These last 3½ years have produced the worst international payments deficits in history, the worst Federal deficits since the Second World War, the first trade deficit in this century, the worst unemployment in 10 years, and the worst inflation in 20. This is the legacy of an administration which sought to put the interests of big business above those of the economy and the people as a whole.

When economic conditions called for Government restraint on corporate prices, the administration gave them a free hand.

When conditions called for incentives to the consumer in the form of tax cuts, the administration chose to divert these tax cuts to the big businessman. When there was a need to create jobs, the administration made excuses. It denied that the Nation faced an unemployment crisis.

Instead it resorted to rhetoric. In 1970, when unemployment rose to 4.9 percent, it blamed it on the need to stabilize prices. In 1971, when unemployment rose to 5.9 percent, the administration blamed it on the number of veterans on the job market. This year, the President, in his economic report, cited the large number

of women and young people on the labor market as an excuse for high unemployment.

Forty years ago, Franklin Delano Roosevelt spoke of an incumbent Republican administration "frozen in the ice of its own indifference." Today, the American people have an administration which is not only indifferent to the plight of the unemployed, but seeks to encourage this indifference on the part of the average citizen. It also seeks to encourage indifference regarding its own relationships with big industry. Today, the Nixon administration reaps the political economic benefits of its historic favoritism towards big business, a favoritism which was purchased with the jobs and well-being of the average American. This has been the unjust stewardship of Richard Nixon.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for not to exceed 15 minutes.

#### UNEMPLOYMENT

Mr. CRANSTON. Mr. President, I listened with great interest to the statement by the distinguished Senator from Utah. He has described a very tragic situation in our country which we must remedy.

Symptomatic of the problem we face and of the lack of understanding of what must be done by the present administration is a statement by Charles E. Walker, Deputy Secretary of the Treasury, who recently singled out manpower programs from all Federal programs as his personal favorites for elimination. His ground is that the manpower programs had failed to make a dent in the rate of unemployment.

Such remarks are of a piece with the backward reasoning of a President who eliminates jobs, forces people onto welfare, and then accuses the poor of holding onto an imaginary welfare ethic.

Who reasonably expects that manpower training alone could reduce unemployment? If there were a great backlog of jobs begging to be filled one might begin to make such an argument. But that is not the fact. The Government gathers very little in the way of job vacancy data. But where it does have data they show that job openings tend to run at the level of 1 percent or so and are quickly filled. On the other hand we have very solid statistics that document that 4.9 million men and women were looking for work in August and were unable to find it.

The manpower programs serve perhaps some 500,000 people at any one time. There are now—and have been for over a year—something like 5 million unemployed. How can our relatively small-scale manpower programs do anything for an army of unemployed? And with unemployment so high, how can the manpower training programs reduce the unemployment rolls at all?

Certainly there is something wrong when people who want to work, but cannot find work, proceed to learn in manpower training programs, complete suc-



cessfully, and then find they still cannot find work. They are dismayed and disillusioned.

There is a sensible way to deal with this problem. We could have a major public service employment program such as I have proposed in S. 3311.

That bill would authorize some \$10 billion dollars to create more than 1.25 million jobs. It would create the 1.25 million jobs directly—plus an additional 400,000 to 1,000,000 or more jobs in the private sector as a result of increased spending by local and State governments.

In April a very distinguished panel of economists testified before the Subcommittee on Employment, Manpower, and Poverty. They included R. A. Gordon of the University of California at Berkeley; William Fellner of Yale—who is generally recognized as a fairly conservative economist—John Galbraith of Harvard, and Bennett Harrison of the University of Maryland. They asserted that such a public service employment program, if deficit financed, would lead to an additional \$20 billion in GNP. At current tax rates, this would produce an additional \$4 billion in Federal tax revenues.

Thus a program which would create nearly 2 million additional jobs would cost the Federal Government something like \$6 billion in net cost. That cost would be further reduced to the extent that people now on welfare or on unemployment compensation got jobs under the program.

No one who has seen the deterioration of public services in our major cities doubts that ample and legitimate work needs to be done: improved sanitation, more road and building maintenance, new housing, and public facilities, more police, and firefighters, more park attendants and more park and recreation construction.

After a few months experience with the modest Emergency Employment Act that funded only 150,000 jobs, the Nation's mayors asked the subcommittee to support a program of 1 million jobs in public service employment. A recent survey conducted by the Labor and Public Welfare Committee shows that there were five applicants for every one job, and that the cities and States could have created twice as many jobs immediately if additional funding were available.

But major job creation programs are not what this administration is interested in.

In fact its basic policy runs in quite the other direction.

Mr. Nixon assumed office with only 2.4 million unemployed, a rate of 3.4 percent.

In an unsuccessful attempt to fight inflation under which Mr. Nixon finally had to resort to the price and wage controls he earlier had denounced, the present occupant of the White House engineered a depression that threw millions of American men and women out of work.

Unemployment under Mr. Nixon rose quickly and steadily to 5.2 million, fully 6 percent of the work force.

In poverty neighborhoods, whose people are usually last hired and first fired, unemployment rates run twice as high as the national average.

The Nixon administration canceled for this election year the quarterly report on unemployment conditions in poverty neighborhoods, so we lack data for 1972. But the historic pattern undoubtedly persists.

The actual conditions are, in fact, even understated in the poverty area unemployment rates. If you ask yourself not simply "who is unemployed?" but rather the more important question "What percentage of these people can make it in the job market?" the answer is truly terrifying.

The Census Bureau employment surveyed 60 inner city job markets in the Nation's 51 largest population centers, as analyzed by the Subcommittee on Employment, Manpower and Poverty. They found that fully 30 percent of the labor force is in serious trouble.

National unemployment at the time of the survey was about 5 percent. But poverty area unemployment in the cities studied was near 10 percent. But we should add to the unemployed those who are discouraged workers, people who want jobs but have given up looking. And we should add those who are working part-time but seeking full-time work. And we should add those who are working full time but who earn less than \$2 an hour which is just enough for the poverty level of \$4,000 a year, and then only if the work is steady. If we add all these people, as we should, then the subemployment rate stood at 30.5 percent of the workforce. Remember these study areas were not simply the worst ghettos. On the average they include 33.5 percent of the population of the cities studied.

In California the subemployment rates varied from 34.6 percent in parts of Los Angeles to 27 percent in San Francisco, to 39.9 percent in a small poverty area in San Diego, to 35 percent in Oakland.

With a third of our people unable to make even poverty wages in 1970, our Nation was, and is, in terrible trouble. What has happened? Well, for one thing the AFDC population, and the welfare population, have followed the unemployment rates right through the ceiling. The number of people on AFDC has doubled during the Nixon years, from an original 6 million to the 12 million which is anticipated for this fiscal year.

Many middle-class working men and women resent welfare bitterly. Life is not easy for them either. They face high and still rising prices, high property taxes plus job insecurity. But we who are better off sometimes do not realize that life in poverty neighborhoods is so much worse.

Nixon policies have forced an enormous growth in the welfare rolls. And then to find the same President who engineered the unemployment now standing up and berating the poor for following a so-called welfare ethic rather than his work ethic is a very bitter pill.

And then, a Nixon Treasury official suggests that manpower programs be eliminated because they do not lower the unemployment rate.

For the past 4 years we have been battling with the President, attempting to establish a major public service employment program.

The Employment and Manpower Act

of 1970 passed the Senate 68 to 6. But the President vetoed the bill. He does not like public employment jobs. They reminded him, Mr. Nixon says, of the WPA—as if that phrase were enough to condemn a jobs bill while millions are unemployed and public works projects go undone.

Mr. Nixon also vetoed an accelerated Public Works Act, and an Economic Opportunity Act extension that would have authorized an additional \$500 million for jobs for unemployed teenagers.

Mr. Nixon did sign the relatively smaller scale Emergency Employment Act of 1971.

Under that bill some 150,000 unemployed Americans now have jobs. The bill provides a priority for hiring Vietnam-era veterans. It is a good program. It demonstrates that public service employment is a workable concept—public service employment that pays prevailing wages, provides some training, and is tied to the civil service system.

While we have been pushing for public service employment, the administration has been devoting its efforts to shifting responsibility for manpower programs from the Federal Government to the States through manpower revenue sharing.

The administration pretends that the problems manpower programs face because of high levels of unemployment and low-wage employment in poverty areas, are really the result of administrative confusion and that the answer is simply for the Federal Government to wash its hands of all responsibility.

What nonsense. The Congress passed responsible manpower reform legislation in 1970—only to have it vetoed. We shall pass such legislation again.

But the focus must be kept on jobs. The Neighborhood Youth Corps out-of-school program is one of the most important of these. Unemployment among youth remains terribly high. For young black men it has been as high as 40 percent during the Nixon administration. How much thought do you think the President has given to the relationship between street crime and a 40-percent unemployment rate? Very little, it seems. The record shows that the New York City out-of-school program has been cut nationwide from 68,000 slots to only 37,000 slots. And the \$500 million for New York City was vetoed by the President along with the 1971 EOA extension act including the day care and legal services programs.

Mr. President, it has been this administration's policy to ask the poor to bear the brunt of their fight against inflation—by taking their jobs away and thus their hope for dignity and advancement.

And then the administration has blamed the poor when they find themselves turning to welfare just to eat.

What can be said for such a program? It certainly is not what America is all about. If we do not offer genuine economic opportunity for all our citizens, then we fail in our most basic responsibility as a Government. And that is precisely what we have been doing these last 4 years.

GEORGE MCGOVERN deserves high

praise for recognizing that full employment is the basic requirement for economic justice, social stability and economic growth. In his administration, we can get about the business of establishing full employment.

For too long we have been content to provide welfare and social progress aimed at the symptoms of poverty.

Now is the time to provide programs and do away with poverty. Now is the time to embark on programs that will help us build cities and a Nation we all can be proud of.

The Nixon record is negative. President Nixon is an "agin'er." America can do better by those who desperately want to work.

But America cannot do better while Richard Nixon resides in the White House.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington was to be recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. MAGNUSON and then Mr. HART be reversed.

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

The Senator from Michigan (Mr. HART) is recognized for not to exceed 15 minutes.

Mr. HART. Mr. President, I listened with attention to the remarks made by the Senator from California, and hope that many will read the record which he has developed.

With respect to the unemployment figures, there is also a problem for people who have employment. It is a sort of "damned if you do and damned if you don't." It is tragic when a good man seeks work and cannot find it. It is tragic when a good man gets work and then is killed or injured on the job.

#### FEDERAL JOB SAFETY STANDARDS

Mr. HART. Mr. President, while this country continues to rain destruction on Vietnam, American working people continue to be injured or killed because of unsafe working conditions.

While this administration is willing to pay and pay for more and more bombs to drop on Asians, it continues to underfund the Occupational Health and Safety Act.

If one were forced to describe the administration's record on job safety, one would have to call it a record of neglect.

In choosing that word, there is no need to consider motives, for to the injured worker or to the family of an employee killed on the job, it does not make much difference if the neglect were by design or oversight.

Let me list the planks in this platform of neglect.

The administrator seeks only 500 compliance officers, which means each inspector will have to visit 10,000 establishments if the act is to be fully implemented.

The administration's delay in adopting a lower asbestos air quality standard could mean the deaths of an additional tens of thousands of workers.

The administration seeks \$28 million

rather than the \$60 million, approved by Congress, to fund the National Institute of Occupational Safety and Health, the agency which is to set on-the-job medical standards.

Under the administration's proposal level of funding it will take 12 years to develop standards for the more than 10,000 toxic substances for which no standards now exist.

The administration delayed 18 months in initiating the standard-making process for agricultural employment despite the fact that such jobs are among the most hazardous in the U.S. economy.

The administration continues to drag its feet on implementing the Coal Mine Health and Safety Act of 1969.

That is the record, and the voters should ask, "Why? Why so much for killing abroad and so little for job safety at home?"

The workers also should ask when the administration plans to come up with an adequate safety program.

Inasmuch as an adequate program will require more money, I would suggest that, based on statements from this administration, the outlook is dim indeed.

There are three principal ways to generate more Federal funds—increase taxes, increase revenues by closing tax loopholes, and increase resources available to apply to job safety and other efforts by cutting the Pentagon spending.

The President's former Treasury Secretary, who comes from an oil State, says there are no tax loopholes to close.

The Pentagon projects that it will increase its budget from \$78 billion to more than \$100 billion by 1980.

And now, the administration is pressing for a spending limit which would require a significant cut in existing programs.

In short, there may well be no new money for expanding the job safety—or any other important domestic program.

One might well conclude that the cost of each additional bomb dropped on Vietnam is one reason there is so little money available to help protect the health and safety of American workers.

One might also conclude that this administration is perfectly willing to provide rhetoric for workers, but, when it comes to spending, is more interested in collecting campaign contributions from special interests than in funding programs of special interest to the workers of this country.

Unhappily, the administration's reluctance to support job safety programs also stretches to the question of pension reform, another issue of vital concern to working men and women.

Based on its performance on these two issues alone, one can ask if the American worker can afford 4 more years of the present administration.

The voters have a choice between 4 more years of the same, or of an administration dedicated to ending the senseless killing in Vietnam and the senseless neglect of American workers here at home.

They have a choice between an administration tied to special interests which will resist advances in such areas

or a candidate, GEORGE MCGOVERN, free of the strings, free to do what is right for the men and women who produce goods and services for this Nation.

Admittedly, I view that choice through partisan eyes; but I suggest that it is a choice that should be an easy one to make. One or the other of the two chances that a new administration would offer should alone be enough—either stopping the killing of people 10,000 miles away, or doing that which is required to protect the men and women in this country who work. But both are available as the difference between the candidacies the choice of which is offered to the people of this country in November.

Mr. President, I suggest that a nation is bound by the same moral restraints in taking life that an individual is bound to observe. An individual is told that he shall not kill, but we are permitted to kill when someone threatens us with such violence as to place us in a reasonable belief that our survival requires the killing of the offending person.

Apply that test to Indochina. Are the peoples of that region so threatening to our very survival as to justify their killing? No one would say that today.

The second exception from the rule of "Thou shalt not kill" is if a person is doing such evil and violence to a third party that one could justify intervening with force against the party inflicting that gross evil on the third party; and this is the business of what the North would do to the South in Vietnam if we stopped our killing.

I cannot conceive that there is the will nor the resources in the North to do such violence to the people of that peninsula as we are doing to them. This Nation does not meet the tests to justify those killings, and there is no excuse, with respect to the second of the two reasons, that would persuade the people of this country not to turn to GEORGE MCGOVERN. There is no justification for a society with such resources as ours to permit men and women who are fortunate enough to get work to work under conditions that are dangerous to their health and their very lives.

Mr. President, may I inquire as to what the order is?

The PRESIDING OFFICER. The Senator has 3 minutes remaining. He can use that up in a quorum call if he wishes.

Mr. HART. I was looking at the clock and thought I had overextended my time.

The PRESIDING OFFICER. The Senator has until 9:51 if he wishes to use it.

Mr. HART. Yes, Mr. President, I do. I think it would be desirable for the Record to contain at least some of the specifics on which the broad statements of indictment that I have enumerated are based.

I mentioned the threat of death because of asbestos poisoning. When adopting a new standard for asbestos last June, OSHA granted industry a 4-year delay in reducing the existing five-fibre per cubic centimeter of air standard to a two-fibre standard. Dr. Irving Selikoff, a leading researcher in the field,



has predicted that because of this delay, and other inadequacies in the new standard, tens of thousands of workers will die—pointing out that the five-fiber limit could mean that a worker will inhale 20 to 30 million fibers a day. Asbestos is now well recognized as causing disabling and fatal lung disease, as well as cancer of the lung and stomach linings.

In adopting its target health hazards program last January, OSHA announced its intent to vigorously enforce those standards dealing with five of the most severe and widespread occupational health hazards—asbestos, carbon monoxide, lead, silica, and cotton dust—to which over 4 million workers are exposed. Nevertheless, in the first 5 months of this program, only 221 inspections were made for these hazards, and 127 of these had to be prompted by employee complaints. In all, less than 2 percent of OSHA's inspections during this 5-month period were directed toward these target health hazards.

Despite the fact that the act requires OSHA, in setting priorities, to act on a worst-first basis, OSHA has given the lowest possible priority to agricultural employment, by waiting until June 1972—1½ years after the act's passage—before appointing an advisory committee to even begin considering what standards should apply to such employment. All other occupations have now been covered by standards for over a year. This delay is in the face of the President's own public recognition that agricultural employment is among the three most hazardous industries, and that farm accidents cost the Nation \$2 billion a year.

These are the specifics.

In addition, each recent major mining disaster—Hyden, Ky.; Buffalo Creek, W. Va.; Sunshine Silver Mine, Kellogg, Idaho; Blacksville, W. Va.—has revealed that the Bureau of Mines has failed to take enforcement action against clear violations of the Coal Mine Health and Safety Act of 1969, or the Metallic and Nonmetallic Mine Safety Act of 1966.

Twice the Comptroller General has concluded, in reports to Congress, that enforcement of the Coal Mine Health and Safety Act of 1969 has been ineffective, confusing, and inequitable.

Although the manpower and inspections under the Coal Mine Health and Safety Act of 1969 have doubled in the past year, the number of mine closure orders has been reduced by 50 percent in that period.

Mr. President, it is specifics such as that on which I base the rather broad indictment that I voice—that while we have the capacity to insure a safe working place for men and women in this country, we have not used that capacity; rather, we have diverted our efforts to continue to rain destruction on the people of Indochina.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, under the previous order, the Senator from Washington is to be recognized for a period not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the time allotted to Mr. MAGNUSON.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able majority whip.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. MAGNUSON and then Mr. SYMINGTON be reversed.

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

The Senator from Missouri is recognized for a period not to exceed 15 minutes.

#### SECRET SOVIET TRADE NEGOTIATIONS—ANOTHER CASE OF IGNORING THE CONGRESS AND THE PEOPLE IN FAVOR OF A CHOSEN FEW

Mr. SYMINGTON. Mr. President, on July 8 it was announced that the Soviet Union and the United States had concluded, in the words of Secretary of Commerce Peterson, "the largest agricultural commercial transaction in history."

This talk does not dwell on the "conflict of interest" questions that have arisen as a result of this transaction, rather on the nature of the transaction itself, and other reported transactions.

Under the agreement in question, the United States provides the Soviet Union with \$750 million worth of grain over a 3-year period. These purchases are to be financed by the Commodity Credit Corporation of the U.S. Department of Agriculture at the CCC's present going interest rates, on identical terms and conditions as apply in the extension of credit to our other trading partners.

Said agreement came as news to me as well as to other Members of the Senate, although it has been charged that it did not come as a surprise to certain large companies who will greatly profit thereby; and who may be the only ones who will profit.

In any case, it all came as an unpleasant surprise to many Americans, with severe pressure on bread prices and additional drains on the public budget for the benefit of a few individual grain dealers.

In a recent press article, the unhappiness of farmers who sold grain for \$1.21 per bushel and a few hours later learned about the Soviet deal—the current price of wheat is \$1.91—is made clear.

Parenthetically, I would add that the same unhappiness extends into feed grains and to those farmers who are interested primarily in feed grains.

I ask unanimous consent that an ar-

ticle published in the New York Times of September 22, entitled "Wheat Belt Farmers Upset Over U.S. Deal," be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, subsequently we read in the press of the bad harvest in the Soviet Union, of the Soviet need to buy grain abroad, and of their desire to do so without digging too deeply into their gold reserves.

Was this agreement, in effect, a political favor to the Soviet Union? It was no economic favor to our own people, although, as the press has reported, a few insiders did profit handsomely.

We in the Senate do not know of the details of this secret deal. We do not know what political quid pro quo, either explicitly or implicitly, was part of said agreement.

Now we read in the press about the continuing negotiation of a broad, overall trade agreement between the United States and Soviet Governments. We learn from press reports that this week there are three Soviet negotiating teams in Washington. We note from newspaper reports that there has been agreement in principle that the Soviets will discharge their \$11 billion lend-lease debt by paying the United States \$500 million over the next 30 years.

We are also told by the press that this settlement will permit the Export-Import Bank to provide the necessary financing for the export of U.S. goods to the Soviet Union, and will lead to the administration asking Congress to grant most favored nation trading privileges to the latter country.

We learn in the same way that this trade agreement will include the development of two Siberian natural gas projects requiring a capital input of \$10 billion; also, that under the agreement the United States will contract to purchase from the Soviet Union 2 billion cubic feet of natural gas per day from fields in north central Siberia and between 1.5 billion and 2.5 billion cubic feet of gas per day from eastern Siberian fields; this gas to be transported to our west coast by a United States-Japanese consortium.

Again, this is what we read in the press. What we hear from our own Government, however, is little indeed.

In his August report on "U.S.-Soviet Commercial Relationships in a New Era," Secretary of Commerce Peterson referred to two projects in the gas field which he said could require "capital inputs in excess of \$5 billion." He said nothing about any \$10 billion capital input.

The Secretary did say that the total credit exposure of the Export-Import Bank on all loans was currently about \$16.5 billion; also that the largest Export-Import Bank exposure to any single country—up until now, anyway—was about \$1.3 billion. He added that the Export-Import Bank "could not undertake financing on the scale of the Soviet projects without substantially changing its historical practices and perhaps even the nature of the institution."

Clearly, the trade agreement with the Soviet Union will produce major economic consequences for just about every American. Equally clear, neither the Congress nor the public has been given any meaningful information about it; in fact in his August report, Secretary Peterson did not mention Congress.

Will this trade agreement be advantageous to the United States? Once again, we in the Senate do not know because we have been told nothing.

We have heard rumors of some agreement on the part of the Soviet Union, in return for these gigantic credit terms, to stop providing the flow of arms and materiel to North Vietnam that has a lot to do with making it possible for this war to continue. Up to this time, before these gigantic credit terms, we have been unable to convince the Soviet Union to take such a step.

Perhaps the advantages which will flow from such a trade agreement will produce this result. Let us hope so. We have tried everything else in Vietnam. Why should we not try buying our way out of this war in this way?

Nevertheless the taxpayers of America—who will pay both the direct and indirect costs for any such credit arrangements and guarantees—and also the Congress, which has the constitutional right to regulate foreign trade and pass any required legislation, have a right to know more about any such possible arrangements, especially what will be the cost.

In passing, we might ask among other pertinent questions whether this administration believes the extension of these credit terms will be of service to the Soviets as they step up their shipments of modern weaponry to Syria.

Secretary Peterson understands well the connection between international political relationships and economic relations. In his news conference at the American Embassy in Moscow on August 1, when asked whether the American position on trade questions was colored by general political and foreign policy considerations, the Secretary replied:

Well, I think it has been said that war is too important to be left to the generals. I think it might be said that trade is getting too important to be left to commercial ministers. For me to suggest that the progress of trade will not be affected by the larger political environment would be, I think, not to understand that there is relationship between economics and politics. The more favorable the political environment, the more political tensions are reduced, given the kind of system we have in the United States, the more likely, I think, that the American public, the Congress, and others will support the concept of expanded trade.

We agree with that statement; but would add that, given the system of government we have in the United States, neither the Congress nor the American public will support these concepts unless they have more understanding of just what political gains are involved.

In summary, it is time to let the rest of us in on what is going on. As Mr. Peterson said, trade is too important to be left to commercial ministers. We would go further and say that all this is too important to everybody to be left to decisions of secret negotiators who con-

stitute a small group of officials in the executive branch.

#### EXHIBIT 1

[FROM THE NEW YORK TIMES, SEPT. 22, 1972]  
WHEAT BELT FARMERS UPSET OVER U.S. DEAL  
(By B. Drummond Ayres, Jr.)

KINSLEY, KANS.—There is a saying out here in the wheat country that growing grain is riskier than gambling in Las Vegas. Somebody once figured out that no fewer than 67 key factors ranging from weather to bug spray must mesh to produce a bountiful harvest. One pelting hailstorm sweeping across the flat, golden fields, one spring blitzkrieg by the hated Hessian fly and a man might as well plow everything under and start again.

But being hardly perennials and high rollers, wheat farmers accept such risks, masking their acceptance behind a face-saying bluff of good-natured griping. Come rain or shine, they bellyache.

In recent weeks, however, the complaining has taken on a bitter and cynical tone. Because of the confusion surrounding the huge wheat deal between the United States and the Soviet Union, there is now genuine unhappiness among many of the dusty figures in blue-gray denim overalls who handle the roaring tractors and flailing combines that keep America and much of the rest of the world in bread.

"They really stuck it to us," said Elmer Frick, referring to the charge—denied by the Government—that the Agriculture Department gave the big grain exporting companies a tip that enabled the companies to make windfall profits on the Soviet deal.

Mr. Frick, who farms a half section, or 320 acres, sold his entire 1972 wheat crop of 4,000 bushels on July 8, just a few hours before the 400-million-bushel, \$750-million deal was announced. He got \$1.27 a bushel. Today, the price was \$1.91 a bushel.

#### THE WHEAT BELT

No one knows precisely how many other wheat farmers lost money by selling early—or how many made small fortunes by selling late. So the full political impact of the current unhappiness is impossible to assess.

Wheat is grown commercially in four of every five states, with the so-called Wheat Belt starting in Texas and stretching northward through Oklahoma, Kansas, Nebraska and the Dakotas.

At the time of the July announcement, the harvest was just ending in Kansas, which grows about a fifth of the 1.5 billion bushels produced annually in the United States. Farther north, the harvest—and thus the buying and selling—had not begun.

In the Dyne-Quik Cafe, Kinsley's favorite gathering spot, the gossip is that at least half of the farmers in this southwest Kansas area sold before learning of the Russian deal.

Hunched over a cup of coffee, a grimy baseball cap perched askew on his head, a jutting white grain elevator filling the plate glass window behind him, Bob Anderson said wearily:

"Seems like just about every other person I talk to sold too soon. It never fails. If only I could have gotten what they're paying today I could have settled all my debts except the land mortgage."

Mr. Anderson, who farms 950 acres, let 11,000 bushels of wheat go for \$1.35 each.

A friend, Vernon Van Nahmen, added: "If Washington wants to play politics, I can play too. I've still got my vote."

Mr. Van Nahmen farms 700 acres. He sold 5,000 bushels of wheat for \$1.24 a bushel and 5,000 more for \$1.38.

Robert Schmitt still has his wheat—all 12,000 bushels. He grinned while his friends complained.

But finally the litany of unhappiness got to him, too. It is as though he found it heretical to sit in the Dyne-Quik, listening to complaints about farming, without find-

ing something to complain about himself. He blurted out:

"Well, maybe I was lucky. Still I don't like it. The U.S. Government will lend money to the Russians to buy our wheat but it won't lend money to my son so he can start farming."

The rule-of-thumb estimate in this part of Kansas is that a man needs a rich father or about \$175,000 to start a wheat farming operation. Land goes for \$200 to \$300 an acre, combines for \$25,000 each and tractors for a \$1 a pound or \$100 a horsepower, buyer's choice.

If the new farmer is successful, he may realize 4 to 5 per cent a year on his investment, about what he could make by salting it away in a bank.

Little wonder then that most of the men who stop by the Dyne-Quik for coffee or the \$1.35 hot-lunch special are 50 to 60 years old. At a time when many should be thinking about slowing down and lingering and complaining a while longer over that coffee, they are trying to expand and diversify their operations to hold their own against one of the tightest cost-profit squeezes in the American economy.

#### TOUGH GOING

"Not many new fellows go into agriculture, and those already in are having a tough go of it," said C. W. Allison, president of the Kinsley Bank. He has not set up a new farmer in almost a year.

At Kinsley High School, the class of '72 had its dream. But farming was not a part of it.

Most graduates headed for "Hutch" or "Dodge" (Hutchinson or Dodge City), leaving an aging and deteriorating Kinsley, population 2,200, to fend for itself, tired blood and all.

Though the American farmer may once have been among the freest of spirits, he now considers himself the slave of bureaucracy and regulations, planting what Washington wants in the amount Washington says.

In return, he is paid a subsidy. This is his reward for becoming so good at his game that, free again, he could produce a surplus that would glut the market—or feed the hungry around the world.

#### "REASONABLE" RETURN

The wheat subsidy is designed to bring farmers what the Government considers a "reasonable" return, roughly \$3 a bushel. It is computed by taking the average price of wheat during the harvest season and adding enough Federal funds to that figure to make \$3.

This year, the average sale price may be around \$1.75, in which case the subsidy would be about \$1.25. So, men like Elmer Frick and Bob Anderson who sold their wheat early for \$1.27 and \$1.35, stand to make considerably less than the farmers who are now getting \$1.91. "1.25 added to 1.35 is not the same as 1.25 added to 1.91," said Mr. Anderson, "It all makes be doubly mad."

He then drained his coffee cup, climbed into his dusty red pickup and headed for his farm.

"Gotta get another quarter section ready," he said, "cause next year is going to be my year."

#### QUORUM CALL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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



## ORDER OF BUSINESS

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the orders for the recognition of the Senator from Washington (Mr. MAGNUSON) and the Senator from California (Mr. TUNNEY) be reversed.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from California (Mr. TUNNEY) is now recognized for not to exceed 15 minutes.

## SOVIET JEWS AND SOVIET TRADE

Mr. TUNNEY, Mr. President, I rise today to discuss the existence and exacerbation of an intolerable situation. Unfortunately, the problem has been overshadowed in the news by the apparent easing of tensions between the United States and the Soviet Union and by the gruesome headlines which followed the Munich massacre. I am speaking of the alarming escalation of repression of Soviet Jews.

Few Americans are sufficiently aware of the reality of terror and intimidation which haunts the daily lives of the Jewish citizens of the Soviet Union. Discrimination by the Soviet Government against its Jewish citizens has long been a tragic fact of life, but in recent months the oppression has dramatically increased in scope and in magnitude.

It has become obvious that the pressure and restrictions directed at Soviet Jews are greater now than at any previous time since the inception of the movement of Soviet Jews to emigrate to Israel.

It is common knowledge that Soviet Jewish citizens who applied for exit visas have in the past been harassed and intimidated, dismissed from their jobs, prosecuted under Soviet law, forced to suffer abuses and indignities, and required to raise a significant sum in economic ransom before they could leave the country.

Recently when I was in Israel I had the opportunity to talk to a number of these emigrants and they related in stark detail the horror of their lives once it became known to Soviet authorities that they wanted to leave the country.

In spite of these sanctions, and in the face of a shameful silence on the part of most of the world, the Jews somehow suffered the indignities, survived the intimidation and harassment, raised the ransom, and, when they were able, left the country.

But in August of this year, the Soviet Government imposed an educational ransom which exponentially increases the price for those Jews who wish to emigrate. This ransom has an overwhelming impact upon the educated Jews who wish to leave Soviet Russia. Its impact is felt especially by scientists. The levy varies with the amount of education the applicant has received. It ranges, I understand, from a minimum of more than \$5,000 to well over \$30,000 per application.

The total sum necessary in order to ransom these people will reach hundreds of millions of dollars.

Given that the average Soviet citizen earns less than \$1800 per year, and that

savings of any kind are extremely difficult to accumulate, it is evident that the Soviet Government intends virtually to eliminate emigration of the educated Jewish population—unless American Jews can somehow divert their resources to the Soviet Union.

The Soviet Government has decided to make Jews, in the truest sense of the word, commodities for export.

Aside from the absurd fiscal implications of this policy, the psychological impact of the decision is devastating to Soviet Jews. When a Jewish citizen applies for an exit visa, the Soviet Government directs that he be dismissed from his job, cut off from his associates, excluded from his profession, and often threatened with harassment by the police. He sees the entire apparatus and machinery of the Soviet state operating to make his life as barren and meaningless as possible. His only source of encouragement is that some day he can leave. When the ransom becomes prohibitive, the hope is eliminated.

The resultant desperation can force irrational action. In a vain attempt to obtain the ransom, some will sell everything they own, either on the open market or the black market. If they use the black market, they will be committing an economic crime according to Soviet law and will subject themselves to arrest by the Soviet Government. Young people, fearing that their ransom will be increased if they stay in school, will withdraw from universities or refuse to enroll. But if these young people happen to be men, they will then be subjected to 2 or 3 years of military service. And the Government has claimed the power to detain families of a person in military service from leaving for a period of up to 5 years after the time in which the service is ended.

Throughout the evolution of this travesty the West has been woefully silent. Two years ago, the cost for the Soviet exit visa to capitalist countries was increased by over 2,000 percent. What had initially cost 20 to 40 rubles was increased in price to 900 rubles. And no protest was registered from the West. The money was paid.

This silence becomes particularly significant when one considers the importance apparently attached by the Soviets to the U.S. reaction to the educational ransom. Rumors have circulated for almost 2 years that the Soviet Union might impose the educational levy. But no official action on the matter was taken until after the May summit meeting in Moscow. The logical conclusion which follows from this sequence of events is that the Soviets refrained from acting until they secured the economic objectives they desired.

In order to minimize the chances for any statements by Soviet Jews during the negotiations, the Soviet Government at the time of the summit discontinued phone service to prominent Jewish leaders, jammed all radio communication with western countries, prohibited travel by Jews living outside Moscow and detained prominent Moscow Jews in a location outside the city.

Mr. President, I am not raising this

issue at this time because of any partisan objective. In fact, I have strongly supported the accomplishments at the summit. I have long been a strong believer in increased trade and improved relations with Communist countries. I have cosponsored legislation designed to expand trade between the East and the West. I have supported arms control agreements and have urged strongly that they be expanded and strengthened. I strongly favor a policy which make detente possible and real. But I will not be a party to a policy which achieves an apparent easing of tensions at the price of increased repression and suffering. I will not support any agreement which, in the name of improved relations or increased trade, treats human beings as a commodity for export whose freedom is to be bartered for corn and wheat and grain.

I think that it is unfortunate that this problem has become so urgent this close to a presidential election in the United States. We must not allow it to become a partisan issue. Both parties, indeed, all American citizens, should join in demanding that the Soviet Union, if only for her own self-respect and national dignity, observe basic and minimum standards of international justice and common decency—standards to which the Soviet Union pays lip service and to which all civilized men should adhere.

Mr. President, I do not believe that needless sermonizing or moralizing is appropriate or constructive as a means of conducting foreign policy. I believe, for example, that the United States must recognize governments who exercise effective control of their territory even if we strongly disapprove of their domestic or foreign policies. But I also believe that certain basic and minimum standards must be established and maintained if the concept of human dignity is to mean anything in this world. Only if the nations of the world accept and maintain the so-called minimum standards of international justice will international order be consistent with simple concepts of fairness and justice.

That is the reason why I felt compelled earlier this year to urge this body to discontinue military assistance to the Government of Brazil until that Government could demonstrate that prisoners in Brazilian jails were not being subjected to torture.

That is why I voted against the purchase of chrome by this Government from the Government of Rhodesia, in conforming with the U.N. sanction against repressive policies pursued by that government against its own black citizens.

That is why I rise today to urge our Government to make known—through effective action—its alarm, its dismay, and its disapproval of the Soviet repression of Jewish citizens.

I believe that detente between the United States and the Soviet Union is vital. I believe that world peace requires an improvement in relations between these two superpowers. I believe that the mutual suspicion and mistrust which have marked the relations of our two countries have been distorted beyond proper bounds. I have worked ever since

I first served in the Congress to see the suspicion reduced, the tension curbed, and the cooperation between our two nations increased.

But those objectives cannot be achieved by unilateral American action. They cannot be achieved by applauding those Soviet policies which are constructive and ignoring those which contravene American interests and which challenge deeply held convictions.

I think that it is also important and only fair to recognize, Mr. President, that no government enhances the prospects of peace when it represses a part of its own people, the Governments of Rhodesia, South Africa, and, more recently, Uganda, have all practiced their own brand of domestic tyranny. These practices, in varying degrees, have all had international repercussions. The Government of the Soviet Union, merely because it is stronger and mightier than the others, is no less culpable than other governments which practice domestic repression.

While there might be little that the United States can effectively do to convince the Soviet Union to change its odious policy, there is a considerable amount we can do to express strongly and unequivocally our resolve that we will do nothing which will assist the Soviets, even implicitly, in pursuing their cruel program.

As a consistent advocate of increased trade with Communist countries, I think that I must indicate here and now that this brand of Soviet tyranny, this callous attempt to impose an unbearable economic price upon legitimate human aspirations, could severely damage the relations which we all hope to improve.

If the Soviet Government believes that detente with the United States frees it to impose harsh and stringent conditions upon its Jewish citizens, the United States must reevaluate her own policies to be certain that we in no way help expedite that policy.

The Soviet Union is presenting an unpleasant and shocking picture to the world. I am offended by that picture. I believe that every political precept in our history demands that we reject any involvement with it.

I was pleased to read last week that the Supreme Soviet deferred any decision on the educational levy and that the expected decree formalizing the practice was not issued. Perhaps the Soviet Government is recognizing that the export of Jews is not a desirable policy and that the repression of minorities is contrary to her own interest. But until the Soviet Government actually accepts that view, we in the United States must do everything we can to assure that we will reject any policy which enables the Soviet Union to believe that she can pursue this dangerous pattern without strong American opposition.

Because of the urgency of this matter, Mr. President, I have joined with a bipartisan group of my colleagues in the development of an important amendment which will be introduced in the very near future. Our amendment alters Senator Magnuson's East-West Trade Relations Act by denying most-favored nation treatment in various U.S. credit

programs to certain countries that deny their citizens the right to emigrate or impose prohibitive taxes on such emigration.

Senators Magnuson and Ribicoff, the principal sponsors of the Magnuson bill, are among the principal sponsors of this amendment. I would hope that a majority of the Senate will join with us in supporting this legislation. It is important to tell the Soviet Union that the U.S. Senate will not stand idly by and benignly approve economic agreements without resisting, in the most effective manner possible, the commercial export of Jews by the Soviet Government. I believe in detente, Mr. President, but I also believe in justice.

Mr. President, I cannot help but be reminded that this is the same policy that Nazi Germany followed in the days before Jews were herded into concentration camps and put to death. The Nazi government felt that the exportation of its Jewish citizens, for commercial benefits to Germany, was a good policy because it made money for the Nazi government. We all saw what happened as a result of that policy. We all saw the injustice increase in tempo and degree until finally 6 million Jews lost their lives. The world in 1972 must be willing to act much more quickly than it did in the 1930's and 1940's.

I hope that the Soviet Union, in light of its apparent distaste for policies which can be compared to those of Nazi Germany, will reverse this cruel policy before the Soviets find that their own policies become too reminiscent of those pursued by Hitler's Germany.

Until the Soviets themselves alter their course, I have no choice but to pursue, however reluctantly, a policy which will tell the Soviet leaders that we will resist the path upon which they have embarked. Accordingly, I urge my colleagues to support our amendment and to join us in condemning these oppressive and unfortunate Soviet policies.

#### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish to relinquish the remainder of his time?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute of my time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

#### ORDER FOR RECOGNITION OF SENATOR MAGNUSON VACATED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the Senator from Washington (Mr. Magnuson) be vacated.

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

#### AUTHORIZATION FOR CERTAIN COMMITTEES TO MEET DURING SESSION OF THE SENATE TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the For-

eign Relations Committee Subcommittee on Oceans and International Environment; the Committee on Labor and Public Welfare Subcommittee on Labor; the Public Works Committee; the Armed Services Committee; and the Interior and Insular Affairs Committee be authorized to meet during the session of the Senate today.

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

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President I reserve the remainder of my time.

#### WICKER'S MACEDONIAN CRY

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the New York Times by Mr. Tom Wicker. Mr. Wicker is certainly no admirer of this administration, but I thought his Macedonian cry would be amusing and interesting.

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

COME HOME, GEORGE MCGOVERN

(By Tom Wicker)

Senator George McGovern is planning some "fireside chats" for the near future, and well he might. He senses, probably correctly, that he is not making much of a personal impact on the voters, although the Democrats have been recently encouraged by the large crowds he is drawing and by daily evidences that the party and its traditional labor support are beginning to rally round the candidate.

Is it contradictory that Mr. McGovern thinks he is not getting across personally but that he also is attracting good crowds and building party unity? Not necessarily; the fact is that one of his foremost personal problems is the long season of compromise and retreat he has gone through in order to persuade his party and the labor unions that he is not a fiery radical.

Apparently he has had some success in that effort, but at considerable cost. Because the fact also is that George McGovern's hardcore support, the people at the heart of his campaign, had thought all along that he was a radical, at least in contrast to the accepted norms of American two-party politics.

That was much of his appeal—that he was a candidate so far above the usual give-and-take of interest group politics, so committed to a stated line of action rather than to the bland and deceitful generalities usually heard in election years, that his election would, at last, make much more than George Wallace's proverbial "dime's worth of difference."

But the process of "moving to the center," which Mr. McGovern has either acquiesced in or proved unable to resist, has all but destroyed his above-politics appeal. Specially:



When rigorous analysis disclosed the defects in the McGovern scheme to replace the welfare mess with a \$1,000-per-person guaranteed income plan, he prudently abandoned that specific proposal. But instead of continuing to insist on the principle involved—that of income maintenance, not only for welfare recipients but for the working poor—he retreated all the way to the New Deal, with a tripartite proposal for public service jobs, expanded Social Security coverage, and more cash for those on welfare. That is not welfare reform but more welfarism, and it is not much improved by the bland generality of promising "careful study" of income maintenance for low- and moderate-income persons.

When Mr. McGovern wrote the American Jewish Committee that he opposed—as "detrimental to American society"—the idea of quotas to redress racial and other forms of discrimination in employment, he retreated all the way past the New Deal to President Nixon's position. In fact, the so-called "McGovern reforms" the candidate had done so much to impose on the Democratic party formed a quota system; blacks like the Rev. Walter Fauntroy, the District of Columbia Congressional delegate, thought they had a commitment from him for Federal patronage "in reasonable proportion" to their share of the population; and again the situation was not improved by another bland generality that employment discrimination could be ended "without abandoning the merit system."

Back there in the primary campaigns, Mr. McGovern—relying on one of the best campaign documents of the year, his "alternative defense budget"—was going to reduce annual defense spending to about \$55 billion. That figure is not much heard nowadays, and the current McGovern defense advisers—headed by Pentagon veterans Clark Clifford, Paul Warneke and Herbert York—have just put out a report that doesn't mention \$55 billion. But it blandly promises to cut "wasteful and dangerous elements" in the defense budget without endangering national security.

Almost incredibly, this Presidential candidate who reached his present eminence through long, honorable and passionate opposition to the war in Vietnam, and its perpetrators, was willing to reward Lyndon Johnson for his lukewarm and dubious support by stating that "he inherited that war. He didn't start it. He gave up his chance for re-election in an effort to end it." Can George McGovern, of all people, really believe that Mr. Johnson had no choice but to send a half million troops to Vietnam? Does he suggest, in the face of the 1968 McCarthy and Kennedy campaigns from which his own derives, that L.B.J. quit from altruism rather than because of political pressure? And if Lyndon Johnson inherited the war and is blameless for it, what about Richard Nixon?

No one can deny the necessity, after Miami Beach, for George McGovern to have sought party unity; no one can deny, either, the constant necessity in a plural society for political compromise. But at some point compromise becomes flight, and if the Senator is wondering why he is making so little personal impact on the voters, it may well be because many people no longer can be sure who he is or where he stands.

It may be that political success in America still requires a candidate to avoid strong positions and play to the prejudices of the voters. But if so, Mr. McGovern has no hope of beating Mr. Nixon at that game; and anyway, there is growing evidence that millions of Americans are sick and tired of politics and politicians as usual, with their promises, their evasions, their pretensions and their failures.

So come home, George McGovern, in those fireside chats you're planning. You were doing better when you seemed to be your own man.

### ECONOMIC INDEX RISES

Mr. SCOTT. Mr. President, the Washington Star yesterday published on the front page an article entitled "Economic Index Rises." The article points out:

The government's index of leading business indicators jumped 2.2 percent last month, the biggest rise in the closely watched economic report since March, the Commerce Department said today.

The August rise in the composite index compared with an average monthly increase of 1.3 percent since the index began moving up about two years ago.

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

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

#### ECONOMIC INDEX RISES

The government's index of leading business indicators jumped 2.2 percent last month, the biggest rise in the closely watched economic report since March, the Commerce Department said today.

The August rise in the composite index compared with an average monthly increase of 1.3 percent since the index began moving up about two years ago.

The index samples movement in 12 diverse areas of the economy and is considered a key guide to later business trends. The August figures "are continuing to signal strong growth for the economy in the future," Asst. Commerce Secretary Harold C. Passer said.

Of the eight indicators available for today's report, only one, contracts and orders for plant and equipment, was down. Those increasing were the length of the average work week, new orders for durable goods, building permits, industrial materials prices, stock prices and the price-labor cost ratio.

Initial claims for unemployment insurance declined in August, considered a favorable sign for the business index.

The department placed the composite index of indicators at 145.5 for August. The index assigns the value of 100 to indicator levels of 1967. The index is now 28 percent above the low point reached in 1970.

At the same time, the department revised downward its earlier assessment for July, reducing the grain in the index from seven tenths of one percent to one-tenth of one percent, the Associated Press reported.

### ECONOMIC FACTS

Mr. SCOTT. Mr. President, workers' real weekly spendable earnings have risen over 4 percent in the past year, more than three times the average rate from 1960 to 1968. Total civilian employment has increased by 2.5 million in the past year and 4.5 million since the beginning of the Nixon administration. The unemployment rate has declined from about 6 to 5.5 percent, which is slightly below the average of the Kennedy-Johnson administrations before the Vietnam war buildup.

I may add they did not face the problems of unwinding the war and the inherited inflationary pressures which were faced by this administration.

Our economy is growing at a rate of almost 9 percent a year, the highest since 1965.

The annual rate of real net income per farm in the first half of this year has been higher than in any previous year.

In the 12 months ending in August,

the first year of the economic stabilization program, the Consumer Price Index rose 0.9 percent. This compares with a rise of 4.4 percent in the preceding 12-month period, according to the Bureau of Labor Statistics. The BLS report said living costs in August rose two-tenths of 1 percent, half the previous month's rise.

The Bureau also reported that the average paycheck of some 50 million rank-and-file workers rose to \$137.23 a week and that, after allowance for inflation, the past year's increase in purchasing power was the largest on record.

I might add that the September figures show an even further increase.

The situation, therefore, is that, first, more people are employed in the United States today than ever before in the history of this Republic—some 83 million people. Second, the rate of inflation is lower than that of any other major nation in the world, the rate of inflation in the United Kingdom and continental countries being from 5.5 percent to about 7 percent, and in some instances higher than that.

The average weekly income of workers in this country in real wages, even after allowing for all inflation, is higher than has ever been received by the workingman in history.

Now, these are facts. They cannot be derogated by deploring the condition of the average American workingman. He has less to suffer from inflation than in any other country. He earns more income, more are employed. The unemployment rate for married men in this country is 2.6 percent. We have a mobile population, with many young, teenage workers coming in and out of the employment market, and that in itself accounts for some of the fluctuation.

But let us see what has been done not only in the area of job creation but in social services. This administration has spent more money for education than any previous administration. It has spent more money for job creation and rehabilitation and for veterans and for the disabled and the handicapped than any other administration.

Now, it is customary to attack these figures by claiming that they are underfunded. What does that mean? It means simply that the speaker who criticizes would have funded them with a greater amount of money. It is undeniably true that the more money you put out, the more somebody gets of it. But, there is a breaking point where the expenditure of more money than is contemplated by any administration's budget is itself inflationary, and then inflation, like a thief in the night, burgesons and swells and increases and takes away from that workingman the very wages which he has just been receiving in greater amounts. So that, in one sense, everything the Government does is underfunded, because someone else would always outbid you and spend more.

But prudent funding has resulted in a better condition for the American workingman in the past 4 years than at any other time, and that is undeniable.

Now let us look at the other side of the shield. Mr. Joseph Young, writing in

the Washington Evening Star of the 19th of September, points out in his column on Federal employees:

Sen. George McGovern's defense cutback proposals would mean the loss of 275,000 Defense Department civilian jobs.

These figures are not estimates made by Nixon administration officials, but by McGovern in his defense proposals that were carried in the Congressional Record Jan. 24 during his successful campaign for the Democratic presidential nomination.

McGovern's plan would eliminate the civilian jobs over a two-year period. By the end of fiscal 1975 the present 1,036,000 civilian jobs would be reduced to 761,000.

Army civilian jobs would drop from 365,000 to 265,000, Navy from 338,000 to 225,000, and Air Force from 277,000 to 225,000. The other 56,000 Defense Agency jobs would be reduced to 46,000.

Now let us compare the Republican record with the McGovern proposal. The Republican platform stands for full employment—a job for everyone willing and able to work in an economy freed of inflation, its vigor not dependent upon war or massive military spending. This year we must choose between an expanding economy in which workers will prosper and a handout economy in which the idle live at ease.

The McGovern platform proposes an expensive Government bureaucracy to provide make-work welfare jobs while cutting back employment in some of our high technology industries.

The Republican platform supports the strong, temporary wage-price controls which have resulted in take-home pay increasing at an annual rate of 4 percent, an 8-year high. We also support the tough actions on prices which have cut inflation in half and better.

The McGovern program is apparently unaware of the administration's achievements, and it would immediately and irresponsibly eliminate wage and price controls.

Again, the Republican platform pledges vigorous efforts to reform the congressional budgeting process. The House of Representatives, to its credit, has provided favorably for a spending ceiling. I hope the Senate will do likewise. The Republican platform states that we believe the Nation needs a rigid spending ceiling on Federal outlays each fiscal year, a ceiling controlling both the executive branch and the Congress. The McGovern proposals would increase the budget by over \$144 billion, and that does not include the cost of the various welfare proposals which Senator McGovern has put forward from time to time.

So what we are up against is credibility or believability, and the opponents have made a grand play for the title of "The Most Believable." However, neither the facts nor the opinion of the majority of the American people bear this claim out.

A column, which was published in today's Washington Post, by John P. Roche, a well known liberal columnist, discusses some of these facts. In addition, a just-released Gallup poll, also appearing in today's Washington Post, shows that the American people, by a majority of 59 to 20 percent believe

President Nixon to be more sincere than the candidate of the opposition.

Mr. Roche notes that such writers as Dave Broder, of the Washington Post, Max Frankel of the Times, and others would not invent incidents or put words in people's mouths, but we have seen in recent weeks persons on the McGovern staff flatly denying stories by such reporters. Needless to say, the latter do not enjoy being called liars.

During the Gallup poll, as to the question of which man is more believable, it is interesting to note that, among Democratic voters, a majority said they believe President Nixon more than they believe Senator McGovern, although the difference is only 38 to 37 percent, and 25 percent have at this time no opinion.

This is a very high level of believability in Mr. Nixon and in this administration. So these charges which are repeated here ad infinitum, ad nauseam, and ad extensum, are falling on barren ground. They take no seed. One would think that this soil, having been so enriched, would bring forth some sort of plant, or at least some weeds, but all that comes up is the dust which has been stirred up from this barren ground by the scuffling and the kicking of futile heels.

I am not denominating anyone; I am only using an analogy here. I refer only to the heels of the shoes of the kickers.

But after all, where are we getting? As I have said so many times before, I am willing to call all this off if the opposition is. No one is listening. No one is paying any attention. We speak to empty chambers, and every day four or five Senators get up and intone their readings from scriptures prepared, perhaps, by themselves—perhaps, I say.

They fail to endorse the candidate of the opposition—that would be asking too much of them—but they do make their small points. And their small points, having no quality of the diamond but rather the quality of dust, leave no marks upon the surface of public opinion.

So I favor what I have proposed before: A treaty of political nonviolence, that we save the Senate's time and the Senate's ears, because U.S. Senators are not like Roman Senators, sitting here with auris erectis or erect ears to hear the pearls of alleged wisdom which drop unheeded on the silent soil.

So we are really spinning our wheels, and I am sure that the leadership on both sides knows we are spinning our wheels. You are only making me work hard, and being normally a lazy man, I get a great deal done. Lazy men do that, because they feel that in the end someone has to say something to put an end to it, and that is what I am trying to do.

But if you want this conflict to continue, I will be here day in and day out, adding my little bit, and maybe my little auger, to whatever may be said.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SCOTT. I shall in a moment. But speaking of augers, I will provide for you an augury, and this is, "Gentlemen, you ain't getting nowhere at all."

I now yield. First, I ask unanimous consent to have these articles printed in the RECORD.

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

[From the Evening Star and Daily News, Sept. 19, 1972]

#### SUBSTANTIAL DEFENSE JOB CUTS APPEAR IMMINENT

(By Joseph Young)

Sen. George McGovern's defense cutback proposals would mean the loss of 275,000 Defense Department civilian jobs.

These figures are not estimates made by Nixon administration officials, but by McGovern in his defense proposals that were carried in the Congressional Record Jan. 24 during his successful campaign for the Democratic presidential nomination.

McGovern's plan would eliminate the civilian jobs over a two-year period. By the end of fiscal 1975 the present 1,036,000 civilian jobs would be reduced to 761,000.

Army civilian jobs would drop from 365,000 to 265,000, Navy from 338,000 to 225,000, and Air Force from 277,000 to 225,000. The other 56,000 Defense agency jobs would be reduced to 46,000.

Though these projections are enough to give civilian defense workers the shakes, a sizable employment cut also might very well occur if President Nixon is re-elected.

The cuts wouldn't be as severe as McGovern advocated in January, but they still could have a heavy impact.

There were strong rumors months ago that many defense installations throughout the country were scheduled to be closed, consolidated or curtailed.

Also, the administration has been under heavy congressional pressures to reduce the size of Defense department's headquarters staffs here.

There is considerable talk that Nixon, if re-elected, will move to make substantial cuts in the Defense department's civilian establishment. It's said the fact that this is an election year has been the only reason for the delay.

When Deputy Defense Secretary David Packard resigned last year, he said more than \$1 billion could be saved in manpower reductions.

Nixon's hand also may be forced by the more than \$4 billion the House slashed from the fiscal 1973 Defense budget. This by itself could mean the loss of a large number of civilian jobs.

Another factor is the administration's fiscal and budgetary problems and its efforts to get around the \$250 billion budgetary ceiling. As one administration official said, "Defense offers us the best chance to trim the budget."

So the outlook next year, no matter who wins, appears to be for considerable turmoil in the Defense establishment.

Bills imperiled—The rush by Congress to adjournment could imperil several major government employee bills.

The combination "80" retirement bill has been approved by the House Civil Service Committee and awaits a rule by the Rules Committee to bring it to the House floor. However, further action this year seems unlikely.

The bill to increase the government's health insurance premiums contributions is deadlocked in House-Senate conference and little hope is held for it.

The measure to raise the annuities of retired federal employees and their survivors, particularly those with minimal annuities, has been the subject of hearings by the House and Senate Civil Service Committees. But unless action is taken soon, such legislation also will wind up in the discard bin.

The House has approved the bill to liberalize government employees' use of annual leave. But the Senate Civil Service Committee has not acted on the bill.



The administration proposed a measure to allow federal employees who retire with as little as five years service to qualify for continued health and life insurance benefits instead of the present 12 years requirement.

The request seemed uncontroversial, but neither the House nor the Senate Civil Service Committee has taken action.

McGOVERN LASHES AT JOURNALISTS  
(By John P. Roche)

Recently Sen. George McGovern got quite cross at the press, accusing the political reporters who have been covering him of impugning his "credibility." After all, the senator said modestly, credibility was his strong suit.

With specific reference to the deposition of Sen. Thomas Eagleton, McGovern said that, properly understood, his position had been quite consistent. He allowed that his contradictory statements on the Salinger mission were a blunder—but still not a reflection on his credibility. Indeed, he complained to *Newsweek* that "there was a little too much effort to try to find some credibility problem. . . . Some of those syndicated columnists are terrible."

Sorry about that, but the fact is that the McGovern campaign has a credibility problem of the first magnitude. As one who puts respect for the truth above partisan loyalty, it seems to me an obligation to point this out. I'll do as much for President Nixon anytime, but when he says he is opposed to quotas, I believe him. To date, the main attack on the President's credibility has been based on a bogus quote, a statement he never made that he had a "secret plan" to end the war.

Take the whole matter of McGovern's record on Vietnam. By now, you might have the impression that he was the Patent Office "dove." But I was there and my political evaluation is based on a man's voting record, not on his speeches. True, McGovern was unhappy about Vietnam back in 1963, but how unhappy? He did not join Sens. Wayne Morse and Ernest Gruening in opposing the Tonkin Gulf Resolution in 1964.

But the war was escalated between 1964 and 1968 and every year the Senate was given an opportunity to register its views in a very concrete fashion: the vote on the Supplementary Appropriation to finance the U.S. military effort in Vietnam. In 1966, only Morse and Gruening voted "Nay." In 1967, a third man joined. George McGovern? No, Sen. Gaylord Nelson of Wisconsin. In that same year, Gruening introduced a measure to forbid the shipment of draftees to Southeast Asia except as volunteers. Only Morse and Gruening voted for it.

In 1968, McGovern again voted for the Vietnam Supplemental (Morse, Nelson, and Gruening opposed it), and for a measure that authorized the use of defense funds in Laos and Thailand for support of local forces (later referred to as "mercenaries" by the anti-war movement). True, McGovern was even more unhappy about events in Southeast Asia than before, and he made a number of anguished speeches. But how do you judge a legislator? By his speeches? Or by his votes?

If the Senator has credibility problems, his staff certainly compounds them. Experienced political reporters specialize in accuracy, and in my judgment it is inconceivable that, say, Dave Broder of *The Washington Post*, Max Frankel of *The Times*, or a number of others at the top of the profession, would invent incidents or put words in people's mouths. But in recent weeks we have seen members of Sen. McGovern's staff flatly denying stories by reputable reporters. Needless to say, the latter do not enjoy being called liars.

Arnau de Borchgrave of *Newsweek* is, for example, surely one of the ablest foreign cor-

respondents in the business, noted for his remarkable interviews with such varying characters as Charles de Gaulle, Mrs. Golda Meir, Gamal Abdel Nasser, Mrs. Indira Gandhi. In a recent column I cited his report of a session that McGovern's "ambassador" Abram Chayes, held with newsmen in Paris. Subsequently Chayes flatly denied the attributions—in effect, calling Borchgrave a liar. Then the world fell in on Chayes, who seemed to think nobody was at the meeting but Borchgrave: the New York Daily News obtained a full transcript from French sources and it sustained Borchgrave at every key point.

The point is that there is one way of maintaining one's credibility: by sticking to the truth.

[From the Washington Post, Sept. 28, 1972]  
THE GALLUP POLL—NIXON MORE BELIEVABLE,  
59 PERCENT TO 20 PERCENT

PRINCETON, N.J.—Although McGovern's party strategists have sought to make political capital by ascribing a credibility gap to Mr. Nixon, the President is seen as "more sincere and believable" than McGovern by a 6-to-2 margin with the nation's voters.

Even among McGovern's own party members, many see Mr. Nixon as the more "sincere and believable" of the two candidates.

In the case of young voters, 18-29 years, on whom McGovern has pinned high hopes, Mr. Nixon wins by a sizable margin on this issue.

Following is the question asked and the results:

Which candidate—Mr. Nixon or McGovern—do you think is more sincere, believable?

	[In percent]		
	Nixon	McGovern	No opinion
National.....	59	20	21
Whites.....	62	17	21
Nonwhites.....	24	52	24
Under 30.....	57	28	15
30 to 49 years.....	61	16	23
50 and over.....	57	19	24
Republicans.....	85	5	10
Democrats.....	38	37	25
Nixon backers.....	85	3	12
McGovern backers.....	6	65	29

As the above indicates, non-whites are the only major population group which credits McGovern with being more sincere or believable than Mr. Nixon; they give McGovern a 2-to-1 edge over Mr. Nixon on this question.

A total of 1,534 adults, 18 and older, were interviewed in person in this survey, which was conducted in more than 30 scientifically selected localities across the nation during the period of Aug. 24-27.

Findings, up to this point in the 1972 race, indicate that President Nixon's personal popularity has remained fairly constant in the three presidential races in which he has engaged. In tests to date, McGovern does appreciably better than Barry Goldwater in 1964, but slightly less well than Hubert Humphrey in 1968.

The personal popularity of candidates in elections since 1952 is reported below. The figures represent the percentage of those interviewed who give the candidate the highest positive rating.

1972 Nixon 39.8%—McGovern 23.4%.  
1968 Nixon 37.5%—Humphrey 28.5%.  
1964 Johnson 48.6%—Goldwater 16.2%.  
1960 Kennedy 41.6%—Nixon 39.7%.  
1956 Eisenhower 56.7%—Stevenson 33.8%.  
1952 Eisenhower 47.2%—Stevenson 37.0%.

Mr. ROBERT C. BYRD, Mr. President, the distinguished minority leader has been quoting a lot of Scriptures this morning. He has referred to himself as

a lazy man. Does the distinguished Senator care to recall what happened to the lazy man in the parable of the talents?

Mr. SCOTT. Well, I do remember that some of the men in the parable of the talents used their talents more wisely than others, yes.

I try not to bury mine. I allow them a certain amount of exposure, because if not exposed, they develop a certain amount of patina, and I would not want anyone to say that the Senator from Pennsylvania is green from disuse, nor am I green from jealousy or envy. I shine from exposure, rather, in the reflected pride which I feel in the achievements of the present administration.

Mr. MANSFIELD. Mr. President, if the watchman at the gate has concluded his remarks—

Mr. SCOTT. Let me conclude by saying that I am not so much the watchman as the custodian of the watchman, who is the one who watches the watchman, or the one who will keep the lighthouse when the lighthouse keeper is keeping house.

Mr. MANSFIELD. I must say the Senator is in great form this morning.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

SENATE CONCURRENT RESOLUTION  
100—SANCTIONS AGAINST  
NATIONS PROVIDING SANCTUARY  
TO TERRORISTS

The PRESIDING OFFICER (Mr. WILLIAMS). Under the previous order, the Chair lays before the Senate the concurrent resolution (S. Con. Res. 100), which the clerk will state.

The assistant legislative clerk read the concurrent resolution by title.

Mr. SCOTT. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution (S. Con. Res. 100) requesting the President to consider sanctions against any nation that provides sanctuary to terrorists.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

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

S. CON. RES. 100

Concurrent resolution requesting the President to consider sanctions against any nation that provides sanctuary to terrorists

Whereas the Congress of the United States deplores any act of international terrorism, particularly where innocent third parties are utilized to accomplish such acts,

Whereas, by its Resolution 358, the Senate has condemned the tragic violence which occurred at the Olympic Games in Munich,

Whereas the Congress is convinced that intensification of effective measures to prevent terrorism is of the highest priority and urgency,

Whereas both the Congress and the Presi-

dent are taking measures to increase protection of foreign officials, property and visitors in the United States and of United States officials, property and travelers abroad.

Whereas, at the direction of the President—

the Secretary of State has commenced consultation with Foreign Ministers around the world on actions against international terrorism, and in particular has urged that as many states as possible become parties to international conventions dealing with aircraft hijacking and sabotage, and

the Executive Branch is taking urgent steps in consultation with other governments, the United Nations and other international organizations to bring about cooperative action for dealing with international terrorism, and

consideration is being given to possible means of inducing states to fulfill their obligations under international law to prevent their territory or resources from being used by terrorist groups to organize criminal acts of violence against other states or their nationals, and to apprehend perpetrators of such acts for prosecution or extradition: Be it therefore

*Resolved by the Senate (the House of Representatives concurring),* That the President be requested to consider the suspension of United States aid to and the imposition of economic and other sanctions against any nation which provides sanctuary for terrorists who have injured or abused citizens or property of one nation in committing illegal or terroristic acts against another nation or the citizens or property thereof.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Secretary of the Senate, in the engrossment of Senate Concurrent Resolution 100 agreed to earlier today, be authorized to make certain technical changes.

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

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of routine morning business.

Mr. PROXMIRE. Mr. President, what I am about to say has nothing to do with the campaign of any candidate. I only say to the Senator from Pennsylvania that I endorse unequivocally, enthusiastically, and without qualification the candidacy of GEORGE MCGOVERN.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. PROXMIRE. I yield.

Mr. SCOTT. Whenever that happens on this floor, I always commend the courage and gallantry, with head bloody but unbowed, of the Senator involved. The Senator from Montana is hurt and the Senator from Wisconsin is ailing, and I congratulate them.

Mr. PROXMIRE. Well, I try hard. Of course no one tries harder than the Senator from Pennsylvania.

Mr. President, I am going to criticize the administration, however; but what I have to say goes far beyond any campaign.

#### ADMINISTRATION WEAK-KNEED IN LAVELLE CASE

Mr. PROXMIRE. Mr. President, in failing to assert the historical U.S. Government position of absolute control

over the military, the administration has acted feebly in the General Lavelle case.

What kind of a weak-kneed, namby-pamby, panty waist administration have we which not only failed to assert determined civilian control over the military but took an active part in trying to sweep the entire matter under the rug?

#### PRESIDENT MUST ASSERT CIVILIAN CONTROL

The President of the United States should make for a ringing assertion that in the future he and the civilian authorities will exercise full and complete control of bombing and other military operations.

The President should give absolute assurances that he has issued the orders and provided the mechanism that in the future will insure the receipt of regular, daily accurate, double-checked reports of military activities in the field.

The President and the Secretary of Defense should make clear in forceful public statements that henceforth anyone, whether he be a general or admiral, involved in unauthorized bombing, failure to carry out orders, or the cover-up or falsification of reports will be dealt with summarily by court martial.

#### WEAKNESS PILED ON WEAKNESS

In the Lavelle case we have a situation where a commander in the field took the war into his own hands. Twenty or more unauthorized raids took place. He bombed targets contrary to the rules of engagement at a time when sensitive negotiations were proceeding. Records and reports were systematically falsified. Yet the chain of command was so weak that the superiors of General Lavelle claim they had no knowledge of the events until a lowly sergeant blew the whistle.

Then weakness was piled on weakness. When the situation was verified, the Secretary of Defense, according to General Ryan's testimony—General Ryan, of course, is the Chief of Staff of the Air Force, and was the man who was superior to General Lavelle—quickly decided that General Lavelle would be quickly discharged without a court martial. He was tapped on the wrist and retired at \$27,000 a year, most of it tax free.

Of course, if any enlisted man has refused to obey orders or had violated orders in this way, he would have been court martialed, sentenced to 5 years in the brig, if he was lucky, and then given a dishonorable discharge.

#### TAP ON THE WRIST

The failure to assert civilian control; the attempted cover-up of the incidents by the announcement that General Lavelle was retired for personal and health reasons; and the failure to bring charges either against General Lavelle or those in the chain of command who took part in the falsification of records, leads me to one fundamental conclusion.

It is time for the President to make it clear beyond a peradventure of a doubt that the civilians, not the military, are running the show.

The time for men to act like men is long past. The only way to prevent unauthorized raids, the falsification of reports, and the military from taking over the war is for the civilians in the Government to assert their authority with no ifs, ands, or buts.

Mr. President, I yield the floor.

#### THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following two items on the calendar: Calendar Orders Nos. 1146 and 1163.

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

#### NORTH PACIFIC FISHERIES ACT

The bill (H.R. 9501) to amend the North Pacific Fisheries Act of 1954, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### PROHIBITING THE USE OF CERTAIN SMALL VESSELS IN U.S. FISHERIES

The Senate proceeded to consider the bill (S. 3358) to prohibit the use of certain small vessels in U.S. fisheries, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That for a period of five years from the date of enactment of this Act, it shall be unlawful for any person on board any prohibited vessel to transfer at sea or cause to be transferred at sea any prohibited fish or to land or cause to be landed any prohibited fish in a port of the United States.

SEC. 2. Any prohibited fish landed in contravention of this Act shall be liable to forfeiture. Any person or persons who knowingly takes, sells, transfers, purchases, or receives any prohibited fish landed in contravention of this Act shall be liable to a penalty of not more than \$1,000 for each offense, in addition to any other penalty provided in law.

SEC. 3. Enforcement of this Act shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

SEC. 4. The provisions of this Act shall not apply to any vessel acquired prior to the date of enactment by a citizen of the United States or a resident alien.

SEC. 5. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

#### DEFINITIONS

SEC. 6. (a) As used in this Act the term "prohibited vessel" means any vessel of less than five net tons which (1) was constructed in a foreign country and (2) has been used in a fishery of a foreign country, and (3) has been subsequently prohibited in such country from continuing to engage in such fishery.

(b) As used in this Act the term "prohibited fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life, with respect to which a prohibited vessel's further use was prohibited in a foreign country.

(c) As used in this Act the term "offense" means each separate landing or transfer of fish in contravention of this Act.

Mr. STEVENS. Mr. President, S. 3358 will prohibit the use of certain small vessels in the U.S. fisheries. I have reported this bill on behalf of the Senate Commerce Committee which held hearings on the bill last June 22. The bill was unanimously recommended by the full committee in executive session on September 15.



The bill was redrafted with substantial revisions by the Department of Commerce and the other governmental agencies concerned. It is the product of intense effort by a large number of people.

The bill is designed to prohibit the use of vessels obtained at auction under a repurchase program by the Canadian Government. This program is carried out particularly in British Columbia. Under this program excess boats are repurchased by the Canadian Government at a fair market price, then resold at auction for a fraction of their original purchase price. A large number of them are inundating the Western American fisheries at the present time. Fishermen, however, throughout the Northern States on both coasts are concerned. At least four auctions have been held this year and several hundred boats have been put on the block. More auctions are scheduled and at least 850 boats will be sold eventually. This is a most serious problem requiring immediate attention by Congress.

I particularly appreciate the prompt reporting of this bill favorably by the Senate Commerce Committee and hope that this body will move rapidly to pass this bill.

I am informed that the House Merchant Marine and Fisheries Committee has already held hearings on this bill. I hope that the House of Representatives will act equally rapidly. Many fishermen face economic devastation unless we move swiftly to rectify the situation.

The amendments were agreed to.

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

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### MOTION FOR RECONSIDERATION OF VOTE ON H.R. 9463

Mr. JAVITS. Mr. President, yesterday I served notice that I would reserve the right to make a motion to reconsider an item on the Consent Calendar, H.R. 9463, which was a fairly routine bill, coming over from the House Ways and Means Committee, but had been amended in the Senate to include a provision respecting customs port security.

This customs port security measure was of great interest to us. It dealt strictly with international cargo and the terrible problem of theft and pilferage in respect of international cargo, which we estimate at a billion dollars a year.

Inasmuch as we have had pending—that is, the Senators from New York and New Jersey—an interstate compact to

considerably tighten security in this respect by establishing a New York-New Jersey airport commission, we wanted to be absolutely positive that we were not being preempted by this legislation or that, if we were, the security scheme contemplated by the legislation was at least as good as the security scheme contained in our compact.

I have examined the bill, and I have made inquiry of the Treasury Department respecting the interpretation they will give the bill, which they favor; and a letter has been sent to Senator LONG, as chairman of the Committee on Finance, from which I read an excerpt:

The approach to the problem of cargo theft and pilferage taken in the Compact—control of personnel having access to cargo—is entirely consistent and compatible with the approach taken in the Customs Port Security Act. The licensing provisions of the proposed Compact and the existing Waterfront Compact are not affected or superseded by any provision in the Customs Port Security Act. Furthermore, the Customs Port Security Act only relates to the security of terminals handling international cargo while the Compact applies to all airport terminals in New York and New Jersey.

I point out in that regard that two of our terminals—to wit, La Guardia and Newark—handle only domestic freight and, therefore, would be completely excluded from this bill, and that even at Kennedy Airport a few terminals also handle only domestic freight and, therefore, would be excluded from this bill.

For all those reasons, Mr. President, I should like to ask Senator LONG whether, as the manager of the bill, he accepts the Treasury's explanation, and whether or not his interpretation of the bill is exactly as the Treasury Department states. I again want to express to him my appreciation for bearing with me while I held up his bill, as it were, for a day in order to look into it.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the general counsel of the Department of the Treasury.

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

THE DEPARTMENT OF THE TREASURY,  
Washington, D.C., September 27, 1972.

HON. RUSSELL B. LONG,  
Chairman, Senate Finance Committee,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: Senator Javits has requested clarification of the relationship between H.R. 9463, as passed by the Senate and S.J. Res. 54, "Granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for other purposes." S.J. Res. 54 grants the commission provided for therein the authority to control access, egress, and traffic in airports through a licensing and identification card system. It can issue, revoke, or suspend licenses and assess penalties. The commission is also authorized to promulgate such rules and regulations as the commission may deem necessary to provide for the maximum protection of air freight. The commission will be funded through an assessment on businesses operating at the New York-New Jersey airports.

The customs port security title of H.R. 9463, provides that if the Secretary of the Treasury determines that the theft or pilferage of imported cargo or cargo for export has become detrimental to the international trade and commerce of a port of entry, taking

into account the pertinent factors relevant to the security of cargo at the port, he shall after consultation with the various federal, state and local agencies having authority over the safety of goods and merchandise moving in commerce, establish such cargo security measures as he may require to protect such cargo at cargo terminals.

The approach to the problem of cargo theft and pilferage taken in the Compact—control of personnel having access to cargo—is entirely consistent and compatible with the approach taken in the Customs Port Security Act. The licensing provisions of the proposed Compact and the existing Waterfront Compact are not affected or superseded by any provision in the Customs Port Security Act. Furthermore, the Customs Port Security Act only relates to the security of terminals handling international cargo while the Compact applies to all airport terminals in New York and New Jersey. Treasury has pledged to work in close cooperation with state and local agencies on eradicating the cargo theft problem at ports of entry, and there will be close consultation with such bodies before the issuance of any regulations relating to the security of cargo terminals which might have the effect of preempting any state or local laws. The mere passage of this legislation will not preempt any such laws.

Sincerely yours,

SAMUEL R. PIERCE, JR.

Mr. LONG. Mr. President, I assure the Senator that this letter states the view that those of us on the committee hold.

This event demonstrates the diligence of the Senator from New York in watching matters which are of great interest and concern to the citizens of his State and, indeed, of the Nation.

We in the committee thought that we had taken care of the matter to which the Senator has addressed his concern. I am happy that he is satisfied that the compact he has referred to has been adequately cared for. If it were not, we certainly would want to hear from the Senator. I thank him for his interest in the matter.

Mr. JAVITS. I thank the Senator.

Mr. President, we have been trying to get this compact approved for several years now. It is a remarkably fine initiative on the part of the States, and certainly our interplay with respect to this bill demonstrates its need. Even this bill, which Senator LONG has brought to us and has given us the opportunity to pass, leaves out an enormous element of the air commerce of the New York metropolitan area, and the situation is the same elsewhere. The problems of cargo theft and organized crime at the airports are colossal.

The Committee on the Judiciary has completed its hearings on our compact resolution; and I ask unanimous consent to have printed in the RECORD, for the information of Senators, the testimony of the attorney general of the State of New Jersey and of the Governor of the State of New York and my statement in support of the compact.

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

STATEMENT OF GEORGE F. KUGLER, JR., ATTORNEY GENERAL, STATE OF NEW JERSEY, BEFORE THE SENATE JUDICIARY COMMITTEE, IN SUPPORT OF SENATE JOINT RESOLUTION 54, SEPTEMBER 19, 1972

As the Attorney General of the State of New Jersey, I wish to thank this Committee for the opportunity to appear once again before the Committee and to emphasize the

continuing strong support of the State of New Jersey for the Airport Commission Compact, to seek to impress upon the Committee the vital importance of the Compact to the economic growth of the State of New Jersey, and therefore to urge speedy Congressional approval of the Compact in the waning days of the Congressional session.

In my prior appearance before the Committee, I explained how the various provisions of the Compact would cope with the criminal control by organized crime of the airfreight industry at the New York and New Jersey Metropolitan airports and improve cargo security at such airports. I also gave my opinion that the Compact more than met all the requirements of due process and provided the necessary legal safeguards, including the right to hearing and judicial review. I also briefly reviewed the vast improvements brought about by the Waterfront Commission on the New Jersey-New York waterfront since its creation in 1953.

I would now like to address myself to the objections raised by the airlines before various Congressional Committees in opposition to the Compact.

One of the major arguments made by the airlines is that the Compact conflicts with various federal proposals in the area of cargo protection. Significantly, the airlines are the only persons who make this claim.

No interested federal department or agency has ever stated at any time that there is a conflict of any nature between the Compact and any federal program, either operative or contemplated. On the contrary, every interested federal agency and department which has expressed a view on this question has categorically stated that no conflict exists between the Compact and their federal functions and they do not oppose Congressional approval of the Compact. Let me review with you their most recent expressions of opinion on the Compact:

By letter dated September 21, 1971 to the House Judiciary Committee, the Department of Transportation, upon which the President has devolved the authority to coordinate all federal activities in the area of cargo protection, has specifically stated that the provisions of the Compact "do not conflict with the various federal programs in which we and other Federal agencies are now engaged. In fact, should the Compact legislation be enacted we would hope to work closely with the [Waterfront] Commission and exchange our thoughts and program proposals with them." [House Judiciary Report No. 92-1025, pp. 18-19].

By letter dated September 17, 1971, the Department of Justice stated that it has no objection to the Compact, asserting "[w]e endorse this objective [of the Compact to eliminate crime at the airports] and have no objection to the enactment of this legislation" [Id., at pp. 12-13].

The Civil Aeronautics Board by letter dated September 17, 1971 stated that it "continues to be in full accord with the objectives of H.J. Res. 375 [the Compact] and the related measures" [Id., at pp. 21-22].

The United States Postal Service by letter dated October 7, 1971 stated that it "would expect no difficulty in establishing a close working relationship with the [Waterfront] Commission, in view of the Commission's and our common objections in these matters" [Id., at pp. 14-15].

The Department of Transportation by letter dated April 24, 1972 stated, in connection with the recent passenger protection program of the Federal Aviation Administration against hi-jackings and bomb threats, that, while the FAA's program "will indirectly enhance the security from theft and pilferages of cargo at many airports . . . [w]e do not, however, envision any conflict or difficulty arising between the Federal Aviation Regulations and the proposed Airport Commission Compact". [Id., at pp. 19-20].

Thus, the interested federal agencies and departments have unequivocally stated that there is no conflict with the Compact and that in fact they support the Compact. Hence, the fact of the matter is that the airlines alone are trying to create a conflict when in fact none exists. Moreover, if in the future some federal program may be enacted, Congress is free to then decide whether to make the federal program compatible with the Airport Compact or whether to preempt the Compact.

In view of the absence of any conflict between the Compact and federal functions together with the fact that the Airport Compact is an anti-crime measure enacted by the people of New Jersey and New York in the exercise of their police powers to protect themselves from the menacing problem of control of the air freight industry by organized crime and from the concomitant evil of cargo thefts at their airports, the sovereign will of the people of New Jersey and New York, as embodied by the Compact, should not, I submit, be frustrated. Accordingly, since the Compact before you not only involves no impairment or diminution of federal interests or prerogatives but indeed is affirmatively supported by the interested federal agencies and departments, those who seek to block Congressional consent to the Compact have a very heavy burden of proof indeed, which they cannot meet. This very fact was pointed out by the House Judiciary Committee when in reporting out the Compact, it specifically stated that "the action of the two States in fashioning the Airport Commission should be accorded every accommodation short of betrayal of the federal interest. When the subject legislation is given this benefit, the principal objections to enactment lose much of their persuasive weight". [Id., at p. 9].

Another important consideration is that no proposed federal program—and rightfully so—provides for licensing the cargo workers since all the airports throughout the nation do not have the same conditions of criminal control by organized crime as unfortunately exist at our airports. Only the Airport Compact, which is specifically tailored to combat the particularly criminal conditions at the metropolitan New York-New Jersey airports, provides for licensing because those provisions are a necessary remedial measure.

Even the airlines themselves acknowledge that an effective screening program for their workers is necessary for airport security and in fact have attempted to institute such a screening program. However, in the absence of authority by the airlines to fingerprint workers and to obtain criminal records, no such screening program can be effective.

Further, and most importantly, it is my opinion—and I am sure that the Committee will agree with me—that where screening of employees is concerned, it is infinitely more desirable that the screening be done under governmental auspices rather than by private business firms. I have in mind not only the inability of private business firms to ascertain the criminal records and criminal activities of workers but, even more importantly, the protection of the rights of the workers themselves. Under the Airport Compact, for example, a person may be denied the right to work at the airports only for stated statutory grounds and only after a hearing at which the worker has the right to be represented by his counsel, to cross-examine witnesses, to subpoena witnesses and evidence on his behalf, and to court review of any adverse determination. This umbrella of rights and protections does not exist at all in any screening of applicants for work by private business firms.

I have made reference in my statement to you today about the sinister control of organized crime at the airports in the metropolitan New York-New Jersey area. Obviously,

the airlines are impotent to deal with this problem.

For example, in late 1971, one Harry Davidoff, the head of the dominant truckers' union at the airports and a notorious mobster who started his criminal career as a Member of Murder Inc. and who publicly boasted that he could personally shut down the operations at Kennedy, was federally indicted in the Eastern District of New York on twenty-five counts of extorting from an airline, by threats of labor disputes and work stoppages, airline tickets valued at more than \$9500. In July, 1972, three individuals, including one Anthony Di Lorenzo, a Vito Genovese crime family member and the head of National Association of Air Freight, Inc., the dominant air freight trucking association at the airports, were federally indicted in the Eastern District of New York for extorting \$190,000 from an air freight forwarder, by threats of labor disputes and work stoppages, for labor consultant services that were unwanted and unneeded. Most importantly, the same National Association for Air Freight, Inc., is under federal indictment together with many individual member trucking firms, for monopolizing the air freight trucking business at the airports with the result, according to the language of the indictment, that "air carriers have been deprived of the benefit of independent decisions by the defendant and co-conspirator truckmen as to whether such truckmen would pick up import air freight at the international air carriers terminals at JFK."

This series of indictments shows not only that the airlines are powerless to deal with organized crime but indeed that the airlines and the air freight industry themselves are the victims of organized crime and it is not realistic to expect that the victims of organized crime can themselves eliminate the criminals who oppress them.

The airlines also argue that, according to Port Authority statistics, the thefts at the airports have been substantially reduced and that there is no longer any need for the Compact. As Waterfront Commissioner Richard J. Vander Plaats has shown in his testimony before this Committee, the theft figures furnished by the airlines are incomplete and inaccurate for a variety of reasons:

The air freight industry only reports those losses which they themselves classified as thefts. In the connection, the airlines have yet to make known to anyone the total amount of losses at the airports from all causes, namely, thefts, non-delivery, and unexplained disappearance.

The losses that occur at the growing number of airport facilities located outside the perimeter of the airport premises operated by Port Authority are not included in the theft figures cited by the airlines.

The airlines have never reported at all the mail losses which the recent McClellan hearings established were substantially in excess of \$70 million at Kennedy airport between the period late October 1967 and July 1970.

The theft figures do not include many thefts, especially hijackings, which are planned at the airports with inside knowledge of the cargo being handled but which actually occur elsewhere.

In fact, the Port Authority itself has before Congress that theft figures used by the airlines are inaccurate and cannot be relied upon.

In closing, I wish to call to the attention of this Committee that the people of the States of New Jersey and New York, through the Port Authority, are investing two hundred million dollars in a vast expansion program for Newark airport. This program will greatly increase the cargo handling capacity at Newark. We are vitally concerned that the criminal conditions existing at our metropolitan airports do



not stifle this growth at the expense of the economy of the State of New Jersey. Therefore, on behalf of the State of New Jersey, I respectfully request the Congress to give speedy consent to the Airport Compact.

STATEMENT OF THE HONORABLE NELSON A. ROCKEFELLER, GOVERNOR OF THE STATE OF NEW YORK

Chairman Eastland and Members of this Subcommittee, I appreciate the opportunity to reiterate once again my support for the Joint Resolution pending before you granting Congressional consent to a compact designed to combat organized crime and air cargo thefts at the New York City metropolitan airports.

As you know from testimony given earlier in these proceedings, the 1967 investigation of the New York State Commission of Investigation clearly demonstrated that control over the air cargo industry at the New York City metropolitan airports was increasingly exercised by organized crime.

The State Commission of Investigation updated this report in 1970 and found that racketeer elements continued activity at the airports. In response to this finding as you know, the Legislatures of New York and New Jersey passed the Compact now before you with overwhelming bi-partisan support.

A more recent report from the State Commission of Investigation indicates that organized crime's activity at these airports continues to this day. In a letter dated August 10, 1972, Chairman Paul J. Curran of that Commission discussed the continuing incidence of theft and went on to point out:

"However, cargo theft was only one aspect of our investigation. Our main focus was upon the manifestations of racketeer infiltration in the air freight industry, labor union and truckmen's association, with particular relation to operations at Kennedy International Airport. As stated in our report, we found that the dominant air freight union at Kennedy International Airport, Local 295 of the International Brotherhood of Teamsters, was headed by two officers who were associates of convicted labor racketeer John Dioguardi (also known as Johnny Dio).

"We further found that the truckmen's association, which at the time of our public hearing was known as MITA (Metropolitan Import Truckmen's Association) was under the influence of Anthony DiLorenzo, an ex-convict and a known racketeer who has been identified by law enforcement officials as a member of the national crime syndicate. It should be emphasized that the union and the association were working together as a 'hammer and anvil' between which both management and labor were being hammered and squeezed. This insidious arrangement placed the air freight industry at Kennedy International Airport under the virtual control of racketeers who ruled both organizations.

"Since the date of our public hearing in December 1967, the aforementioned Anthony DiLorenzo has been convicted and sentenced to a 10-year prison term for transporting stolen securities. As recently as July 25, 1972, he was also charged in an indictment filed in the United States District Court for the Eastern District of New York with labor racketeering. . . . This points up the fact that the racketeers exposed in our investigation, who seek to gain control over the air freight operations at Kennedy International Airport are, indeed, still active. The activities of these racketeers and other organized crime figures who thrive on thefts and hijacking of air cargo, are a continuous serious threat not only to the security of the air freight industry and the metropolitan airports but to the people of our State."

Let me emphasize a point stressed by Chairman Curran in his letter but which has often been overlooked. The problem at the New York City metropolitan airports is not cargo theft alone; of even greater significance is the influence of organized

crime. Racketeers have seized virtual control of the air freight industry at these airports by infiltrating of unions and the truckmen's association. Cargo theft is only one manifestation of this organized criminal activity. Of the bills now pending before Congress, only the Compact is addressed to the broad, root problem of organized crime that exists at the New York City metropolitan airports. The Compact gives the bi-state commission power to weed out racketeers, as well as to provide cargo protection. None of the other pending bills goes beyond cargo protection.

In summary, serious criminal problems continue to exist at the New York City metropolitan airports. They will not go away by a wish or a prayer. The people of New York and New Jersey have the right to protect themselves against this criminal activity. They have chosen, through their elected representatives, to exercise this right by the Compact now before you.

I reaffirm my support for S.J. Res. 54 and urge your prompt and favorable action on it.

Thank you for the careful attention which I am sure you will give to this vital matter.

#### TESTIMONY OF SENATOR JAVITS

Mr. Chairman, I am grateful that the Judiciary Committee decided to hold these hearings and I appreciate the opportunity to testify in support of Senate Joint Resolution 54.

After conducting investigations and hearings of their own, the two sovereign states of New York and New Jersey found a compelling need to create an interstate regulatory body to help control cargo theft at the New York City metropolitan area airports. The interstate compact embodied in this Resolution represents the will of those states to create such a body and I believe no reason has been presented to prevent the states from carrying out their own initiative.

This resolution would authorize the Waterfront Commission of New York and New Jersey—to be renamed the Waterfront and Airport Commission—to regulate the air freight industry at those airports. The commission's primary functions would include the promulgation of regulations to provide fiscal security for air freight; the designation and protection of air freight security areas at which access would be granted only to those with commission approval; and the licensing of contract trucking firms, which transport air cargo, and their truck personnel, the operators of air freight terminals, the airport employees handling air freight, and labor relations consultants in the air freight industry.

This resolution was introduced first in the last Congress. In the Senate, after it was referred to the Judiciary Committee for substantive review. The Commerce Committee, after hearing many witnesses, favorably reported it to the Senate and recommended that it pass. Thereafter, it was referred back to the Judiciary Committee which unfortunately did not act on it before the end of the session. It was introduced again this session and referred to the Judiciary Committee.

The Commerce Committee's report (91-1262), recommending that last year's counterpart to this Resolution (S.J. Res. 222) pass, recognized the need for a national intermodal program for cargo security. The report went on to say (p. 4) however:

"Nevertheless, with respect to the present legislation (S.J. Res. 222; now S.J. Res. 54) there is a presumption in favor of State action, unless it can be shown conclusively that the interstate compact is in conflict with existing Federal law; or that it would be detrimental to interstate and foreign commerce; or that there is imminent Federal legislation which would conflict with the interstate compact.

"On the basis of the hearing record, such a showing has not been made."

I have testified before the Commerce Committee last year on this same resolution. The positions I took and the beliefs I expressed then remain the same as now—there is and has been no reason to change them—and I ask that that testimony be placed in the record at the end of my remarks. There are a few points I wish to reiterate, however.

This Compact admittedly grants significant powers to the Commission. It would be given discretion to determine who is and who is not permitted to handle air freight. Let me say at the outset that ordinarily I would be loathe to grant any government agency such life and death power over the jobs of workers. But I feel Congress should give its consent to this agreement for at least two reasons: first, because the problem of cargo theft at the New York area facilities has so far defied the best, existing efforts of government and private business using the ordinary tools afforded by the law—as seen dramatically in the recent hearings held by Senator McClellan's Permanent Subcommittee on Investigations; and second, because this compact represents the will of two sovereign states to exercise their police powers jointly, and, as such, deserves our consent—unless we have something better and immediate to offer in the way of federal law. The Senate passed S. 942, just a few weeks ago, Senator Bible's bill to establish a commission to develop the basis for such a law; but at present, we do not have one. Under the circumstances we cannot in good conscience, repudiate the expressed will of two state legislatures and the requests of Governors Rockefeller and Cahill. When and if a better Federal law comes along it may supersede the compact.

The Waterfront Commission, after which the Airport Commission has been modeled has been substantially successful insofar as it was called upon to put an end to racketeering on the docks. All evidence points to the fact that it has not abused its discretion to license people to work. It has been trustworthy in exercising its discretion properly and there is no reason to believe that extension of its authority to the airports would produce different results. The Waterfront Commission, however, was not designed to guard and protect cargo per se, as is this Airport Commission extension.

This Resolution is not inconsistent with existing nor imminent Federal law. It is entirely consistent with the Bible bill as Senator Bible so stated in testimony before the Commerce Committee last year. Sen. Bill 942 states, "The Congress further finds that States and local governments, through exercise of their regulatory powers, have an equal responsibility in stimulating measures to enhance the safety and security of cargo storage and transport."

That bill, which I have cosponsored, was introduced largely as a result of evidence presented at hearings on cargo theft held by the Senate's Small Business Committee, on which I serve as ranking minority member. Among other things, this bill which embodies the imaginative concept of bringing together the resources of the private sector and the expertise of the Federal Government, establishes a commission to investigate the problem of thefts in all modes of transportation—air, truck, rail and water—and to make legislative recommendations to end cargo theft.

Other federal efforts in this field likewise are entirely consistent with this compact. To my knowledge, as is reinforced by the Department of Transportation's report on this Resolution to this Committee, the compact would be consistent with present regulatory agency regulations and with the ongoing efforts of the Department of Transportation and the Department of the Treasury.

I wish to stress that this Compact does

not violate the prerogative of the Federal Government to act. To the extent subsequent inconsistent Federal legislation were to be enacted, the Federal initiative, of course, would prevail.

The Transportation Department, as you may know, has recently launched a Cargo Security Program under the aegis of General Benjamin O. Davis, Assistant Secretary for Safety and Consumer Affairs. Under his direction are the Office of Cargo Security in the Department of Transportation and an Interagency Committee on Transportation Security which are now investigating all aspects of cargo security in an effort to develop effective security for all modes of transportation. There are twelve objectives to this program which should be commended. I wish to present a brief description of them for the record which the Department has supplied me and ask that it be inserted at the conclusion of my remarks.

There is great hope that this program, in combination with the commission established pursuant to Senator Bible's bill, will give us the information and develop the expertise necessary to insure safety in cargo transportation; but at the moment it is principally investigatory in nature and the results of its efforts will not be transformed into action for quite some time. It seeks a long term solution for the entire cargo theft problem, while this Resolution seeks an immediate remedy to an emergency situation.

The Treasury Department, through its Customs Division headed by Assistant Secretary Eugene Rossides, has instituted a pilot program at JFK Airport in an attempt to reduce cargo theft. By regulation the Department has required a stricter accountability of the cargo that is unloaded at those airports and is requiring an improved physical security during the unloading and at cargo terminals, and an investigation and identification of personnel handling cargo in international trade.

Unfortunately, the Treasury Department's jurisdiction is limited to cargo in international trade. It has no jurisdiction over domestic cargo, not even interstate domestic cargo and cannot, therefore, cover the whole problem that exists at the New York-New Jersey facilities. Nor does it have the concomitant licensing and regulatory authority that the Commission authorized by this Compact would have to cover all the cargo at the airports proper and their perimeters.

Cargo loss is extensive. Unfortunately, the question of just how extensive must be left for conjecture, for there exists no uniform, systematic and mandatory loss reporting system which can give us the figures. Witness after witness before the Senate Small Business Committee, the Commerce Committee, and recently the Permanent Subcommittee on Investigations has described the extensiveness of the theft and the pervasive existence of criminals and corrupt practices in the handling of cargo.

Yet no one is quite sure how much it is. I am told, for example, that the total estimated cargo loss for the nation for all modes of transportation in 1969 reportedly reached \$1.2 billion. In 1970 it went up to \$1.5 billion. Yet it is an estimate. Robert F. Cudak, a convicted mail thief testified in June before the McClellan Subcommittee that he alone stole more than \$100 million, principally at the New York airports and their environs. Chief Post Inspector Cotter testified that postal thefts at JFK amounted to more than \$70 million from 1965 to July of this year.

The Post Office Department has recently instituted at a cost to the government a new program—the Con-Con (convoy-containerization) program—which is designed to safeguard registered and high-valued mail to and from plane side of domestic airlines.

The Airlines Security Council, set up by the airlines to police their own problem report that the thefts at the New York City

metropolitan airports dropped from \$3,708,235 in 1969 to \$1,540,970 in 1970. These figures must be examined closely, however, for I question their accuracy in measuring the "total loss" at the airports. I am told they only measure thefts on the "terminal grounds"—they do not include unclaimed losses; I do not know if they take into account that liability to the airlines for lost cargo is limited and paid by the "weight" of the loss rather than the "value" of the loss—50 cents per pound for domestic cargo and \$7.50 per pound for international cargo—and that the bulk of the air cargo shipments is high value consumer type commodities whose value to weight is far in excess of these liability limitations; nor do they include losses that may occur transporting cargo to warehousing on the perimeter of the airports—which basically is the airlines' responsibility—where many thefts occur and which would be within the jurisdiction of the Commission. Air carriers by tariff regulation are responsible for goods moving by ground transport in conjunction with air carriage unless otherwise specified by contract. Further, there has been no requirement that the air carriers report theft, until the Customs Division implemented its accountability regulations on imported cargo. There has been no mandatory loss reporting system. The present Airlines Security Council and New York Port Authority systems are strictly voluntary and the Treasury Department's regulation on international cargo loss reporting at JFK is just being implemented now.

It is significant to note that during the time the Airlines Security Council claims losses were declining, Eastern Airlines, until ordered otherwise by the CAB, sought to limit the handling of clocks, watches and watch parts in the New York area because insurance was cancelled for their cartage agent as a result of the extensive hi-jacking of watch shipments and Lloyds of London, according to a new clipping from *Business Insurance*, June 7, 1971, issued a report that warned several airlines that Lloyds cannot go on meeting the mounting claims for lost goods because of the poor cargo security at American airports, particularly at JFK.

Mr. Chairman, it is time to join all the resources of law enforcement at every level of government with the ingenuity and determination of industry and labor to meet and match the problem that is seriously affecting the economy of our nation: cargo theft.

There is no question but that we need a national program, one which can be marshalled whenever and wherever we are faced with a high incidence of cargo theft.

In the meantime, however, the problem is too acute in the New York-New Jersey area to wait. The States of New York and New Jersey have agreed upon and have enacted a program which will give the states the opportunity to remedy a problem within their own borders and which can be put into effect almost immediately if the Federal government gives the plan its consent. No other governmental or private body has been able to solve the problem satisfactorily or is likely to solve it satisfactorily within a short time. This was the thrust of the Commerce Committee's decision last year.

The States of New York and New Jersey believe that the compact would not be in conflict with existing federal law nor be detrimental to domestic or foreign commerce, and no other federal legislation is imminent. Clearly the burden should be on those who oppose the Resolution to show that this is not the case.

Mr. Chairman, I wish to submit for the record, an article from the September 21, 1971 issue of *Airport News* which describes how criminal elements appear to be moving their base of operation from the New York airports because this Resolution is likely to pass. If there is even the slightest possi-

bility of this move—which I hope there is—then we should not turn back on this Resolution now.

Certainly cargo theft is only part of a greater crime problem involving organized crime and the ordinary thief. It cannot be attacked only by strengthening the physical protective devices, increasing the policing strength, or monitoring people. Those who are confronted by the crime—in this case the industries and businesses themselves—must also be willing and encouraged to help. After all, it is in their best interest. The Airlines Security Council set up by the airlines to police their own problems is a fine example, whatever success it has had, and its creation should be applauded. But when industry and business fail or are unable to cope with the situation alone, the government must step in. The threat of government action in the cargo theft area may already have shown this to be correct. As the Transportation Department states in its report to the Committee on this Resolution, "Undoubtedly this threat of regulation contributed to the airlines' more vigorous pursuit of their security program." The Commission that would be authorized by this Compact I hope would not be viewed as a threat to the airlines or the Airlines Security Council, but rather as a partner in the effort to ensure cargo security and sound business enterprises, as a complement to their efforts.

Mr. Chairman, this Resolution is an excellent initiative taken in the finest tradition of our federal structure and I hope the Committee will consider it favorably.

Again, allow me to thank the Committee for convening these hearings.

Mr. JAVITS. Mr. President, the time has come to let the States go forward with what is obviously something not being done and is urgently necessary for their own security in respect of these tremendously important transportation media. I hope very much that the Committee on the Judiciary will report the compact favorably—so far as I know, there is no objection to it—and that it can go through on the consent calendar and that the States, at long last, will be permitted to protect themselves. Obviously, the bill we are now going to send to the House does not protect the States in the way we have now developed.

So, Mr. President, just for the record, I withdraw my reservation on this bill.

#### EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for 3 minutes.

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

#### THE POWER OF THE PURSE

Mr. PACKWOOD. Mr. President, apparently, within the next week we will be undertaking in this Chamber, if the House passes the bill, the decision as to whether or not to delegate to the President the power to cut expenditures in this fiscal year above the figure of \$250 billion.

This is not a matter to be taken lightly. It will involve, if Congress undertakes it, the delegation to the President of a power that historically has been that of Congress rather than that of the Presi-



dent. The argument is going to be made, I think, that Congress is unable fiscally to govern itself. The budget has reached such proportions and complexities that it is beyond the ken of Congress to understand.

I have not yet determined in my own mind which way I will vote on this bill when it comes before the Senate because I think all of us are aware of the fact that we are presently faced with the largest deficit in the peacetime history of the United States in this fiscal year. Congress seems unable itself, for the moment, to put its own house in order.

Mr. President, I ask unanimous consent to have printed in the *RECORD* an article published in the *Wall Street Journal* on September 19, 1972, entitled "Can Fiscal Policy Be Controlled?" and an editorial published in the *Portland, Oreg., Oregon Journal* for September 25, 1972, entitled "Giving Away Power of the Purse."

There being no objection, the article and the editorial were ordered to be printed in the *RECORD*, as follows:

#### CAN FISCAL POLICY BE CONTROLLED?

(By Paul M. McCracken)

Is it possible that modern governments cannot manage fiscal policy? Only a few years ago to raise such a question would be to mark one as a troglodyte, a hair shirt who had not yet discovered that the thing to do with budgets was not necessarily to balance them but to manage them in ways that would produce the right economic conditions. That might call for a surplus, or a balance or a deficit. It would all depend.

Why the new skepticism?

It is not all home grown. Part of it grows out of international experience. In the early part of last year, for example, Germany was concerned about inflationary pressures on her economy. The concern was understandable. The German price level was rising at the rate of over 6% per year. This was about our rate at its worst in 1969, and it was particularly unacceptable to an inflation-conscious country like Germany. The fiscal prescription for this problem was obviously to limit spending and run a good strong budget surplus. The fiscal program that actually unfolded involved deficits and expenditures which rose 12% in 1971. Fiscal restraint, never popular politically, apparently looked particularly unattractive to this government with its thin parliamentary majority. A tough monetary policy was, therefore, deployed, but this drove interest rates above world levels and attracted a flow of funds into the country which aggravated the international monetary problems of that period.

It might be assumed that modern fiscal policy could at least be worked in the expansionist direction. Yet Japan has had its problems putting in place a sufficiently easy fiscal policy. Their sluggish domestic economy has had more slack than ours. This has, of course, produced sluggish imports, a large trade surplus, and emergent pressure for another upward revaluation of the yen (something which they very much want to avoid). Moreover, Japan needs to spend more on social facilities to bring them more into line with those needed by an advanced and high-income nation. Yet the required degree of fiscal expansion never really has been put in place.

A look over the world economy during recent years, in short, produces a picture of economic conditions which called for fiscal policies that the political process did not, and presumably could not, provide.

It is when we examine our fiscal problems at home, however, that doubts about how maneuverable fiscal policy really is have be-

gun to emerge. Before we dismiss Japan's difficulty in achieving a sufficiently expansive fiscal policy as a special case, we should recall our own major excursion into tax reduction almost a decade ago. President Kennedy recommended tax reduction in January 1963, and indicated earlier that he would do so, but the actual tax reduction could not be achieved until March 1964.

#### RIISING PUBLIC OUTLAYS

The real problem for modern fiscal policy, however, is the relentless rise in public outlays. The magnitudes are impressive. In 1965 the economy regained reasonably full employment. Yet from 1965 to 1968 the rise in federal, state, and local outlays (on a national accounts basis) was equal to almost 57% of the rise in national income, and the figure for the period 1968 to 1972 (first quarter) was almost 48%. With roughly half of the increase in national income absorbed by rising government outlays, the ground swell of public concern about taxes becomes understandable. Somehow our expenditure decision-making process has been giving us a larger rise in outlays than people are ready to pay for. The result is a trend that will carry expenditures for this fiscal year at least \$10 billion beyond revenues that the tax system would produce at reasonably full employment.

Part of the problem is that to a growing extent federal outlays reflect permanent programs with yearly increases built in. They are thus uncontrollable in the literal sense unless legislation is changed. Social Security, agriculture, welfare—these are programs whose aggregate outlays will be determined by specified benefit levels and the number of eligible recipients. We thus have outlays on a path that is rising more rapidly than the increment of revenues that on-going economic growth will provide from any given tax system. The fiscal dividend of the 1960s has been replaced by the fiscal mortgage of the 1970s. If outlays continue to rise this rapidly, periodic increases in tax rates or new taxes will be required, something that the political process will not find it easy to deliver.

The problem has many roots, but a major one is the "new" fiscal policy itself. In retrospect it seems clear that the "new" fiscal policy threw a baby out with the bath water—namely, the idea of fiscal discipline. The old always-balanced budget philosophy did seem at times to call for perverse actions, such as increased taxes or slashed spending in recessions, but it did impose a discipline. It, in principle, required that governments couple with the delectabilities of spending the distasteful task of raising taxes. Thereby a rough cost-benefit equilibrium was achieved.

It was achieved intellectually, and it worked surprisingly well practically. Up to the Great Depression the budget had a surplus in two nonwar years out of three while in the postwar period there have been deficits in two out of three years. "Marriage is popular," observed George Bernard Shaw, "because it combines the maximum of temptation with the maximum of opportunity." Something like this seems to have characterized the actual working of modern fiscal policy. Having been told that there are times when the budget ought not to be balanced, the political process finds it tempting to assume that "now" is one of those times. And the always-balanced principle has metamorphosed into a never-balanced budget.

If modern fiscal policy is ever to live up to its potential, the concept of fiscal discipline must regain a central position in budget policy.

The President put forward a helpful concept with the idea that outlays should not exceed the revenues the tax system would generate at reasonably full employment. This would enable the budget to be expansive during a period of sluggish economic conditions, but it would assure that the budget

would come back into equilibrium, with revenues covering outlays, when no further economic stimulus was needed.

#### CONGRESS IS THE KEY

The key to regaining a greater sense of fiscal discipline is in the Congress. Present congressional procedures do a reasonably effective job of screening the merits of individual requests for money. In that sense the budget problem is not waste and foolish spending. What one person considers "waste" or "unnecessary spending" is, of course, another's high-priority program. The problem is that the aggregate of individually meritorious programs will always exceed any viable total. In that important sense the federal government's budget problem is similar to that of a family or a business. There are other respects in which it is different, but economists have been so preoccupied with the differences that this important parallel has been overlooked.

Good budgetary, therefore, requires a procedure for deciding not only whether each proposed outlay is good but whether it is good enough to be included within some viable limit or total. This is the missing element in the congressional process. Without it the whole process has a bias toward larger spending than the citizenry will want—want in the only meaningful sense of what it is willing to forego in the way of private spending for these public programs.

The Appropriations Committees have made a small beginning by initial hearings on the budget as a whole. This is a good start. It should develop further into some meaningful actions about each year's budget as a whole.

What is essential is some procedure by which the Congress itself will decide what total outlays should be, and by which Congress also explicitly accepts responsibility for the aggregate expenditures which are the result of their individual program decisions. The initial congressional overview of the whole budget might be extended to include a total within which individual program decisions would have to fit (though early postwar attempts along this line were quickly dropped). Individual appropriations bills could be held until all are passed in order to see what the results would be for total outlays, with perhaps an amendatory bill to keep the total within a viable limit.

Whether modern fiscal policy can yet become a powerful tool for economic adjustment, or whether it must remain a theoretical idea with little substance in reality and largely immobilized by a relentlessly rising outlay trend, is going to depend heavily on whether a greater degree of fiscal discipline can be injected into the budgetary process. Because fiscal policy has substantial potential for domestic economic management and for harmonizing divergent national objectives in the world economy, it is important that the budgetary process be subjected to this greater sense of discipline.

On this both the "new" fiscalists and the "old" budget balancers have common ground.

#### BOARD OF CONTRIBUTORS

The *Wall Street Journal* is pleased to announce a new feature, the Board of Contributors, intended to present a broad range of viewpoints on current topics. Four distinguished university professors have been invited to contribute regular monthly articles, and each has agreed to write eight to twelve times over the next year. The contributors are:

Walter W. Heller, Regents' Professor of Economics at the University of Minnesota and former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson.

Irving Kristol, Henry Luce Professor of Urban Values at New York University and co-editor of the quarterly, *The Public Interest*.

Paul W. McCracken, Edmund Ezra Day University Professor of Business Administration at the University of Michigan and former chairman of the Council of Economic Advisers under President Nixon.

Arthur Schlesinger Jr., Albert Schweitzer Professor of the Humanities at the City University of New York and winner of Pulitzer Prizes in history and biography.

Dr. McCracken's article is the third in the series. An initial article by Dr. Schlesinger will appear later this week.

[From Portland (Oreg.) Journal]  
GIVING AWAY POWER OF THE PURSE

Reporters and congressmen were trying to probe the depths of the power that would be given one man—the President—by a spending-control bill in the House Ways and Means Committee.

Administration officials who designed the measure were asked whether the President could go beyond reductions in the normal appropriations bills.

Could he, for instance, cut social security? Or even the wages of federal employees and congressional salaries?

Yes, he would have the authority to go that far.

But "let's be realistic," admonished an official. "You're quibbling now. It just would not be politically realistic to do something like that."

But the question was repeated: Not would such cuts be made, but could they be made? In other words, how much power was being passed from the many to the one, from the policy-making representatives of the people in the Congress to the single executive?

Yes, the President's power would be close to absolute in spending money.

No, of course the President would not plan to use that power to make politically unrealistic cuts.

But the point is that the power would be in his grip. How many times will members of Congress have to complain about presidential misuse of congressional authority that some previous Congress had voted to pass on to the executive before they begin to get their own message?

Gradually, the lawmaking branch is eroding its own rights and responsibilities, leaving it devoid of its standing as a "separate and equal" branch while surrendering more and more of its duties to the White House.

Is the power of the purse about to follow? At what point will Congress cease to be able to justify its own existence?

To be sure, a mechanism is urgently needed to bring sanity to federal fiscal affairs. Tossing the full responsibility to the President might be an expedient thing to do.

But it would not be sound government, at least within the concepts on which the American government is based.

It will be harder, but much more beneficial in the long run, if Congress will develop its own methods of keeping a lid on spending.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

LIST OF CONTRACT AWARD DATES

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a list of contract award dates, for the period September 15-December 15, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President, Public Affairs, National Railroad Passenger Corpora-

tion (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of June 1972 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 101 and 902 of the Federal Aviation Act of 1958 and chapter 2, title 18, United States Code, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON APPLICATIONS PRESENTED BY LLANO ESTACADO FARMWORKERS OF TEXAS, INC.

A letter from the President and members of the South Plains Association of Governments, Washington, D.C., transmitting, pursuant to law, a report on applications presented by Llano Estacado Farmworkers of Texas, Inc. (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Campbell, Ohio, praying for the enactment of legislation relating to the shortage of natural gas; to the Committee on Commerce.

A petition of the staff of the Early Childhood Resource Center, Brooklyn N.Y., praying for the enactment of legislation relating to Day Care; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, without amendment:

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas (Rept. No. 92-1233); and

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than one year (Rept. No. 92-1234).

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, with amendment:

S. 3203. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held a prisoner of war (Rept. No. 92-1232); and

H.R. 14909. An act to amend section 552 (a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status (Rept. No. 92-1235).

By Mr. TUNNEY, from the Committee on the District of Columbia, without amendment:

H.R. 2895. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting

Museum and Center for Fire Prevention, Inc. (Rept. No. 92-1237).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

H.R. 11032. A bill to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia (Rept. No. 92-1238); and

H.R. 11773. A bill to amend section 15 of title 4 of the District of Columbia Code to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to the public inspection (Rept. No. 92-1239).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, without amendment:

S. 3959. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments (Rept. No. 92-1240).

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, without amendment:

S. 4044. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes (Rept. No. 92-1242).

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972—REPORT OF A COMMITTEE (S. REPT. NO. 92-1236)

Mr. MUSKIE, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2770) to amend the Federal Water Pollution Control Act, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. EAGLETON, from the Committee on the District of Columbia:

Rockwood Hoar Foster, of the District of Columbia, Marjorie Parker, of the District of Columbia, and Jerry A. Moore, Jr., of the District of Columbia, to be members of the District of Columbia Council.

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. SPONG:

S. 4040. A bill to amend the act entitled "An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Virginia." Referred to the Committee on the District of Columbia.

By Mr. PERCY:

S. 4041. A bill to provide income tax incentives for the modification of certain buildings so as to remove architectural and transportation barriers to the handicapped. Referred to the Committee on Finance.

By Mr. EAGLETON:

S. 4042. A bill for the relief of Mrs. Maria Estela Lagus. Referred to the Committee on the Judiciary.



By Mr. MONDALE:

S. 4043. A bill to prohibit pyramid sales transactions, and for other purposes. Referred to the Committee on Commerce.

By Mr. EAGLETON (for himself, Mr. BEALL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. PELL, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. JAVITS, Mr. SCHWEICKER, Mr. PACKWOOD, and Mr. STAFFORD):

S. 4044. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HATFIELD:

S. 4045. A bill for the relief of Ruben Jose Naum, his wife, Elena Dalmira Magula de Naum, and their child, Diana Mirta Naum. Referred to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 4041. A bill to provide income tax incentives for the modification of certain buildings so as to remove architectural and transportation barriers to the handicapped. Referred to the Committee on Finance.

##### ENVIRONMENTAL BARRIERS

Mr. PERCY. Mr. President, I am very pleased and grateful that the Senate approved the day before yesterday, September 26, 1972, my antienvironmental barriers amendments to the Rehabilitation Act of 1972. I would like to express my appreciation to Senator CRANSTON, ranking majority member of the subcommittee on the handicapped, and who acted as chairman of the hearings on the bill for facilitating the approval of my amendment. These amendments will help make every American aware of the problems environmental barriers create for the handicapped and elderly and of the justification for eliminating those barriers so that new public buildings and transportation systems will be designed to serve everyone.

However, awareness without the means to solve these problems is not enough. Today I am introducing a bill designed to further combat the frustrating environmental barriers that our society has so thoughtlessly placed in the paths of our handicapped and elderly citizens. With this bill, I hope to provide the appropriate incentives to stimulate public and private action for eliminating environmental barriers from the American scene.

One out of every five Americans today—some 44 million people altogether—confront problems of environmental barriers. The majority of public buildings and transportation systems in this country contain design barriers that prevent millions of citizens from easy access. Handicapped and elderly individuals find their way to a normal life often blocked—by a high curb, a flight of steps at the entrance, a door or corridor that is too narrow, telephones and water fountains that are too high, bathrooms that are inaccessible. These senseless barriers often make it impossible for the handicapped and the elderly to obtain an education, earn a living, attend a religious service, visit a national park

or monument, go to the library or the museum, or, even, use the post office and the ballot box. With improved training and rehabilitation programs in recent years, the biggest handicap that many of our handicapped and elderly citizens face is often not their physical or mental limitations, but the thoughtless barriers imposed by a society designed and built for the normal and the healthy.

My amendments yesterday and this bill I am introducing today will benefit more than just the handicapped and the elderly, for the problems of environmental barriers really affect each and every one of us. The truth is that almost all of us, at one time or another, will suffer from disabilities which may limit our mobility and our capacity to function. The Department of Transportation estimates that short term illnesses or injuries incapacitate about 4.6 million people at any one time. Over 200,000 people per year may be permanently disabled in accidents, in war, and during birth. Eight out of 10 families may have a family member afflicted with a temporary or permanent disability at one time or another. And old age, of course, will catch up with every one of us. Estimates show that 71 percent of the population born in the years from 1959 to 1961 can expect to live past the age of 60. Because of technological progress, advanced medical science, and social improvements, the number of handicapped and elderly people is ever increasing.

The American problem must recognize environmental barriers as a problem of the majority. Environmental barriers are not just the problems of the handicapped and the elderly. No one is assured of physical fitness every day, all his life. Everyone's physical and mental condition is subject to change, and the variations in one's capacity to function are endless. Every one of us has a need for an environment that is easily accessible and usable.

Moreover, many environmental barriers are more than barriers; they are hazards. And our cities' populations continue to increase, crowding in urban areas will become increasingly worse. Autos, buses, trains, subways and buildings must handle the entrance and exit of large masses of people at a rapid pace. Vehicles and buildings with narrow doors, turnstiles, and steps at entrances do not make sense. The congestion of our highways and city streets is a major cause of serious disabilities, injuries and death. The removal of these barriers would increase efficiency and eliminate risks, also making life more comfortable for the handicapped and the elderly.

Removal of environmental barriers is a real and honest human need. It is a need, that once understood, would generate a design response that can provide everyone with a safer and more convenient environment. It is a need that, if given to the designer at the outset of his planning, can be met easily and with small, if any, extra cost, as design for accessibility is basically a business of eliminating rather than adding features. In 1967, the National League of Cities

made a cost study of three new buildings—a civic center, a city hall, and a hotel. Comparing what was spent to what would have been spent to make these buildings accessible to the handicapped, the league found that the increased cost would have been less than one-tenth of 1 percent. The league also made cost estimates of seven hypothetical buildings, each representing a type commonly being built today. They figured that the extra cost of building them barrier-free would be less than one-half of 1 percent.

As for making existing facilities fully accessible and usable, there is little data. However, the General Services Administration reports that the increased cost for accessibility renovations is minimal—1 percent or less of renovation costs.

The problem of environmental barriers is not only a human one; it is also economic. Forty-four million people, or 20 percent of the population, represent a consumer force that businessmen would do well not to ignore.

For example, there are currently about 6,093,000 chronically handicapped people in this country, comprising approximately 3 percent of the national population. Of these 6,093,000 people, 5,693,000 would be potential riders of public transportation if our mass transit systems were barrier-free. In addition, it is estimated that there are now more than 18 million elderly citizens who may have difficulty using available mass transportation.

The human resources among the chronically handicapped are of considerable significance. As long as this country continues to have an environment in which only the normal and the healthy can live and thrive, the resources of the handicapped will be lost, costing this country a great deal in both human and dollar terms. Only 36 percent of this country's handicapped people are employed, compared with 71 percent of the nonhandicapped population. If this country were a barrier-free society, 13 percent of the chronically handicapped population aged 17 to 65—189,000 people—could return to work. Employment of this group at salaries at the level prior to their disability would result in total yearly economic benefits of more than \$824 million.

Regardless of the economic cost, the human cost is immeasurable and monumental. I do not believe that the American people, if they understood the problem, would continue to deny the handicapped and the elderly their right to belong, to pursue their aspirations, to develop their talents, to exercise their skills, to move about freely, and to live in dignity and self-respect as every other American. Given the chance, I am sure that the American people will rise to the challenge to create a barrier-free environment for the good of everyone—young and old, handicapped and nonhandicapped.

My antienvironmental barriers legislation, hopefully, will help make certain that our public buildings and transportation systems are no longer off limits to the handicapped and the elderly.

I ask unanimous consent that the following bill and its summary be printed at this point in the Record.

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

S. 4041

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 189. EXPENDITURES TO REMOVE ARCHITECTURAL AND TRANSPORTATIONAL BARRIERS TO THE HANDICAPPED

"(a) TREATMENT AS EXPENSE.—

"(1) IN GENERAL.—A taxpayer may elect to treat qualified architectural and transportation barrier removal expenses which are paid or incurred by him during the taxable year as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

"(2) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ARCHITECTURAL AND TRANSPORTATIONAL BARRIER REMOVAL EXPENSE.—The term 'architectural and transportation barrier removal expense' means an expenditure for the purpose of making any facility owned or leased by the taxpayer for use in connection with his trade or business more accessible to, and usable by, handicapped individuals.

"(2) QUALIFIED ARCHITECTURAL AND TRANSPORTATIONAL BARRIER REMOVAL EXPENSE.—The term 'qualified architectural and transportation barrier removal expense' means an architectural or transportation barrier removal expense with respect to which the taxpayer establishes, to the satisfaction of the Secretary or his delegate, that the resulting removal of an architectural or transportation barrier meets the standards set forth by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968.

"(c) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

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

"Sec. 189. Expenditures to remove architectural and transportation barriers to the handicapped."

(c) The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to the expenditures paid or incurred after that date.

#### A SUMMARY OF THE BILL

A bill to amend the Internal Revenue Code of 1954 to permit tax deductions in lieu of depreciation or amortization for the cost of accessibility renovations in any facility owned or leased by the taxpayer for use in connection with his trade or business.

By Mr. MONDALE:

S. 4043. A bill to prohibit pyramid sales transactions, and for other purposes. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, today I am introducing legislation designed to protect the consumer public from what is rapidly becoming the "consumer fraud of the 1970's"—the pyramid sales operation.

In the world of consumer fraud, the faces change but the vice remains the same. The Wisconsin Supreme Court has accurately described today's pyramid sales operation:

However long the scheme lasts, it will infallibly leave a greater or lesser crowd of dupes at the end with no opportunity to recoup their losses because the bubble has at last burst. It contemplates an endless chain of purchasers, or, rather, a series of constantly multiplying endless chains, with nothing but fading rainbows as the reward of those who are unfortunate enough to become purchasers the moment before the collapse of the scheme. While contemplating large gains to the original promoters and early purchasers, it necessarily contemplates losses to the later purchasers; losses increasing in number with the greater success of the scheme. . . .

That description of chain selling was made in 1906. Nearly 70 years later, we find ourselves in the midst of an epidemic of vicious chain selling enterprises, which William J. Casey, Chairman of the Securities and Exchange Commission, recently estimated had taken over \$300 million in investment money from the American public.

The operation of pyramid selling schemes has many, often complex variations. However, the basic scheme follows a recognizable general pattern.

The organization through which pyramid selling operates is composed of a number of different marketing levels. Consumers make an initial investment in one of the lower levels in the organization. For the money paid, they are given an inventory of the product which the organization is ostensibly organized to promote. The retail value of this initial inventory is usually considerably below the cost of the investment required.

These initial recruitments are made at promotional meetings, which are themselves an objectionable feature of these schemes. A wide variety of deceptive, high-pressure sales techniques are used to recruit new investors, including the planting of shills in the audience, who prominently display wads of large bills and promise the potential investor that the road to easy riches is at hand.

In one pyramid sales operation, those trying to recruit new members are advised to "buy a Cadillac, assure everybody you're making a fortune, hand out big checks at opportunity meetings, advise people they better get in fast because only a few slots are left." Prospective investors are bombarded with professionally staged selling talks from these shills, with the result that potential investors cannot make a rational choice.

Once the initial investment is made, the investor is encouraged to move up along the various marketing levels of the company—investing more money at each step—on the promise that he will be able to share in the allegedly lucrative amounts of money to be earned through the recruitment of still others to join the scheme. In the pyramid sales operations, it is made clear at the promotional meetings that the real "opportunity for riches" comes not from selling the product or service ostensibly promoted by the operation, but rather from inducing others to join.

As the Securities and Exchange Commission states in its complaint against "Dare to Be Great," one of a number of pyramid selling operations promoted by Mr. Glenn W. Turner:

As part of said scheme the defendants through Dare To Be Great purport to market a series of tape recorded, self-improvement courses, which are designated "Adventure's" I, II, III, and IV. The Marketing of said courses is but the vehicle by which defendants involve the purchasers therein in their centrally directed, nationwide, pyramid-selling scheme, whereby said investors are induced by the promise and expectation of fantastic income to invest their money for the right to introduce others who will in turn be similarly induced by the defendants to invest and bring still other investors into the pyramid. . . .

An investor at the Adventure III level is induced to pay an aggregate of \$2,000 primarily upon the promise of an opportunity to share in profits derived from his introduction of other investors that the defendants recruit either at the Adventure I, Adventure II, or Adventure III level. An investor at the Adventure IV level is induced to pay an aggregate of \$5,000 primarily upon the promise of an opportunity to share in profits derived from his introduction of investors that the defendants recruit at any Adventure level.

In this operation, an investor who wishes to rise to the top marketing level must pay an aggregate of \$5,000. Of that amount, a total of \$3,800 goes to previous investors who are paid huge fees for recruiting others to their ranks. In another similar operation—Holiday Magic—a person wishing to attain the top marketing rank—"general distributor"—must pay \$4,000, of which \$3,000 goes to the previous "general distributor" who "sponsors" the new person wishing to attain this rank.

The motivation all along the chain, therefore, becomes that of recruiting new bodies to join the chain, thereby reaping the large amounts of money supposedly to be derived from this recruitment of those further along the chain.

As with any chain selling device, however, promise and performance are usually very different. Although a certain number of individuals who are into the chain at an early stage do make money—occasionally large amounts of money—the essential vice of these operations is that of any chain referral scheme: There are simply not enough bodies to keep the chain in motion.

Thus if one person recruited six "friends" into his scheme, and if this friend obtained six more friends, and if this process were repeated for a total of nine times, the number of people in the chain would total 10,077,696. Obviously, this is a process which cannot be sustained. Unfortunately, however, those who enter this operation after the first few steps in the chain find that out only after a substantial investment of money.

There is no doubt that the net effect of these types of promotions results in large losses to the consumer public. The Pennsylvania Bureau of Consumer Protection obtained information from Dare to Be Great, Inc., concerning their operation in Pennsylvania. They concluded that only 26 percent of the money invested in Dare to Be Great by Pennsylvania residents had been recouped by investors—only \$356,700 out of \$1,358,-



300. In addition, a New York deputy attorney general who investigated Koscot International, another one of Mr. Turner's enterprises, reported that of 1,604 distributors and subdistributors in New York State, only 79 had earned more than \$5,000 during the year under study and only 10 had earned more than \$20,000. This was in an operation in which every investor was promised—before he invested—that he would make at least \$100,000 per year.

The investigator in New York reported that if all the people in the New York program were to make the promised \$100,000 per year, "at the end of the first year at least 150,000 new distributorships would have to be created and at the end of the second year New York alone would have to have 150 million distributors."

These pyramid sales operations are a major consumer problem which largely remains unsolved today. The vice chairman of the Consumer Protection Committee of the National Association of Attorneys General, in a letter to me, called these operations "perhaps the most serious pending consumer fraud problem." Bruce Craig, assistant attorney general in Wisconsin, stated in a letter to me that—

It has been by personal experience, gained from contacts with many other attorneys general or their assistants, that these chain schemes have caused more concern among state enforcement officials than any other form of white collar offense.

At both the State and Federal levels, there have been significant steps taken to combat the problem.

At the Federal level, both the Federal Trade Commission and the Securities Exchange Commission have begun proceedings to attack these pyramid sales operations. Recently, a Federal district judge in Oregon granted a preliminary injunction against Glenn Turner's Dare to be Great operation from selling its courses in interstate commerce until it had registered them with the SEC as a security.

In addition, State attorneys general have begun vigorous enforcement against some of these pyramid operations. Nineteen States currently have laws dealing with the pyramid sales problem, and 42 States have begun some legal action against one or another of Mr. Turner's enterprises. Over half a dozen States have legal action pending against the "Holiday Magic" group of companies, which, after the Glenn Turner operations, is the largest pyramid sales scheme currently transacting business in the United States.

In Minnesota, Attorney General Warren Spannaus has vigorously pursued pyramid sales companies which have taken approximately \$4 million from Minnesotans since 1970. Last week, the attorney general obtained convictions against Holiday Magic and two of its local distributors in the first criminal case which has proceeded to trial.

Yet, despite his success in obtaining injunctions and criminal convictions, Attorney General Spannaus has written me of the need for Federal action:

Although we have been highly successful, the efforts of this office have not eradicated

the pyramid sales problem in Minnesota. Bordering states have different types of multi-level and pyramid sales regulations or prohibitions, and in some cases, have no legislation at all. The companies we have stopped in Minnesota move to North Dakota, or some other neighboring state, and lure our citizens across the border. To fully protect the Minnesota investor, Federal action is necessary. . . . Each month new pyramid sales and multi-level distribution schemes are developed. Unquestionably, there is a need for uniform Federal legislation which will protect all consumers from the evils of pyramid sales distribution. I consider the need for this legislation to be immediate.

This perceived need for Federal action is shared by others who have been active in fighting pyramid sales organizations.

Dean W. Determan, vice president for Government and Legal Affairs for the Council of Better Business Bureaus, stated in a letter to me that—

While the Federal Trade Commission and the Securities and Exchange Commission are both taking actions in this sphere of business activity, their rules and orders are directed against individual companies and promoters, and each action takes a long time to accomplish.

And Douglas R. Carlson, assistant attorney general in Iowa, has written me that—

As soon as a company is run out of one state it then increases its activities in other states and may even form an additional corporation and go back into the state banned in, forcing that state to bring additional litigation against each new corporation brought into existence. This type of individual state attack has also resulted in a situation where such companies are now concentrating their activities in states which have no prohibitory legislation against their activities. Many companies are now conducting heavy drives to fly, but or otherwise induce residents of other states to travel into states their activities are not prohibited in, there to be given the company's sales pitch.

There exists a definite need for effective Federal legislation to alleviate this problem.

Any such Federal legislation, however, must be aimed squarely at the fraudulent pyramid sales operation, and not the many legitimate corporations which sell products or services using commissions, door-to-door selling techniques, or legitimate franchise arrangements.

The Council of Better Business Bureaus has developed a number of yardsticks by which to separate the legitimate from the fraudulent multilevel sales corporation.

Among these are whether the company promotes retail sale of its product, or whether it stresses unending recruitment of distributors; whether there are promises of high potential earnings made; whether the company requires more than a minimal initial inventory at relatively low cost to become a distributor; and whether the firm will guarantee in writing that any products ordered but not sold will be bought back by the company within a reasonable period of time for a certain percentage of the price paid.

The basic vice of the fraudulent pyramid sales device is the combination of limited or minimal emphasis given to sales of products or services to the consuming public—as distinguished from resale between various levels of the

pyramid sales operation—and the heavy emphasis on the alleged profitability to be derived from recruitment of other "bodies" to join the endless chain.

The legislation which I am introducing today imposes criminal and civil penalties on those fraudulent pyramid sales operators who prey on the public with unfounded presentations of future earnings through endless chain promotions.

This legislation would provide for a fine of up to \$10,000 or imprisonment for up to 5 years, or both, for those selling or attempting to sell a participation in a pyramid sales scheme.

In addition, any person who induces another person to participate in such a scheme shall be liable to that person for twice the amount of the consideration paid, and recovery of court costs and reasonable attorney's fees.

Pyramid sales schemes are defined by the proposed legislation as including any plan or operation for the sale or distribution of goods, services, or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit, which is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers, and which is based upon the inducement of additional persons, by himself or others, to participate in the same plan or operation.

This language seeks to isolate out the fraudulent pyramid sales operation, while not affecting the hundreds of legitimate corporations which do business using commission arrangements or franchise organizations, in which the primary aim is sales to the consuming public, rather than recruitment of additional persons into an endless chain system.

Thus, in order to come under the statute's coverage, a pyramid sales operation must first, base the pecuniary benefit held out to the recruit on something other than a normal commission-type arrangement—in which the volume of products or services sold determines compensation—and, second, base that pecuniary benefit on the inducement of additional people to participate in the plan.

The proposed legislation also provides that either the Department of Justice or the chief law enforcement officer of any State in which an illegal pyramid sales practice has occurred may seek injunctive relief in the U.S. district courts.

This combination of remedies—prosecution by the Department of Justice of criminal violations, action by an aggrieved person to recover double damages plus costs and legal fees, and suits brought by either Federal or State authorities to gain injunctive relief—affords the variety of procedures needed to protect the consumer public and offer relief to those who have been defrauded.

The injunctive relief provisions are particularly important in view of the tendency of many pyramid sales operations to deluge a State with a quick, massive sales attack. Unless State or Federal officials can gain quick injunctive relief, consumers will be defrauded of millions of dollars before the plan can be forced to stop operating in that State.

The legislation I am offering today meets the need for a tough but flexible statute to end these practices which take millions of dollars from American consumers each month. By providing a variety of remedies, and by defining pyramid sales schemes to prohibit only those operations which use fraudulent or improper practices, it offers hope of a quick end to this recurring national consumer fraud problem.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the *RECORD*. I also ask unanimous consent that the correspondence herewith attached be printed in the *RECORD*.

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

S. 4043

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

SECTION 1. As used in this Act—

(1) the term "sale or distribution" includes the acts of leasing, renting or consigning;

(2) the term "goods" includes any personal property, real property, or any combination thereof;

(3) the term "other property" includes a franchise, license distributorship, or other similar right, privilege, or interest; and

(4) the term "pyramid sales scheme" includes any plan or operation for the sale or distribution of goods, services, or other property wherein a person for a consideration acquires the opportunity to receive a pecuniary benefit (A) which is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers, and (B) which is based upon the inducement of additional persons, by himself or others, to participate in the same plan or operation.

SEC. 2. Whoever, in connection with the sale or distribution of goods, services, or other property by the use of any means or instruments of interstate or foreign commerce or by use of the mails, sells or offers or attempts to sell a participation or the right to participate in a pyramid sales scheme shall be fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

SEC. 3. Any contract made in violation of section 2 of this Act is void and any person who induces another person to participate in a pyramid sales scheme shall be liable to that person in an amount equal to the sum of—

(1) twice the amount of consideration paid; and

(2) in the case of any successful action to enforce such liability, the costs of the action together with a reasonable attorney's fee, as determined by the court.

An action under this section may be brought in any United States district court within one year from the date on which such consideration was paid.

SEC. 4. Whenever it appears that any person is engaged or is about to engage in any act or practice which constitutes a pyramid sales scheme, the Attorney General of the United States or the chief law enforcement officer of the State in which the act or practice occurred may bring an action in the appropriate United States district court to enjoin such act or practice, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

OFFICE OF THE ATTORNEY GENERAL,  
St. Paul, Minn., September 25, 1972.

HON. WALTER F. MONDALE,  
U.S. Senate,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR MONDALE: Throughout the past year, this office has waged an extensive campaign against pyramid sales and multi-level distribution companies operating in the State of Minnesota. To date, we have been very successful. We have obtained injunctions against eight pyramid sales operations and recently, in the sole criminal case which has proceeded to trial, we obtained the conviction of Holiday Magic, Inc. and two of its local distributors.

Although we have been highly successful, the efforts of this office have not eradicated the pyramid sales problem in Minnesota. Bordering states have different types of multi-level and pyramid sales regulations or prohibitions, and in some cases, have no legislation at all. The companies we have stopped in Minnesota move to North Dakota, or some other neighboring state, and lure our citizens across the border. To fully protect the Minnesota investor, federal action is necessary.

Since 1970, Minnesota citizens have paid approximately four million dollars for distributorships in pyramid sales schemes. Very little of the four million dollars has been recouped by those citizens. The Minnesota situation is hardly unique. Fellow attorneys general have informed me that they have experienced similar problems with pyramid sales companies. The evil of pyramid sales schemes can no longer be disputed. In a false and highly charged atmosphere of success and happiness, unwary buyers are lured into spending thousands of dollars for "distributorships." These distributorships are ostensibly related to some product or service. Actually, the new "distributor" is simply earning the chance to make money by recruiting additional persons to participate in the pyramid sales scheme.

The pyramid sales evil knows no economic or social boundaries. Once stricken with pyramid sales fever, "good" citizens use illegal methods in order to acquire the funds to invest. For example, during our investigation of pyramid sales and multi-level distribution schemes, we learned of fraudulent loans obtained from state and nationally chartered banks by persons who desired to invest in those schemes. Those fraudulent loans, in almost every instance, were obtained by a method suggested by persons already participating in the pyramid sales operation.

Each month new pyramid sales and multi-level distribution schemes are developed. Unquestionably, there is a need for uniform federal legislation which will protect all consumers from the evils of pyramid sales distribution. I consider the need for this legislation to be immediate. Accordingly, after considerable review, I strongly support your proposed pyramid sales legislation.

Sincerely,

WARREN SPANNAUS,  
Attorney General.

DEPARTMENT OF JUSTICE,  
Madison, Wis., August 28, 1972.

Re Chain Distributor Schemes.

HON. WALTER MONDALE,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR MONDALE: I am pleased to learn of your interest in dealing with chain distributor schemes at the Federal level. This office has been engaged in litigation against companies offering these schemes since May of 1969. It has been my personal experience, gained from contacts with many other Attorneys General or their Assistants, that these chain schemes have caused more concern

among state enforcement officials than any other form of white collar offense.

Because these chain plans are usually made to appear as business investments which will provide a continuing source of income through distribution of product, injury to investors is not limited to the initial payment of \$2000 to \$6000. It can have the more serious effect of inducing the investor to leave his prior employment and alternative source of income. Thus, once the chain scheme fails for the investor, as it often does, he is not only out his \$6000 but he also is without the job he previously held and whatever attendant retirement benefits he might have acquired before quitting. Most investors are in the economic category where their losses can result in the dissipation of life savings or the imposition of substantial debt.

Our best estimate of investments by Wisconsin citizens in chain distributor schemes approximates \$4.5 million. For the most part this estimate is taken from filed court exhibits which we could make available to you if you so desire.

Enforcement attempts by state officials is considerably hindered by the out of state character of the companies involved. Distributors are scrupulously designated as "independent contractors" and principal policy makers are seldom if ever available for process or civil discovery proceedings. Piecemeal litigation on a state by state basis against these well funded companies has caused a wide variety of legal decisions and probably has resulted in a substantial delay in effective and conclusive enforcement.

For your information I am enclosing a copy of a recent Wisconsin Supreme Court decision commenting on these schemes, a copy of the Wisconsin regulation Ch. Ag. 122 which prohibits chain distributor schemes and representative affidavits indicating some of the recruiting activities of these companies.

If I can be of any further assistance to you, please let me know.

Sincerely yours,

BRUCE A. CRAIG,  
Assistant Attorney General.

COUNCIL OF BETTER BUSINESS  
BUREAUS, INC.,

Washington, D.C., August 29, 1972.

HON. WALTER MONDALE,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR MONDALE: We are pleased to hear that you are considering the introduction of Federal legislation to control the abuses of some "multi-level" or "chain distribution" sales techniques.

For your information, our computer tabulation of consumer complaints and inquiries reflects that this subject is the most inquired about business concept coming to Better Business Bureaus across the country. 2.8% of the millions of inquiries received by BBBs nationally involved multi-level sales schemes. We do not get a significant number of complaints about these schemes, presumably because people hate to admit when they have made an unwise investment.

While the Federal Trade Commission and the Securities and Exchange Commission are both taking actions in this sphere of business activity, their rules and orders are directed against individual companies and promoters, and each action takes a long time to accomplish.

Our files and staff are available to assist you in any way on this endeavor.

Sincerely,

DEAN W. DETERMAN,  
Vice President, Government and Legal Affairs.

By Mr. EAGLETON (for himself,  
Mr. BEALL, Mr. WILLIAMS, Mr.  
RANDOLPH, Mr. PELL, Mr. KEN-



NEDY, Mr. NELSON, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. JAVITS, Mr. SCHWEIKER, Mr. PACKWOOD, and Mr. STAFFORD):

S. 4044. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I am introducing today for myself and for the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Illinois (Mr. STEVENSON), the Senator from New York (Mr. JAVITS), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. STAFFORD), the Older Americans Comprehensive Services Act. This is a bill which was developed as a clean bill by the Subcommittee on Aging of the Committee on Labor and Public Welfare. I am introducing it at this time for the purpose of preparing the bill for reporting by the Committee.

I will not elaborate on the contents of the bill inasmuch as the report which will be filed today discusses the bill in great detail and I understand that the distinguished junior Senator from Maryland (Mr. BEALL) who is the ranking minority member of the Subcommittee on Aging will ask at the conclusion of his remarks that the bill be printed in its entirety in the RECORD. I should add that the Senator from Maryland has made enormous contributions to the development of this bill and I am delighted that he has joined as a cosponsor, although I am aware of his reservations to title I of the bill.

Mr. BEALL. Mr. President, it is a pleasure for me to join the distinguished chairman of the Labor and Public Welfare Committee's Subcommittee on Aging in sending to the desk the amendments to the Older Americans Act of 1965. This legislation, which is the result of many months of work on the part of the Subcommittee on Aging, contains, I believe, a number of truly innovative concepts which should greatly expand and improve Federal programs to our senior citizens.

I enthusiastically support, with one basic reservation, S. 4044 which will enable the Administration on Aging to provide comprehensive social and nutritional services to our senior citizens. I believe strongly that there is perhaps no constituency more deserving of assistance, or more willing to help themselves than our Nation's 20 million older citizens. They have, through their working years, earned the right to live their retirement in security, independence, and dignity. We owe these people a debt of gratitude for they are primarily responsible for the prosperity and the greatness that our Nation enjoys today. We have neglected them far too long

and I believe that this bill constitutes a truly meaningful step forward in meeting the needs of older Americans.

In the last several years, substantial progress has been made in efforts to bring higher visibility and recognition within our government to the problems of the aging. This legislation gives the Senate a unique opportunity to cooperate with the President, who is dedicated to the cause of helping to improve the quality of life for our retired citizens.

Working together, we can overcome the problems of loneliness, despair, isolation, inadequate income, lack of mobility, alienation, and many of the other specific problems which plague the elderly. The problems of the aging are not limited to race, economic status, geographic location, or political affiliation. Thus, I believe it is incumbent upon the Senate to expedite consideration of this legislation so that there will be sufficient time to accommodate a conference committee which will undoubtedly be required to resolve differences between S. 4044 and H.R. 15657.

In closing, Mr. President, I would like to note that I have grave reservations about the Older Americans Advocacy Commission, created by title I of this legislation. I am concerned that a Commission such as this would produce so many negative reactions as to render counterproductive to the welfare of senior citizens. It is my present intention to offer an amendment that I believe will significantly improve title I and insure the efficient effective operation of Federal programs for the aging. During the debate, Mr. President, I will explain in far greater detail the impact I believe that such an Advocacy Commission would have on Federal agencies charged with delivering services to senior citizens.

Mr. President, it is my pleasure, as the ranking Republican member on the Subcommittee on Aging, to join in cosponsoring the committee's proposed amendments to the Older Americans Act of 1965 and I ask unanimous consent that the text of this legislation and a title by title summary I have prepared be printed in the RECORD at the conclusion of my remarks.

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

#### S. 4044

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1972".*

#### FINDINGS AND PURPOSES

SEC. 2. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community leaders, and community, State and local governments, with appropriate assistance from the Federal Government.

#### TITLE I—OLDER AMERICANS ADVOCACY COMMISSION

SEC. 101. (a) There is created in the executive branch of the Government an "Older Americans Advocacy Commission" (hereinafter in this title referred to as the "Commission"). The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Two of the original members shall be appointed for a term of one year, two for a term of two years, and two for a term of three years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of three years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. Not more than three of the members shall at any one time be of the same political party. Members shall be appointed so as to be representative of older Americans, of national organizations with an interest in aging, and the general public. At least two of the members shall themselves be older persons.

(b) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(c) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and shall be filled in the same manner, and subject to the same limitations with respect to party affiliation as the original appointment.

(d) Four members of the Commission shall constitute a quorum, except that hearings may be conducted by one commissioner designated by the Commission as hearing officer for purposes of such hearing.

(e) Members of the Commission shall, while serving on business of the Commission, receive compensation at rates not to exceed the rate specified at the times of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

#### FUNCTIONS OF THE COMMISSION

SEC. 102. The Commission is authorized to—

(1) serve as an independent advocate on behalf of older Americans with respect to—

(A) the formulation of policies regarding the aging and the operation of programs and other activities conducted or assisted by all Federal departments or agencies which relate to or affect the particular problems and needs of the aging, and

(B) legislation, investigations, or other matters before Congress relating to such problems and needs;

(2) review and evaluate on a continuing basis Federal policies regarding the aging and programs and other activities affecting

the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans;

(3) advise and make recommendations to the President, the Congress, and the heads of all Federal departments and agencies (which advice and recommendations shall be made public) with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(4) inform the public about the problems and needs of the aging by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports;

(5) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings; and

(6) prepare and publish such interim reports as it deems advisable and the Commission shall submit a complete annual report of its activities, findings, and recommendations to the President and the Congress at the close of each year.

#### POWERS OF THE COMMISSION

SEC. 103(a). The Commission shall appoint a full-time staff director who shall serve at the will of the Commission and receive compensation to be fixed by the Commission, not to exceed the rate specified for grade GS-18 in section 5332 of title 5, United States Code. The Commission is authorized to appoint and fix the compensation of such personnel as it deems advisable. The Commission may procure services as authorized by section 3109 of title 51, United States Code, and the Commission may accept the services of voluntary, uncompensated personnel.

(b) The Commission may constitute State advisory committees within such States as it deems advisable, to be composed of citizens of each such State, for the purpose of assisting the Commission in carrying out the purposes of this title, except that no funds appropriated pursuant to section 104 of this Act may be used to cover any part of the cost of such advisory committees.

(c) All Federal departments and agencies shall cooperate fully with the Commission with respect to its activities conducted under the authority of this Act and, where appropriate, representatives of such departments and agencies shall participate in, and testify at, hearings conducted by the Commission. Written inquiries and requests for information made to the heads of Federal departments and agencies by the Commission in carrying out its duties under this Act shall be answered within thirty days after the receipt thereof, unless the head of such department or agency shall state in writing the reasons for the inability to respond within such period of time, which statement in writing shall also include the date on which a complete response will be made, and except that no information may be required of any individual under this section where disclosures of such information would violate any Federal law or Executive Order.

(d) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this Act.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 104. There are authorized to be appropriated such sums as may be necessary for carrying out this title.

#### TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

##### "ESTABLISHMENT OF ADMINISTRATION ON AGING"

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on

Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner of Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for Title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Act of 1972, the Administration shall be the principal agency for carrying out this Act. The Commissioner shall be directly responsible to the Secretary and shall not delegate any of his functions under this Act without first receiving the approval of the Secretary. Notice of any proposed delegation and the Secretary's approval of such delegation shall be published in the Federal Register and an opportunity shall be afforded to any interested party or agency to review and comment on the proposed delegation. No such delegation may become effective until at least thirty calendar days following the publication of such notice.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b)(1) Section 202 of the Older Americans Act of 1965 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(15) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(2) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "SEC. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, together with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

#### "FEDERAL AGENCY COOPERATION"

"SEC. 203. Federal agencies proposing to establish programs to provide social and nutritional services to older Americans shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services."

#### "THE NATIONAL OLDER AMERICANS INFORMATION CLEARING HOUSE"

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Older Americans Information Clearing House which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourages the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c) (3), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them."

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Senior Citizen Information Clearing House."

"(c) There are authorized to be appropriated to carry out the purposes of this section \$750,000 for the fiscal year ending June 30, 1973, \$1,000,000 for the fiscal year ending June 30, 1974, and \$1,250,000 for the fiscal year ending June 30, 1975."

#### "ADMINISTRATION OF THE ACT"

"SEC. 205. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

(1) provide consultative services and private agencies, and organizations;

(2) provide short-term training and technical instruction;

(3) conduct research and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

(5) provide staff and other technical assistance to the Older Americans Advocacy Commission.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement."

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary."



**"EVALUATION"**

"SEC. 206. (a) The Commissioner shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) Before funds are released for the programs and projects authorized or assisted by this Act, the Commissioner shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 208 shall describe the actions taken as a result of these evaluations.

"(c) In carrying out evaluations under this section, the Commissioner shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Commissioner shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Commissioner shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Commissioner may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Commissioner is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or \$1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

**"REPORTS"**

"SEC. 207. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

**"JOINT FUNDING OF PROJECTS"**

"SEC. 208. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided.

**"ADVANCE FUNDING"**

"SEC. 209. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding

that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 210. Title VIII of the Older Americans Act of 1965 is hereby repealed.

**TITLE III—GRANTS FOR STATE AND AREA PROGRAMS**

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

**"TITLE III—GRANTS FOR STATE AND AREA COMMUNITY PROGRAMS ON AGING"****"PURPOSE"**

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

**"DEFINITIONS"**

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

**"AREA PLANNING AND SOCIAL SERVICE PROGRAMS"**

"SEC. 303. (a) There are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, \$200,000,000 for the fiscal year ending June 30, 1974, and \$300,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan ap-

proved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a) (2) (A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b) (1) From the sum authorized to be appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one per centum of the sum authorized to be appropriated for such fiscal year; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-half of one per centum of such sum; and (C) for any fiscal year for which the amount appropriated under subsection (a) is less than the amount authorized to be appropriated under such subsection, the allotment for each State based upon the preceding clauses of this paragraph shall be reduced to an amount equal to the product of such allotment and a fraction whose numerator is the amount appropriated under subsection (a) for such fiscal year and whose denominator is the amount authorized to be appropriated under such subsection for such fiscal year. For the purpose of clause (A) of the preceding sentence, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost

of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

#### "ORGANIZATION"

##### "State Organization"

"Sec. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area and the State may include in any planning and service area designated pursuant to this proviso such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

##### "Area Organization"

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, where no established office of aging exists, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combina-

tion of units of general purpose local government to act on behalf of such combination for this purpose, where no established office of aging exists in such combination, or

"(4) any public or nonprofit private agency in a planning and service area for which there is no established office of aging, which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an agency of a unit of general purpose local government which has an office on aging, unless the State agency finds that no such agency within the planning and service area will have the capacity to carry out the area plan.

##### "Area plans"

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low income residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section, an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities; and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title would be used to provide legal services to older persons in the planning and service area through programs carried out under the Economic Opportunity Act of 1964, as amended, or through other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in

the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder."

##### "STATE PLANS"

"Sec. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304(a) (2) (A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides that no social service will be provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

"(8) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State has failed to qualify under section 304 or is no longer eligible under such section,

"(2) the State plan has been so changed



that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a), the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

#### "PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a) (1) There are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1973, \$20,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentage as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies

and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(f) (1) to cover part of the cost of the administration of area plans.

"(b) (1) From the sum appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$200,000 if \$15,000,000 or more is appropriated under this section for any one fiscal year, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or \$50,000 if \$15,000,000 or more is appropriated under this section for any one fiscal year, whichever is greater. For the purpose of the exception contained in clause (A) of the preceding sentence, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

#### "PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303

for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"(d) No allotments to a State under this title shall be available for making payments with respect to any program or project for providing social services under a State plan approved under section 305 after payments have been made from such allotments with respect to such program or project for a period of time equal to three calendar years, unless the State agency, upon recommendation of the appropriate area agency, if any, determines for each fiscal year following such period that the program or project is of exemplary merit in solving the problems of older persons and that, due to the lack of available funds from other sources during such fiscal year, the program or project would be unable to continue unassisted under this title.

#### "MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to or contracts with any public or nonprofit private agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons;

"(2) improve the transportation services available to older persons;

"(3) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(4) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(5) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letter writing services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated \$70,000,000 for the fiscal year ending June 30, 1973, \$105,000,000 for the fiscal year ending June 30, 1974, and \$140,000,000 for the fiscal year ending June 30, 1975."

#### TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

#### "TITLE IV—TRAINING AND RESEARCH

##### "PART A—TRAINING

##### "STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to

changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of aging.

#### "APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Older Americans Advocacy Commission, the Department of Labor, the Veterans' Administration, the Office of Education, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

#### "ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institutions, or organization for the purpose of—

- "(1) publicizing available opportunities for careers in the field of aging;
- "(2) encouraging qualified persons to enter or reenter the field of aging;
- "(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or
- "(4) the preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

#### "TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

- "(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs);
- "(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act.
- "(3) for seminars, conferences, symposi-

ums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

#### "PART B—RESEARCH AND DEVELOPMENT PROJECTS

##### "DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

- "(1) studying current patterns and conditions of living of older persons and identify factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;
- "(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contributions toward wholesome and meaningful living for older persons;
- "(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;
- "(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;
- "(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or
- "(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

#### "SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

- "(1) the use of all community transporta-

tion facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspect of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than June 30, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than June 30, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research projects under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(2) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissioner upon request made by him.

"(f) There are authorized to be appropriated for the purposes of this section \$7,500,000 for the fiscal year ending June 30, 1973; \$15,000,000 for fiscal year ending June 30, 1974; and \$20,000,000 for fiscal year ending June 30, 1975.

#### "PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant



may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

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

#### "PART D—AUTHORIZATION OF APPROPRIATIONS "AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title \$15,000,000 for the fiscal year ending June 30, 1973, \$20,000,000 for the fiscal year ending June 30, 1974, and \$25,000,000 for the fiscal year ending June 30, 1975.

"(b) For the purposes of making grants under section 411 there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1973, \$15,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975.

"(c) For the purposes of making grants under part C of this title there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1973, \$15,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975.

#### "PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

#### TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

#### "TITLE V—MULTIPURPOSE SENIOR CENTERS

##### "PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of social services and recreational opportunities for older persons.

##### "REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where

there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

##### "PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovations, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

##### "RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

##### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There is authorized to be appropriated for the purpose of making grants or contracts under section 501, \$35,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

##### "LOAN INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) (1) In order to assist nonprofit private agencies and organizations to procure loans for the construction or purchase of multipurpose senior centers, the Commissioner may insure the payment of interest and principal on such loans if such agencies and organizations meet, with respect to such loans, criteria prescribed by the Commissioner.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the multipurpose senior center with respect to which such loan was made.

"(b) (1) The United States shall be entitled to recover from any agency or organization to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commis-

sioner pursuant to subsection (a) shall be incontestable in the hands of the agency or organization on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such agency or organization in reliance thereon, except for fraud or misrepresentation on the part of such agency or organization or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"(d) (1) There is hereby created within the Treasury a separate fund for loan insurance for multipurpose senior centers (hereafter in this section called the 'Multipurpose Senior Center Insurance Fund') which shall be available to the Commissioner without fiscal year limitation as a revolving fund for the purposes of insuring loans under this section. The total of any loans made from the Multipurpose Senior Center Insurance Fund in any fiscal year shall not exceed limitations specified in appropriations Acts.

"(2) The Commissioner shall transfer to the Multipurpose Senior Center Insurance Fund available appropriations provided under this section to provide capital for the funds, and the general expenses of the operations of the Department of Health, Education, and Welfare relating to loans insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to loans insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, in United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any loan under this section, the receipts derived from property covered by such loans and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in

the handling, management, renovation, and disposal of properties acquired, in connection with loans insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

#### "ANNUAL INTEREST GRANTS

"Sec. 507. (a) To assist States and public nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration, or renovation of multipurpose senior centers, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any multipurpose senior center, shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration, or renovation of such multipurpose senior centers, and (2) the average annual debt service which the multipurpose senior center would have been required to pay during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed \$1,000,000, which amount shall be increased by \$3,000,000 on July 1, 1974, and \$5,000,000 on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

#### "PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

##### "PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"Sec. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons aged sixty and over.

"(d) For the purposes of this part, there are authorized to be appropriated \$10,000,000

for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

#### TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

Sec. 601. Section 601 of the Older Americans Act of 1965 is amended by striking out in the first sentence of (2)(a) the word "sixty" and inserting in lieu thereof the word "fifty-five" and by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

Sec. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and \$20,000,000 for the fiscal year ending June 30, 1973, \$30,000,000 for the fiscal year ending June 30, 1974, and \$40,000,000 for the fiscal year ending June 30, 1975".

Sec. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

##### "FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS"

(b) Section 611 of such Act is amended to read as follows:

"Sec. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged fifty-five or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

Sec. 604. Section 614 of the Older Americans Act is amended to read as follows:

"Sec. 614(a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, \$35,000,000 for fiscal year ending June 30, 1973, \$45,000,000 for the fiscal year ending June 30, 1974, \$55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, \$6,000,000 for fiscal



year ending June 30, 1973, \$7,000,000 for fiscal year ending June 30, 1974, \$8,000,000 for fiscal year ending June 30, 1975."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

#### TITLE VII—NUTRITION PROGRAM

##### AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

##### "AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

##### STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost," and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

##### CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and insert in lieu thereof "Commissioner".

#### TITLE VIII—AMENDMENTS TO OTHER ACTS

##### AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

##### "TITLE IV—OLDER READERS SERVICES

##### "GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

##### "USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

##### "STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

##### "COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated \$11,700,000 for the fiscal year ending June 30, 1973, \$12,300,000 for the fiscal year ending June 30, 1974, \$12,900,000 for the fiscal year ending June 30, 1975, and \$13,700,000 for the fiscal year ending June 30, 1976."

(c) (1) Section 5(a)(1) of such Act is

amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a)(3) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d) (1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

##### AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

##### AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111 and 112 (and cross references thereto) as 111, 112 and 113, respectively, and by inserting after section 109 the following new section:

##### "SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

##### AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and

§13, respectively, and by inserting after section 309 the following new section:

**"SPECIAL PROJECTS FOR THE ELDERLY"**

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

**ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES**

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated \$7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a) (7) of the Economic Opportunity Act of 1964.

**TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS**

**SHORT TITLE**

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

**OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM**

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such

organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c) (1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is

(A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

**ADMINISTRATION**

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) (1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

**PARTICIPANTS NOT FEDERAL EMPLOYEES**

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law,



exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

#### INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

#### EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects, within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

#### DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, and \$150,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

#### TITLE X—MIDDLE-AGED AND OLDER WORKERS TRAINING

##### SHORT TITLE

SEC. 1001. This title may be cited as the "Middle-Aged and Older Workers Training Act".

#### DECLARATION OF FINDINGS

SEC. 1002. Congress hereby finds and declares that—

(1) Inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(2) millions of middle-aged and older Americans wish to continue in or obtain employment in order to provide adequately for themselves and to contribute to the Nation as productive citizens;

(3) millions of middle-aged and older Americans are frustrated in these goals and find it increasingly difficult to retain or obtain employment of a remunerative and meaningful nature, as a result of their inability to keep pace with a dynamic economy and changing technology;

(4) without additional legislation, the Age Discrimination in Employment Act of 1967 cannot reasonably be expected to deal adequately with age discrimination in employment which acts to deny employment opportunities for middle-aged and older workers;

(5) as a result of the lack of full opportunity and adequate training and supportive services more than a million men and women between the ages of fifty-five and sixty-four have given up the active search for work and hundreds of thousands of men and women between the ages of sixty-two and sixty-four have been forced to retire with inadequate benefits, resulting in individual frustration, impaired morale and loss of sense of worth and dignity;

(6) in addition to individual loss, the Nation as a whole loses the benefits which may be contributed by middle-aged and older persons and incurs needless costs in unemployment compensation and public assistance which can be reckoned in billions of dollars; and

(7) providing middle-aged and older workers training and educational opportunities and supportive services leading to remunerative and meaningful employment opportunities will increase their incomes and benefit their physical and mental well-being, as well as strengthen the Nation's economy.

#### STATEMENT OF PURPOSE

SEC. 1003. It is the purpose of this title to establish and assist training programs and relative supportive services which will pro-

vide middle-aged and older workers a full opportunity for remunerative and meaningful employment; to assist further in eliminating discriminatory practices which deny work to qualified persons solely on account of age; to improve and extend existing programs designed to facilitate training and the matching of skills and jobs; to assist middle-aged and older workers, and employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices and to otherwise stimulate innovative approaches to make employment opportunities more accessible to middle-aged and older persons.

#### AUTHORIZATIONS

SEC. 1004. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1973, and \$150,000,000 for the fiscal year ending June 30, 1974.

#### PART A—MIDCAREER DEVELOPMENT SERVICE PROGRAM

##### PROGRAM ESTABLISHED

SEC. 1011. There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers to retain and obtain remunerative employment by providing manpower training, counseling, and special supportive services to such workers.

##### TRAINING PROGRAMS

SEC. 1012. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for manpower training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program set forth in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to middle-aged and older persons for training which qualifies under this section.

#### TRAINING PERSONS TO TRAIN AND RETRAIN MIDDLE-AGED AND OLDER WORKERS

SEC. 1013. The Secretary is authorized to develop and carry out a program under which

an adequate number of persons are trained to understand the manpower training and educational needs of middle-aged and older persons and to become qualified to train and retrain middle-aged and older workers in skills needed in the economy in the community in which such workers reside. Such programs shall emphasize developing innovative techniques for training middle-aged and older persons.

#### SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 1014. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to localities in which substantial numbers of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force in such locality. In carrying out the provisions of this section, the Secretary is authorized to provide such persons with recruitment, placement, and counseling services.

#### SPECIALIZED SERVICES

SEC. 1015. (a) The Secretary shall establish and carry out specialized services for middle-aged and older workers who desire to improve their employability, to receive manpower training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the remainder of their working lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors, to serve in programs authorized under this section.

#### EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 1016. The Secretary may, where appropriate, make special provisions through the United States employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional members of middle-aged and older persons who wish such employment.

#### PART B—SPECIAL REPORTS AND STUDIES

##### RESEARCH AND INFORMATION PROGRAMS

SEC. 1021. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this title.

(b) In carrying out the purposes of this title the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational and educational programs as he determines appropriate.

#### MANPOWER STUDY

SEC. 1022. (a) The Secretary is authorized and directed to undertake, either directly or by way of grant or contract, a thorough study of manpower programs authorized by provisions of Federal law other than this title, and other federally assisted training programs to determine whether such programs are responsive to the needs of the middle-aged and older persons. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1973.

(b) In conducting this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for any program described in subsection (a) of this section.

#### EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1023. The Secretary shall study the feasibility of establishing a program of extended unemployment compensation benefits for unemployed older workers who have exhausted their unemployment compensation. On or before July 1, 1973, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

#### COMPENSATION AND DISABILITY INSURANCE

SEC. 1024. The Secretary shall prepare and submit a report to the Congress not later than July 1, 1973, on means of eliminating the lack of coverage and other inadequacies in workmen's compensation and disability insurance programs, health insurance, and pension plans, particularly as they affect adversely the employment of middle-aged and older workers.

#### FEDERAL EMPLOYMENT OPPORTUNITIES STUDY

SEC. 1025. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statute, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1973. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

#### PART C—GENERAL PROVISIONS

##### DEFINITIONS

SEC. 1031. As used in this title—

(1) "middle-aged and older" means an individual who is forty-five years of age or older;

(2) "middle-aged" means an individual

who is at least forty-five years of age but not older than fifty-four years of age;

(3) "older" means an individual who is at least fifty-five years of age;

(4) "Secretary" means the Secretary of Labor; and

(5) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

#### ADMINISTRATION

SEC. 1032. (a) In order to carry out the purposes of this title the Secretary is authorized to—

(1) provide such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this Act; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(c) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants, agreements, or contracts entered into under this title.

#### PROGRAM DEVELOPMENT AND COORDINATION

SEC. 1033. (a) In addition to any other provisions for the administration of this title, the Secretary shall designate personnel to have responsibility for program leadership, development, and coordination. The Secretary shall provide for a central office for information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers.

(b) No individual, institution, organization, or agency shall evaluate any program under this title if that individual, or any member of any such institution, organization, or agency, is associated with the program as a consultant, technical adviser, or in any other capacity.

(c) (1) The Secretary is authorized and directed to require agencies, institutions, and organizations administering training and other programs and activities assisted



under this title to coordinate their activities with agencies and organizations conducting related manpower and employment programs receiving assistance under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and under other provisions of law, such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title, as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under such legislation.

#### EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1034. (a) The amounts appropriated under the provisions of this title for any fiscal year shall be allocated by the Secretary in such manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such State bears to the total number of such persons in all States; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each such State under paragraph (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed middle-aged and older persons in each such area bears to the total number of such persons, respectively, in that State.

(c) As soon as practicable after funds are apportioned to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (1) and (b) of this section.

#### TITLE BY TITLE SUMMARY OF THE AMENDMENTS TO THE OLDER AMERICANS ACT

##### TITLE I—OLDER AMERICANS ADVOCACY COMMISSION

This provision would create an older Americans Advocacy Commission containing six members appointed by the President for staggered three years terms. No more than three of the members would be of the same political party and an effort would be made to represent Older American National Organizations, as well as the general public. This Commission would be independent of any federal department or agency and it would be empowered to employ its own staff. The Commission would be charged with advocating senior citizen causes, advising the President and Congress with regard to the policies and activities of the federal government, etc. It would have the power to hold hearings and to issue reports containing the results of its findings.

##### TITLE II—THE ADMINISTRATION ON AGING

This Title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education and Welfare. AOA is given primary responsibility for carrying out the programs authorized under this Act. Title II also creates a National Older Americans Information Clearing House which is designed to collect, analyze, prepare and disseminate information regarding the needs and interests of Older Americans.

CXVIII—2059—Part 25

#### TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

Under the provisions of this Title, the Administration on Aging would work with the State Aging Agencies to develop a statewide plan for delivering services to senior citizens. Each state would be divided into planning and service areas which would bear the primary responsibility for developing the apparatus required to coordinate and deliver social and nutritional services to the elderly. These local aging units are designed to coordinate existing governmental services and/or purchase such services in each area. It is not anticipated that they will directly provide services, except where no other source is available.

#### TITLE IV—TRAINING AND RESEARCH

The Commission on Aging is authorized to make grants for research and development projects in the field of aging. It may also undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is also a provision for the establishment and support of multi-disciplinary centers of gerontology which will assist in the research and training programs as well as provide technical assistance for state and local aging units.

#### TITLE V—MULTIPURPOSE SENIOR CENTERS

This provision provides for the acquisition, alteration, or renovation of multipurpose senior citizens centers. Included in this section are provisions for loan insurance for senior citizen centers, grant authorizations for staffing of such centers, etc.

#### TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

This Title extends and expands the authorization for the Foster Grandparents Program and other Older Americans Community Service programs. These programs, which were transferred to the ACTION Agency, seek to involve Older Americans in a variety of programs designed to benefit persons, both children and adults, having exceptional needs.

#### TITLE VII—NUTRITION PROGRAM

This Title makes several minor conforming changes in the nutrition legislation which was passed earlier this year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in Title III.

#### TITLE VIII—OLDER READERS SERVICES

This provision amends the Higher Education Act and the Library Services and Construction Act to provide special Library programs and reading services for the Aging.

#### TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This Title was passed by the Senate on September 21, 1972 as a separate measure. It is aimed at providing community service jobs for low-income persons 55 years of age or older. It is estimated that as many as 40 to 60 thousand jobs could be created under the provisions of this Title. Programs created within this Title would be administered by the Department of Labor.

#### TITLE X—THE MIDDLE-AGED AND OLDER WORKERS TRAINING ACT

This Title is designed to complement Title IX in that it is designed to provide manpower training programs and other services to increase job opportunities for middle-aged and older persons.

#### ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3358

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was

added as a cosponsor of S. 3358, a bill to prohibit the use of certain small vessels in the United States fisheries.

S. 3598

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 3768

At the request of Mr. CRANSTON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3768, a bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods.

#### SENATE RESOLUTION 371—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported the following original resolution:

S. RES. 371

Resolved, That Senate Resolution 235, 92d Congress, agreed to March 6, 1972, is amended as follows:

(1) In sections 2 and 6, strike out "\$1,433,000" wherever it appears and insert in lieu thereof "\$1,483,000".

(2) In section 3, strike out "\$993,000" and insert in lieu thereof "\$1,028,000".

(3) In section 4, strike out "\$440,000" and insert in lieu thereof "\$455,000".

#### SENATE RESOLUTION 372—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR ROUTINE PURPOSES

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported the following resolution:

S. RES. 372

Resolved, That the Committee on Labor and Public Welfare is authorized to expend from the contingent fund of the Senate, during the 92d Congress, \$25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

#### ADDITIONAL COSPONSORS OF RESOLUTIONS

S. RES. 367

At the request of Mr. CHURCH, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Resolution 367, a resolution to prohibit any notice of an increase in social security

payments from referring to any individual who is a candidate for public elective office.

S. RES. 370

At the request of Mr. BELLMON, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Resolution 370, to establish a Senate Oversight Committee on the Conference on Security and Cooperation in Europe and the Conference on Mutual Balanced Force Reduction.

# SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

## AMENDMENT NO. 1613

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

Mr. ROTH (for himself, Mr. BOGGS, Mr. MANSFIELD, Mr. SCOTT, Mr. AIKEN, Mr. COOPER, Mr. RIBICOFF, Mr. PACKWOOD, Mr. RANDOLPH, Mr. STEVENS, Mr. MOSS, and Mr. JAVITS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

## AMENDMENT NO. 1614

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

Mr. RIBICOFF submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

## AMENDMENT NO. 1617

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

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

## AMENDMENT NO. 1618

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

OLDER AMERICANS SHOULD RECEIVE THE FULL AMOUNT OF SOCIAL SECURITY BENEFIT INCREASES WITHOUT CUTBACKS

Mr. HUMPHREY. Mr. President, I am today introducing legislation that would enable those older Americans receiving social security and other old-age assistance to obtain the full benefit of the social security increase that becomes effective on October 1, 1972.

This bill is designed to close a loophole in the Social Security Act that mandates a dollar-for-dollar reduction in public assistance payments and program benefits in the event that a recipient of these programs is also receiving social security.

Mr. President, in October, over 511,200 Minnesota social security recipients will find their benefits increased as a result of Congress passing the 20-percent social security increase. Yet, because the

increase did not carry with it a "pass through" provision, many of these recipients actually stand to lose benefits as a result of the increase. Thus, over 3,000 people in Hennepin County who receive both old-age assistance and social security will find that the old-age assistance has been cut back dollar for dollar to take into account the social security increase. The same effect will be felt by those persons and families who receive medical assistance, food stamps, public housing, and veterans pensions.

Mr. President, last year when the Congress passed the 10 percent social security increase, many older Americans faced the same problem then as they do now—the Federal Government is giving with one hand and taking the increase away with the other hand. Last year, as this year, it is a case of invisible hands moving from invisible pockets.

Almost to the day last year, on September 24, 1971, I introduced S. 2576—this legislation is currently pending before the Finance Committee—and its purpose is the same as the legislation I am introducing today: to pass through for old-age assistance and Federal assistance programs such as food stamps and veterans pensions.

Mr. President, I call the attention of the Senate to this previous legislation precisely because I believe that we must now move to end the necessity to return to the Congress immediately after a social security increase is passed to seek a rider that would allow benefits to be "passed through."

The legislation I am introducing today would be that kind of legislation. It would prevent any loss in benefits by requiring that social security increases be disregarded when determining benefits for other assistance programs.

Mr. President, it is my hope that when the social security provisions of H.R. 1 are considered by the Senate that the Senate will close this loophole and injustice to older Americans.

## AMENDMENT NO. 1619

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

Mr. CRANSTON (for himself and Mr. TUNNEY) submitted an amendment intended to be proposed to the bill (H.R. 1), supra.

## AMENDMENT NO. 1621

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

Mr. MONDALE. Mr. President, the Finance Committee's version of H.R. 1, which we have before us, is an important step forward in our efforts to treat the elderly fairly in America.

When taken together with the 20-percent social security increase which the Congress passed on June 29, it represents a major and long overdue recognition of our obligations to our senior citizens.

Title XVI of the Finance Committee bill deals with assistance to the aged, blind, and disabled. These are the poorest of the poor—the ones who need help the most. When title XVI goes into effect in January 1974, it will guarantee a minimum \$130 old age assistance standard to every elderly citizen.

And because it allows elderly citizens

to have \$50 in social security or other similar income without losing any of the \$130 in assistance, the passage of title XVI will mean that an elderly person with a small amount of social security income will be guaranteed \$180 a month.

This is a great improvement over the old age assistance standard which now prevails in many States.

But it will be 15 months before the major changes incorporated in title XVI can be put into effect. The problem is what to do for these poverty stricken senior citizens until January 1974, when title XVI becomes law. Unless we act, thousands of elderly people, who receive both small social security checks and old age assistance may not receive 1 penny of additional benefits for 15 months. For these people who could benefit substantially from the 20-percent social security increase which was passed in June, there may be no increase at all for this whole period of 15 months.

Let me read parts of two letters I have received from Minnesota concerning this pitiful and cruel situation.

One poverty stricken widow wrote to me saying that:

The Minneapolis Housing Authority is raising my rent as a result of my increase in Social Security . . . and I will be losing my food stamps also. The way I figure it, I would be better off without the raise.

Another elderly couple in Cushing, Minn., sent me the notice of a rent increase they had received from the housing authority and said that their old-age assistance check was being reduced dollar for dollar to take away every cent of the social security increase. The elderly wife wrote:

Senator, I just haven't been able to keep up as it is and now to get a cut in our Old Age checks. Living is so terribly high. Everything is so terribly high. We pay taxes, insurance, we have payments. We don't begin to have what we need.

My husband is a cripple from arthritis and 79. We are two people that just don't like to beg. We have no other income, just our Social Security and Old Age Assistance . . . and now giving more on Social Security but taking away Old Age Assistance . . . we aren't getting any raise. What can be done?

These are typical letters. Recipients of old-age assistance and aid to the blind and disabled, those with veterans' pensions, people receiving food stamps, the medically indigent, and many people in public housing are finding that the 20-percent social security increase will mean a reduction or even a loss of these other benefits.

They may lose all or part of the 20-percent social security increase because present law allows the States to cut old-age assistance levels dollar for dollar to absorb that raise.

They may lose food stamp benefits. Some—the "medically indigent"—may lose part of their medicare benefits.

Some will see their public housing rents raised to cut deeply into the 20-percent social security increase which we wanted for them.

So our immediate problem is to develop a formula to guarantee the elderly the increase in benefits right now. The provisions of title XVI will be effective in



15 months—but 15 months is a very long time for an elderly citizen to wait for some small improvement in his standard of living.

On September 21, I introduced a bill to guarantee that all social security recipients receive the full benefit of the 20 percent social security increase. The amendment which my colleague (Mr. HUMPHREY) and I are offering now adapts that bill to the changes made by the Finance Committee in H.R. 1. But the object is still the same—to make it absolutely certain that the elderly receive the full 20 percent social security increase which we passed in June.

The proposal in my amendment could and should be put into effect immediately because it is very simple. What it does is to tell all the State agencies to continue benefits to the elderly as though there had been no 20-percent increase. In this way no benefits are cut and the full 20 percent is "passed through" to the elderly.

Although this "pass through" does not have the identical results of the approach used in title XVI, it is largely consistent with that approach—and it could be implemented now.

In Minnesota, 60 percent of the 23,000 of the elderly citizens who receive old age assistance—about 14,000 senior citizens—will lose all or part of their social security increase until January 1974 unless we provide for a passthrough, such as I am proposing.

Another 2,000 elderly Minnesotans will lose all entitlement to old age assistance as a result of the 20-percent social security increase. The committee's bill protects this category of elderly citizens against a loss of their medicaid benefits, but it does not keep them from losing food stamps as my amendment does.

In Minnesota, there are about 13,000 elderly in the "medically indigent" category. They receive no cash old age assistance, but they are covered by medicaid. Many of these people will lose all or part of their 20 percent social security increase unless action is taken along the lines I am proposing.

My amendment also protects social security recipients with veterans or other Federal benefits, as well as those in federally supported public housing programs from having part or all of the 20 percent increase taken away from them.

The Congress intended them to have the whole increase, and I think they should have it.

Mr. President, I know that the distinguished Senator from Louisiana (Mr. LONG) is aware of the need for a "pass through" in some form. He recognized its importance on the Senate floor on September 12th in a discussion with several Senators. He has shown a deep understanding of the problem because title XVI of the Finance Committee bill—by providing for a \$50 disregard of social security or other similar income—has its own formula for a "pass through." It is a generous formula, but the problem is that it does not take effect for 15 months.

I think that my formula is a good one for meeting the interim problem. I urge its adoption.

#### AMENDMENTS NOS. 1622 THROUGH 1626

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

Mr. HARTKE submitted five amendments intended to be proposed by him to the bill (H.R. 1), *supra*.

#### AMENDMENT NO. 1627

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

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (H.R. 1), *supra*.

#### CONSUMER PROTECTION ACT—AMENDMENTS

##### AMENDMENT NO. 1612

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

Mr. ERVIN (for himself, Mr. ALLEN, and Mr. GURNEY) submitted an amendment intended to be proposed by them jointly to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

##### AMENDMENT NO. 1615

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

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (S. 3970), *supra*.

##### AMENDMENT NO. 1616

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

Mr. BIBLE submitted an amendment intended to be proposed by him to the bill (S. 3970), *supra*.

#### IMPORTATION OF UPHOLSTERY REGULATORS—AMENDMENTS

##### AMENDMENT NO. 1620

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

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill (H.R. 640) to amend the tariff schedules of the United States to permit the importation of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins free of duty.

##### AMENDMENT NO. 1628

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

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H.R. 640), *supra*.

#### NOTICE OF HEARING NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 5, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Kevin Thomas Duffy, of New York, to be U.S. district judge, southern district of New York, vice Irving Ben Cooper, retired.

Robert J. Ward, of New York, to be

U.S. district judge, southern district of New York, vice Frederick Van Pelt Bryan, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman, the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

#### NOTICE OF HEARING ON SECURITY FOR THE ELDERLY IN PUBLIC HOUSING

Mr. WILLIAMS. Mr. President, the Subcommittee on Housing for the Elderly of the Senate Special Committee on Aging will continue hearings on "Adequacy of Federal Response to Housing Needs of Older Americans" in the John F. Kennedy Federal Building, room 2003-A, Boston, Mass., at 10 a.m. on October 2. Testimony will center on security deficiencies in public housing for the elderly.

As chairman of the subcommittee, I have been deeply concerned by earlier testimony indicating a clean-cut crisis in crime, terrorism, and vandalism in many public housing projects in major cities. I believe that the Boston testimony will provide very useful testimony, not only about the extent of the problem, but about feasible means to deal with it.

#### ADDITIONAL STATEMENTS

#### AMERICAN LEGION RESOLUTION ON PANAMA CANAL

Mr. THURMOND. Mr. President, the American Legion has long had a splendid history of supporting the best U.S. interests at home and abroad. The resolutions at their annual conventions have gained a reputation for thoughtful consideration of major issues facing this country.

At the 54th annual national convention of the American Legion, the Legionnaires endorsed many resolutions, but there is one in particular that I would like to single out at this time for its concise statement of a complicated problem. This is resolution 280 on the Panama Canal.

As is evident from the daily press, the present Government of the Republic of Panama is more and more directly threatening U.S. rights in the Zone. They are attempting to diminish or even abrogate an agreement freely arrived at in 1903, and reaffirmed in 1936 and 1955. The American Legion resolution, therefore, is extremely timely. Among other things, it points out:

First. Under the 1903 treaty with Panama, the United States obtained a grant in perpetuity of the use, occupation, and control of the Canal Zone territory with all sovereign rights, to the exclusion of any such rights by Panama.

Second. The United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Canal and its treaties

with Great Britain and Columbia for the efficient operation of the Canal.

Mr. President, these and other overriding factors have led the American Legion to an inescapable conclusion. The Legion reiterates "its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable sovereign control over the Panama Canal or the Panama Canal Zone." The Legion further goes on record against the proposals for a so-called sea-level canal, with all its attendant pitfalls.

I congratulate the American Legion for displaying such wisdom and effort in the public interest. It is typical of the Legion to be so farsighted.

Mr. President, I ask unanimous consent that Resolution No. 280 on the Panama Canal, passed at the 54th annual national convention of the American Legion in Chicago, Ill., August 22-24, 1972, be printed in the RECORD.

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

PANAMA CANAL  
(Resolution No. 280)

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation, and control of the Canal Zone territory with all sovereign rights, power, and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Canal and its treaties with Great Britain and Columbia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the Government of Panama to grant greater rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U. S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the U. S. Government in an effort to persuade Panama to agree to the construction of a "sea-level" canal eventually to replace the present canal, and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the U. S. in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened U. S. control over the Canal and the Canal Zone; and

Whereas, the American people have consistently opposed further concessions to any Panamanian government that would further weaken U.S. control; and

Whereas, many leading scientists have demonstrated the probability that the removal of natural ecological barriers between the Pacific and Atlantic oceans entailed in the opening of a sea-level canal would lead to the spread of poisonous sea snakes and Crown of Thorns coral into the Atlantic where they are now unknown; and

Whereas, these dangers, plus the probability of others that would be caused by such an upset of the natural balance now existing, which advocates of the sea-level canal

ignore in their plans have not been satisfactorily investigated by scientists; and

Whereas, The American Legion believes that a treaty is a solemn obligation binding on the parties and has consistently opposed the abrogation, modification, or weakening of the treaty of 1903; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that the Legion reiterate its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable sovereign control over the Panama Canal or the Panama Canal Zone; and be it further

Resolved, that The American Legion oppose the construction of a new "sea-level" canal, as advocated by the Atlantic-Pacific Canal Study Commission dangerous, and subject to the irresponsible control of a weak Panamanian government; and be it finally

Resolved, that The American Legion reiterate its strong support for resuming the modernization of the present Panama Canal as provided in the current Third Locks-Terminal Lake plan legislation introduced and supported by so many Members of Congress.

MILES W. KIRKPATRICK

Mr. MOSS. Mr. President, I was disturbed to read a story in yesterday's Washington Evening Star-News which discussed a report prepared by the Washington public relations firm of Robert R. Mullen & Co. The report entitled, "The Federal Trade Commission: Where Next?" is based on the assumption that President Nixon will be re-elected. Basically, the report states that business will be able to "command almost forgotten consideration" from a reshaped FTC presided over by David S. Dennison, Jr. Furthermore, the report projects that key programs undertaken by current FTC Chairman Miles W. Kirkpatrick will never see the light of day. The report says that "Administration officials now feel reform has gone too far."

In sum, this report appears to be a pink slip for Chairman Kirkpatrick and an appointment to the chairmanship for Commissioner Dennison.

Miles W. Kirkpatrick is the best friend the American consumer has had since John F. Kennedy enunciated the Consumer Bill of Rights some 10 years ago. Kirkpatrick is an outstanding leader of an agency which had come close to being subservient to the industries which it regulates. Under Chairman Kirkpatrick's direction, the Federal Trade Commission has restored my faith in the viability of the independent regulatory agency system. Chairman Kirkpatrick deserves the highest marks for fairness, temperateness, and evenhanded judgment. To undermine his hold on the agency with rumor and innuendo is most disturbing. I believe I speak for 200 million American people when I say, "We appreciate your work, we need you to continue on."

This report is most unjust to Commissioner Dennison, who has been a fair and evenhanded Commissioner during his short term on the FTC. Should Chairman Kirkpatrick retire and Mr. Dennison be appointed Chairman, the Mullen & Co. report paints a dismal picture for the future of consumer protection. And similarly it places Mr. Den-

nison in a corner. For in light of the Mullen report, were Mr. Dennison to be appointed Chairman, he would have an uphill struggle to convince the American people and the Congress that he will be fair and not a captive of the regulated industries.

But perhaps the most perplexing thing about this report is its authorship. I would discount it purely as Washington public relations trash were it not for the authority with which Robert R. Mullen & Co. seems to speak. This is the firm that acted as a conduit for hundreds of thousands of dairy industry dollars prior to the Department of Agriculture's raising prices on milk last year. This is the firm that employed the illusive Mr. Hunt, known for his derring-do in the Water-gate caper. This is the firm which, although located across the street from the White House, is often reputed to be "on the same switchboard."

If the predictions of the appointments and resignations prove true, then I for one will insist that Mullen & Co. representatives testify at the confirmation hearing for the new Federal Trade Commissioners.

Mr. President, Miles W. Kirkpatrick is an outstanding example of the kind of regulator the American people need. And David S. Dennison, Jr., has proved himself, so far, to be equally fair and honest. For Mullen & Co. to paint this picture without documentation would be unforgivable. But if Mullen & Co. can document its claims, then a far more grievous problem exists in our regulatory system and in the Nixon administration.

Mr. President, I ask unanimous consent that the Washington Evening Star-News article be printed in the RECORD.

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

AD AGENCY REPORT SEES "SOFTER" FTC  
(By Bailey Morris)

A private report being circulated among high-level advertising agency executives concludes that the "militant" proconsumer stance of the Federal Trade Commission is about to be replaced by one friendlier to business.

According to the report, which was commissioned by the American Association of Advertising Agencies, business will be able to "command almost forgotten consideration" from a reshaped agency chaired by David S. Dennison Jr., a Nixon appointee.

Changes at the FTC, which is characterized as reform-minded and youth motivated under current chairman, Miles W. Kirkpatrick, may be gradual, but key programs will never see the light of day, the report predicts.

Entitled, "The Federal Trade Commission: Where Next?", the report was prepared by the Washington public relations firm of Robert R. Mullen & Co. and is largely based on the "assumption that President Nixon" is re-elected.

VOICE OF REASON

It says without qualification that Kirkpatrick, as rumored, is planning to leave at year-end and that Dennison, "who has become known as the voice of reason" is expected to succeed him as head of the Five-member panel.

Quoting un-named FTC spokesmen and other outside "sources", the report says "administration officials now feel reform has gone too far" at the agency.

As a result, the report says, "appointments



of individuals favoring more strict interpretation of the laws, at all staff levels and for two additional slots on the commission, itself, will be encouraged."

Key Kirkpatrick era measures, such as a controversial counter advertising program for both television and print media and one requiring advertisers to back up their ad claims will not, in the long run, become standard remedies, the report states.

Other proposed corrective measures which would ban a product or a product name, and require warning notices in advertising for specified products, are also expected to appear rarely, if at all, under new FTC leadership.

#### MOMENTUM EFFECT

But, the report says, "the momentum of certain policies and methods will carry for a time, and in fact, may become fixtures."

Among these programs outlined in the report is a previously unannounced one that would result in the "voluntary preclearance of national television advertising" with the FTC.

The report says that Robert Pitofsky, head of the FTC's bureau of consumer protection and the "man most responsible for the extremism" at the FTC will soon initiate such a system.

Under the expanded TV monitoring system, advertisers would voluntarily pre-clear their national advertising with the FTC whose national advertising division "will screen either storyboards or films before the commercials are scheduled."

Major studies probing the structure of industries such as fuels, drugs and food products are likely to continue as are profit-data and statistical gathering projects on conglomerates, the report predicts.

It is possible that precedent-setting cases such as the FTC's proposed shared monopoly case against the cereal industry may be carried forward for a time, the report says, explaining that:

"Just as key commitments cannot suddenly be altered or abandoned, neither can the basic thinking that presently permeates the FTC."

#### BARRIER THEORY

Noting that the cereal case is based on the theory that "advertising is a barrier to the entry of new companies (into an industry) and new products in a given market," the report says this kind of case moves the FTC in a new direction.

It has moved the agency "beyond the traditional FTC realm of unfair and deceptive practices into the sophisticated area of anti-trust violation," the report says.

But the cereal case is likely to involve a long and costly legal test, the report adds. And other FTC advertising cases against some of the nation's largest companies are now involved in "protracted consent negotiations" and may be decided by a "potentially more temperate post-Kirkpatrick" commission, the report says.

#### SIMILAR ATTITUDES

The "more temperate commission," as outlined in the report, would be one composed of individuals who reinforce Dennison's "more moderate approach," the report says.

When Dennison is appointed chairman, it explains, a Republican vacancy on the commission will be opened up.

Two additional appointments under the Nixon Administration are expected, the report says, when the term of Mary Gardiner Jones expires next September and A. Everett MacIntyre, who is beyond retirement age, comes up for reappointment review in January.

"The only doubt over the new Commissioners' basic attitudes will hover over the slot marked MacIntyre, the reports says, noting that he is a Democrat and that it is possible, but far from likely under a GOP administration, his successor could be "an anti-establishment liberal."

#### FRIEND OF BUSINESS

Paul Rand Dixon, the report adds, former chairman of the FTC and a Democrat whose term expires in 1974, understands "the problems of business" and abhors "blind consumerism," the report adds. "Business will continue to have a friend in Paul Rand Dixon," it says.

Likely to succeed Pitofsky as head of the Bureau of Consumer Protection, described by the report as the real nerve center of the agency, is Gerald Thain, who now heads the national advertising effort.

"...Thain is considered more aggressive and less objective than Pitofsky... unlike Pitofsky, he would not have the luxury of independence... in addition, he would not have carte blanche from an indulgent Miles Kirkpatrick," the report concludes.

As the "new commission takes hold" and shifts away from a "rattling chains" policy of experimental cases and economic study expeditions, "consumer Crusaders and young Turk types will probably find FTC employment unappealing and leave," the report concludes.

The Mullen company was retained by the American Association of Advertising Agencies to monitor the FTC's highly publicized advertising hearings and subsequent actions and to present its findings in the report which was issued over the summer.

#### SALES OF WHEAT AND FEED GRAINS TO RUSSIA

Mr. YOUNG. Mr. President, there continues to be a great amount of adverse and inaccurate publicity regarding our recent sale of wheat and feed grains to Russia. It is possible that some irregularities or mishandling of these huge exports may be uncovered, but most of the charges thus far have been inaccurate and, for the most part, for partisan political purposes.

One of the prime examples of erroneous publicity is an editorial which appeared in the Western Livestock Reporter, published at Billings, Mont., by its publisher, Pat Goggins.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my letter to Mr. Goggins and a copy of his editorial on which the letter was based.

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

#### U.S. SENATE,

COMMITTEE ON APPROPRIATIONS,  
Washington, D.C., September 28, 1972.

Mr. PAT GOGGINS,  
Publisher, Western Livestock Reporter,  
Billings, Mont.

DEAR MR. GOGGINS: This letter is in reference to your recent column in the Western Livestock Reporter which is critical of the recent sale of wheat to Russia. Most of the statements you make are so inaccurate that few people would believe them. Let me get you straightened out on a couple of your vicious and inaccurate charges. In your discussion of the wheat sale you state:

"Yes, we sell it to the Communist Russian countries for less than we sell it to Japan who pays cash. Maybe we don't want cash. Maybe we just like to do business on contract papers."

The last sale of wheat to Russia under the Kennedy-Johnson Administration was paid for in full with dollars. This recent sale is under the same commercial credit terms as granted to European countries and Japan. Since Russia is the biggest gold exporting country and is now selling a great deal of

gold on the world markets, they may well be paying for most of it in cash.

Under the sales agreement the interest rate is 6½% when the credit is guaranteed by American banks and 7½% when guaranteed by foreign banks. The export subsidy has always varied depending on world prices as related to domestic prices. The only reason for the export subsidy is to permit the United States exporters which, in this case, are the grain companies, to meet the somewhat lower export prices set by Canada and other exporting countries. This is a practice which has been followed ever since our Federal Government went out of the business of handling export sales and turned it over to private grain companies more than 20 years ago.

In the case of the Russian sale in the Kennedy-Johnson Administration, the export subsidy on durum wheat was 84¢ a bushel and 65¢ a bushel for hard red winter wheat. Much of this last wheat sale to Russia was under a very low export subsidy. Secretary Butz, when the domestic price and the export subsidy began to rise sharply, set a limit on the export subsidy of 47¢ a bushel. This applied to wheat sales to all nations, including Russia.

You state further:

"The Russians are short of wheat from a drought. The only reason they are dealing with us is because they are short of wheat. Japan needs it and they need it every year. Why then, would we sell it to Russia for less than we sell it to a cash paying country who is a regular customer and will be."

Japan has been a regular customer of ours, as well as of Canada. While very helpful, our exports to them are less than 100 million bushels a year. This is very minimal when compared with our 900 million bushel carryover as of July 1 and our estimated new crop of 1.5 billion bushels. A carryover of this size is costly to the Federal Government and has meant a very low price to producers. On May 15 of this year the price of wheat at Jamestown, North Dakota, reached the lowest it had been since 1944.

This sale to Russia has not jeopardized our future trade with Japan. Equally important, the recent sales to Russia and China could open up a vast new and badly needed outlet for our surplus wheat.

In these huge sales of wheat and feed grains—the biggest trade transaction between any two countries in history—there could be some irregularities and questionable or even illegal procedures. There are some investigations being conducted now by Congressional Committees and the F.B.I. A thorough investigation would be highly desirable and it is entirely possible that it could give guidance to some possible further necessary legislation in this area.

Wheat and feed grain producers are presently being subjected to much the same criticism that cattlemen were over the prices of meat and hides. Feed cattle prices have dropped considerably, but consumers in most big retail markets are still not getting any benefit from it.

The furor over the cost of hides a while back has much in common with wheat prices. The cost of the hide in a pair of women's shoes is about equivalent to the cost of the wheat in a loaf of bread.

Just one more point, and it is an important one. Our balance of payments with the rest of the world has become a serious problem. This wheat and feed grain sale will reduce that deficit by more than a billion dollars.

I farmed all my life before I came to the Senate and my three sons are farming now. We, too, are in the cattle business as well as grain farming. From my observations most cattlemen are reasonable people, but people like you who would like to see every grain producer go broke and cattlemen alone have a good price, do a great disservice—espe-

cially to the cattlemen. You try to give them an image that they don't want and don't deserve.

Sincerely yours,

MILTON R. YOUNG.

#### As I SEE IT . . .

Is there anyone left at all in the United States Government Foreign Trade Council who has any idea of a dollar for dollar trade negotiation? Is there anyone left who believes in getting cash for our goods and services?

I sometimes wonder about our latest workings and trades with the Communists. We've stayed away from trading with Communists for a lot of years and from the standpoint of broad, over all world outlook, I think it's the best, however, we are now deciding to trade with them and trade with paper.

You know, Russia owes us multi-millions. They are going to settle with the United States at 5 cents on the dollar. This is quite a trade. So what do we do? We turn around and make a billion dollar deal with them on wheat. It is a paper negotiation and must we sell it to them at bargain prices.

Yes, we sell it to the Communist Russian countries for less than we sell it to Japan who pays cash. Maybe we don't want cash. Maybe we just like to do business on contract paper. The Russians are short of wheat from a drought. The only reason they are dealing with us is because they are short of wheat. Japan needs it and they need it every year. Why then, would we sell it to Russia for less than we sell it to a cash paying country who is a regular customer and will be.

I wish I could have somebody explain to me the reasoning.

I saw a letter from a major controller of a string of elevators in our country who sent a letter out to all of their elevator operators, telling them not to release any barley out of their elevators for less than \$2.50 per cwt. With feeder cattle prices rising, and the prospect of a spiraling feed cost, we are going to have to have \$38 to \$40 fat cattle in the intermountain region to make these feeder cattle work.

Some seem to feel that with wheat price rising the limit almost every day, it is going to take wheat out as a feedgrain as it has been in the last few years. This puts the pressure on barley. A short barley crop is in evidence in all states except North Dakota and with a over-population of feedlots, what is going to be the result?

Either fat cattle rise about \$5 to \$6 per hundred or someone loses his shirt.

I like to be optimistic. I dislike painting a dim picture but this trade with Communist countries for no money looks worse than ridiculous.

There is no doubt that the U.S. grain growers need help. It's a situation that is very critical but to sell it to Communist Russia for less money than American bakers have to pay or for less money than a steady customer like Japan who pays cash, seems almost on the edge of being stupid. And America didn't get to be the country it is by pulling such nonsense.

#### DEATH WITH DIGNITY NEEDS TO BE STUDIED

Mr. CHURCH. Mr. President, recently the Senate Special Committee on Aging, of which I am chairman, began a frankly exploratory series of hearings into the public issues related to a subject which is sometimes called "Death With Dignity" or by other titles which question the right to prolong life by extraordinary means when all hope for recovery—or in some cases, even for consciousness or lucidity—has vanished.

As was stressed at the outset of the hearings, the committee had no preconceived conclusions on the subject. We merely sought testimony as to when and under what circumstances death should be allowed to come naturally to the hopelessly ill. Our witnesses represented the segments of society which are most immediately affected by the actions and implications of extraordinary life-sustaining medical practices: the elderly and their families, social workers, the medical and legal professions, ethicists and members of the clergy. At the conclusion of the hearings, we welcomed and, indeed, sought comments from the public. We asked for their assessment of the adequacy of present health care arrangements for the terminally ill patient and his family.

The timeliness and appropriateness of the committee inquiry is described in an article entitled "Death With Dignity Needs To Be Studied", which appeared in the Syracuse, N.Y., Post-Standard of August 18.

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

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

#### "DEATH WITH DIGNITY" NEEDS TO BE STUDIED

The Senate Special Committee on Aging recently conducted three days of hearings where there was thought about the unthinkable and talk about the untalkable—and three cheers for finally broaching the subject. They spent three days discussing "death with dignity," and although the word euthanasia was meticulously avoided, most witnesses advocated allowing death to come naturally to the hopelessly ill—which might be considered passive euthanasia.

The very idea—at least as an open covenant openly arrived at—is such a virgin one on the American scene that we neither advocate it nor condemn it, but would like to hear much more on the subject from the elderly, general public, medical profession, philosophers, and other groups.

Most witnesses at the hearings, including representatives from all of the above categories, said it was inhumane to keep the dying alive, often against their wishes, long after chances of recovery were reduced to zero. They claimed that the concept of hating to acknowledge defeat—in the vain belief a medical miracle would occur—resulted in patients being, as one witness put it, "bedridden, diapered, tube-fed and completely unaware, to live out artificial lives prolonged by the marvels of science.

Most said that neither the medical profession nor the general public has learned to accept death as a function of life, as natural as birth.

Many cited personal experiences, and there were suggestions to require uniform laws to relieve the pressure on doctors to keep patients alive or face malpractice suits, allow "living wills" so a competent person could specifically refuse treatments to keep him technically alive when hope for recovery is gone, changing procedures so nursing homes serve the needs of the terminally ill or so that patients can die at home among friends, and new legal definitions of death regarding irreversible brain damage.

As the committee chairman, Sen. Frank Church, D-Idaho, admitted, the issue of "death with dignity" was a "novel" subject for the Senate to be probing. But it is certainly an important one.

There are many aspects of the subject yet to be explored—religious tenets, the possible abuse by greedy relatives eager for an inheritance, the possible incorrect diagnosis

by physicians, premature end of treatments in the belief that death is near, and so on.

But many of the elderly themselves are pressing for "death with dignity"—allowing natural death to come. A great many people fear that some day they may become "vegetables"—a burden on their families and society, and existing without a functioning brain or bedridden in perpetual great pain merely because machines can replace most of their body organs.

Much more study and discussion are called for, because as things stand now, no physician, patient, relative of potential patient has any choice but to extend life or have it extended, regardless of the wishes of any or all. The fact that many times this practice is not followed only makes the legal and ethical quandaries that much more in need of resolution, or at least full airing.

#### SENATOR MCGOVERN AND AMNESTY

Mr. SCOTT. Mr. President, an article entitled "McGovern Fuzzes Amnesty," written by Ted Knap, and published in the Pittsburgh Press of September 20 covers in detail a point I made earlier this week. Because I think this point cannot be emphasized enough, I ask unanimous consent that the article be printed in the RECORD.

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

#### MCGOVERN FUZZES AMNESTY

(By Ted Knap)

Sen. George S. McGovern's effort to take the radical stamp off some of his positions is creating problems of credibility.

None is more clear than on the issue of amnesty, where there is a huge gap between what Sen. McGovern says and the facts.

The Democratic presidential nominee is on record in favor of general, unconditional amnesty for the thousands of young Americans who evaded the draft rather than serve in the armed forces during the Vietnam war.

He would not even require compensatory public service.

This position made Sen. McGovern the youth favorite and enabled him to recruit an organization of volunteers that helped win the nomination. But it is a position opposed by a majority of older voters, according to the polls.

So when Sen. McGovern was asked about amnesty in Pittsburgh last Wednesday at a meeting with local Democratic leaders, he responded by saying first that he would not invoke amnesty until the war is over and American prisoners are home.

#### IMMORAL WAR

He could then follow precedent other presidents have taken—that is, provide amnesty for those who in conscience refused to serve in a war they considered immoral. He continued that it would be a "general amnesty" for draft evaders but not deserters.

Sen. McGovern went on to say, as he has frequently in public speeches, that President Calvin Coolidge "provided amnesty after World War I—and he certainly was no radical."

Sen. McGovern said President Harry S. Truman did it "somewhat differently, but under a general amnesty" after World War II.

That is not true or even close to the truth. Because Sen. McGovern's staff has a Library of Congress research report on the subject, it is hard to believe that he doesn't know what really did happen.

There is no precedent for general amnesty for wartime draft evaders.

More pertinent is what happened in regard to the last three wars.

World War I—no amnesty for draft evaders.



What Coolidge did in 1924 was pardon about 100 men who had deserted from the armed forces after the war.

Fifteen years after the armistice, President Franklin D. Roosevelt granted amnesty and restored citizenship to the World War I draft evaders who had been prosecuted and served their sentences.

#### TRUMAN PARDONS

World War II—Mr. Truman in 1947 pardoned 1,523 out of 15,805 who had violated the draft law during the war.

Korean war—total absence of amnesty.

Sen. McGovern's attempt to make his amnesty position seems less radical by giving it the aura of presidential precedent is, to put it kindly, less than forthright.

A smaller credibility question has arisen over the most fundamental part of Sen. McGovern's Vietnam war position.

In the beginning, Sen. McGovern said he would withdraw all U.S. forces from South Vietnam within 90 days after inauguration. He was loudly applauded, but later encountered opposition from those who feared he might abandon American prisoners of war.

So Sen. McGovern now says that within 90 days after he became president "every American prisoner and every American soldier" would be home.

#### BALANCED GROWTH AND ITS RELATION TO RESTORING "A SENSE OF COMMUNITY" IN OUR NATION

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to the September issue of *Future* magazine, the official magazine of the U.S. Jaycees, and their particular attention to the cover article, for it was written by our good friend, the junior Senator from New Hampshire, Senator THOMAS J. MCINTYRE.

This is a remarkable issue, Mr. President.

It is as bold and challenging and relevant in content as it is in format, color and design, and the tone for the issue is set by Senator MCINTYRE's urgent call for a policy of balanced national growth.

What is remarkable about this article, Mr. President, is that Senator MCINTYRE brings together all of the familiar arguments for a balanced distribution of people through a balanced distribution of economic opportunity and then adds a new and insightful element that demands our consideration.

Our colleague writes,

No challenge before us, is greater than restoring a "sense of community" to Americans everywhere . . . The crisis in relationship between individual Americans and the societies in which they live is no less insistent of resolution than the crisis in the relationship between man and nature. Moreover, the two crises are so interwoven that neither can be fully met without meeting the other.

Mr. President, Senator MCINTYRE then links the loss of our sense of community to the imbalance of population and opportunity by saying:

In very simple terms, people who are forced to live in a given community by influences beyond their control will not—indeed, cannot, develop a sense of community, for intrinsic to a healthy sense of community is freedom of choice.

Our colleague rightly points out that poll after poll in recent years has indicated that half to two-thirds of our people do not live where they want to live,

and he observes that it is impossible to build that spirit of cooperation mutual respect and good will so crucial to a sense of community on a bedrock of resentment and bitterness.

Senator MCINTYRE rounds the dimensions of this aspect of his argument by contending that the collective recognition that every person in a given community counts, that what he or she thinks or says is deserving of consideration, is equally essential to a healthy sense of community.

He writes:

I firmly believe, that much, perhaps all of today's social ferment—the divisiveness, bitterness, rancor, suspicion and cynicism about our leaders, our institutions, our government and our political processes—can be laid to the fact that millions of Americans—from the heart of the festering ghettos to dying Main Streets across this land—have become convinced that they can no longer chart their own destinies and are helpless, voiceless, and totally without recognition or influence.

Contending that Americans lost their "precious sense of community" and their sense of personal significance to the forces of accelerated time, accelerated technological advance, accelerated industrial development and accelerated urbanization—most of which, he rightly points out, took place with little thought to their impact on the social as well as the natural environment.

He writes:

We were simply overwhelmed by a growth movement not only awesome in speed and dimension, but heedless in direction. We neither foresaw nor prepared for the reckless drain and despoilment of our national resources or the terrible strain on our social fabric.

The basic pattern of population distribution, he notes, was designed by the play of economic forces and few other considerations, because people must live where there are jobs and the location of jobs is not their choice.

But there is still hope, he concludes. It is not too late for men to act rationally and responsibly as architects of both the social and the natural environment.

As a nation, we stand at the brink of a new maturity, he writes, a maturity that tells us it is time to stop, retrace our path, pick up the values we dropped along the way, take careful stock of what we have and what we are—and decide exactly where we are going.

And then Senator MCINTYRE tells us which direction he wants to see us take:

I want us to create an America with elbow room and breathing space, I want to see an America where revitalized smaller cities, medium-sized cities, villages, and new towns, can make it possible for 300 million of us to live in less congestion tomorrow than 200 million of us live today.

I want to see an urban America freed of the blight of congestion and pollution and crime and drugs and despair. I want to see an urban America with the amenities of life restored for all Americans.

Senator MCINTYRE concludes:

In that America, people could live where they wanted to live.

In that America, people could feel that they belonged and that they counted.

In that America, people everywhere could regain and nurture that all-important sense of community.

Senator MCINTYRE tells us.

"We shall survive" better and stronger than ever before. But our work is cut out for us. Government and citizenry must work together to achieve the ultimate goal: an America capable of meeting a realistic growth within a sane environment."

To accomplish what the junior Senator from New Hampshire is calling for will require a new, and much broader look at our Nation's problems. It also will require some new approaches to policy formation and changes in our traditional institutions and manner of handling our Nation's affairs.

I have been addressing myself specifically to these concerns since returning to the Senate and I will soon introduce a bill entitled "The Balanced National Growth and Development Act of 1972," which it is hoped will provide the start I believe our Nation needs to begin working towards the ends which the Senator from New Hampshire so eloquently has outlined in his article.

As a nation of free men and women, we must not let the exercise of our freedoms blind us to the need for planning and designing our future. If we fail to plan for our Nation's future we may not as individuals be able to protect our own freedoms and future. We have the intelligence, the wealth, and the power as a nation to create any type of future which the people of this Nation desire. What we lack is "the will," "the conviction," "the courage," "the determination," and "the leadership" to take this admittedly challenging task head-on. I believe the bill I shall be introducing soon will give Americans new hope and encouragement to meet this challenge enthusiastically.

Mr. President, I commend the junior Senator from New Hampshire for presenting an argument for balanced national growth that is as sensitive and perceptive as it is forceful and convincing.

I ask unanimous consent that Senator MCINTYRE's article be printed in the RECORD.

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

#### MEGA-POLLUTION: THE ULTIMATE CRISIS (By U.S. Senator THOMAS J. MCINTYRE)

No challenge before us is greater than restoring a "sense of community" to Americans everywhere. And I submit that meeting this challenge will require a revolution in thinking equal to that demanded by the environmental crisis.

The crisis in relationship between individual Americans and between Americans and the societies in which they live is no less insistent of resolution than the crisis in the relationship between man and nature. Moreover, the two crises are so interwoven that neither can be fully met without meeting the other.

In very simple terms, people who are forced to live in a given community by influences beyond their control will not—indeed, cannot—develop a sense of community. Intrinsic to a healthy sense of community is freedom of choice. That freedom of choice must exist before rational solutions can be discovered and implemented.

It is impossible to build that spirit of cooperation, mutual respect, and good will so crucial to a sense of community on a bedrock of resentment and bitterness.

Equally essential to a healthy sense of community is the collective recognition that every person in that community counts, that

what he or she thinks or says is deserving of consideration. Only with this realization can we hope to combat the serious ills now threatening us.

I firmly believe that much, perhaps all, of today's social ferment—the divisiveness, bitterness, rancor, suspicion, and cynicism about our leaders, our institutions, our government and our political processes—can be laid to the fact that many millions of Americans—from the heart of the festering ghettos to dying Main Streets across this land—have become convinced that they can no longer chart their own destinies and are helpless, voiceless, and totally without recognition or influence.

Regardless of the outcome of the upcoming elections, this campaign year surely has revealed how endemic such feelings are in America.

What is needed now is a bipartisan attack on the root causes, because the "revolution" in thinking that I'm talking about is not a partisan issue.

Now, how did we Americans lose our precious sense of community? We lost it to the forces of accelerated time, accelerated technological advance, accelerated industrial development, accelerated urbanization, and accelerated population growth.

We were simply overwhelmed by a growth movement not only awesome in speed and dimension, but heedless in direction. We neither foresaw nor prepared for the reckless drain and despoilment of our natural resources or the terrible strain on our social fabric. We plunged ahead with speed but without sufficient caution, we don't take enough of our actions into serious consideration.

At the turn of the century, 60 per cent of the total U.S. population lived in rural areas. Indeed, 40 per cent still lived on farms.

But in the span of one lifetime—1900 to 1970—the American economy was transformed from agrarian to industrial-technological and the ratio of urban to farm residents shifted from nearly one-to-one to 15-to-one. By the 1950's the countryside was losing a million people a year to the cities!

Former Agriculture Secretary Orville L. Freeman has described the outflow of rural residents since the end of World War II as "the greatest population migration within one nation that mankind has ever known."

One of the first major public figures to sound the alarm about the growing rural-urban imbalance, Freeman repeatedly pointed out that the migrants from rural America to the metropolises have been primarily the best equipped and the least equipped in terms of ability and training.

Departure of the best, he says, stripped the countryside of vital human resources. And arrival of the least equipped compounded the problems of the cities.

The exodus from the countryside left in its wake empty farm homes, empty stores, a reduced economic base hard pressed to support good schools, doctors, and social services. And in all too many rural areas it bred hopelessness and despair.

Today, less than one-tenth of all employment in the United States is in land-using industries—agriculture, forestry, fisheries, or mineral extraction. One-tenth only!

And today, 75 per cent of our 209 million people are living on less than two per cent of the total land surface of this nation!

Moreover, by the year 2000 that figure seems certain to rise to 85 per cent. Today most of us are jammed into four major megalopolitan areas: one reaching from Boston to Washington, one along the foot of the Great Lakes, a third from Santa Barbara to San Diego, and the last along the east coast of Florida. By the year 2000 we can expect to see a single continuous city of 35 million people stretching all the way from northeast Maryland to Northampton, Massachusetts.

This is insane!

Stuffing 75 to 85 per cent of our people, cars, smokestacks, and problems into less than two per cent of our space was certain to create staggering environmental, economic, and social problems.

Large cities overload the capacity of air to clean itself. So is it any wonder that airline pilots see a brown mist over every major metropolitan area? Or that astronauts, from 20,000 miles up, can see the smog cover over Los Angeles? Or that more than 30 per cent of California's people have eye or respiratory irritation and allergies? And the problem grows.

We pump 173 tons of contaminants into our atmosphere every year—and we pump most of it from metropolitan areas that can't handle it.

The same holds true for the waterways around most major population centers. One river in Ohio is so polluted with combustible contaminants that it is actually considered a fire hazard!

Should it come as a surprise, then, that by next year 90 per cent of our urban population will need secondary sewage systems?

And this lead us into the economic problem of concentrated growth and population. Bigness does not equate with goodness. There comes a point in growth where diseconomies of scale outweigh the economies. Cities can become so big, as we've seen time and again, as to lose all traces of economic viability.

For instance: Police protection costs only \$13.45 per capita per year in cities of less than 50,000 population; \$20.89 per capita in cities of from 100,000 to 200,000; but \$48.77 per capita per year in cities with more than a million population!

Another example: One Midwest city of 50,000 budgets about \$500,000 a year for its total street department spending. But one study I've seen holds that each New Yorker who moves to the suburbs costs the city over \$20,000 in capital outlay for the facilities he needs to drive to and from work in the City. And in Washington, D.C., this study reports the per capita cost to accommodate commuting is even higher.

What I am saying, then, is that a city can get so big that the cost of providing services increases drastically out of proportion to total population increases. These costs—for fire and police protection, sanitation, parks and recreation—have jumped by \$2 and \$3 billion in less than four years. Local taxes and utility rates have shot up by \$1.2 billion a year, and they still can't keep pace.

In the last 10 years, we've spent \$160 billion trying to solve urban problems. Despite this incredible outlay we are still \$8.3 billion short in meeting mass transit needs, \$7.5 billion short in meeting sanitation and water quality control requirements, \$3 billion short in urban renewal, \$350 million short in public housing, and \$1.7 billion behind in meeting law enforcement needs.

It is impossible to ignore these massive urban problems. But it is equally impossible to ignore the harsh fact that the crisis mentality brought on by the very scope of the problems has time and again pushed us into hastily adopted programs which, as a recent Brookings Institution study emphatically underscored, turned out to be poorly conceived, badly misdirected, and incredibly expensive.

Surely it is obvious to everyone that the great social problems of our day—from crime to drugs to race conflict to welfare to corruption—are concentrated in direct ratio to where people are concentrated.

Some of the tensions of congestion are obvious. Others are more subtle. How much does it take to wear away that thin veneer of civility so crucial to order, public tranquility, and sense of community?

How much noise? How much uncollected garbage? How many traffic jams? At the turn of the century you could go through the

heart of New York City at 11 miles an hour in a horse and buggy. Today with a 350 horsepower car, six miles an hour would set a track record.

It is tempting to blame density of population as the only cause of social costs in urbanized America, but that may be too simple an answer.

We can look at one set of figures that tell us that Manhattan, with two million people jammed into a very small area, has more murders each year than all of England and Wales combined. But is population density the reason?

Hong Kong is the most densely populated city in the world—2,000 people per acre compared with 450 per acre in New York—yet our big cities have twice the crime rate and six times as much murder and manslaughter.

No, the answer may be more than congestion alone.

Somehow I feel that the truth lies near to the heart of the thesis that order, tranquility, and a healthy sense of community depend upon the degree to which individual members of the community have options—have free choice of staying or leaving—and the realization that they do, indeed, count as involved, contributing members of that community. People live in such communities because they want to live in those communities.

Surprisingly, this seems to be true in the teeming congestion of Hong Kong. Many of the people in the crowded tenements of that city want no other life style, and one of the reasons is the high degree of involvement they feel. Moreover, without ever actually leaving it, many of these people are able to escape from the noise and chaos of the city by turning their dwellings and tiny gardens into oases of quiet peace and beauty.

But how about urbanized America? Do all those people jammed into megalopolis want to live there? Not if we believe every poll that has been taken in recent years. For each has told the same story. Well over half of the American people would rather live in a rural setting. A quarter prefer the suburbs. Less than 18 per cent want to live in the big city.

And we must assume that even those who say they prefer the suburbs are really saying they prefer the peace and security of the small town within the city.

This means, then, that well over half of our people, perhaps as many as two-thirds, are not living where they want to live or choose to live.

And along with this is that sense of helplessness and voicelessness and powerlessness that is so pervasive in many areas that it undercuts any meaningful, fulfilling relationships with the community.

Again, polls tell us that a great many Americans are convinced that government has become so big, so austere, and so remote that they have no confidence that it cares in the least for them or their problems.

From my personal experience in the legislative branch, I know this isn't true. Congressmen and Senators do care. They are concerned about their constituents. And they want very much to do all they can to help them with their problems.

But there is little question in my mind that the very size and proliferation of government—again to a great degree inspired by crisis mentality—does lend itself to an aura of awesomeness and frustrates countless citizens desperately trying to reach the right man in the right program in the right agency in the right branch with the right answer.

The same is true on the local level in urbanized America. Urbanologist Jerome P. Pickard has pointed out that a recent Census of Government showed that 227 officially defined metropolitan areas had 20,703 local governments including school districts, mu-



nicipalities, townships, counties, and special districts!

All of this is a far cry from the sense of community and the sense of involvement epitomized in the New England town meeting tradition that I know and cherish.

We need that in America. And we can have that in America again . . . if enough of us are willing to go through the revolution in thinking that it will take to accomplish the goal.

In a book published just a few months ago—a book titled *One American Town*—Donald Connery says of his community: "We should all live in villages. There are even times when I can bring myself to believe that a town like this one, far from being a relic of the past, is something of a model for the future."

Is this a love letter from a man who was born and grew up and lived all his life in one small town?

No. It is a love letter from a man who lived for a long time in the teeming throngs of London, Moscow, New Delhi, Tokyo, and the great cities of America and who, only a few short years ago, moved to the peaceful town of Kent, Connecticut.

It is a love letter from a man who found in one small town what he had been looking for all his life.

And what did he find? He found order and serenity. He found a warm and intimate affection and respect for nature and for neighbor. And he found that "sense of community."

Well, if Donald Connery found it, why can't all of us find it?

Because, as Brookings Institution scholar James L. Sundquist says, "People must live where there are jobs, and the location of jobs is not their choice."

The basic pattern of population distribution was designed by the play of economic forces, he says, "and not by men acting rationally as environmental architects."

The hour grows late. But not so late that men have lost the chance to act rationally, responsibly, as "environmental architects."

It is not too late to stop the heedless growth of our choked, debt-ridden, crime-plagued, service-starved cities. It is not too late to give them a chance to catch their collective breath and become again what American cities ought to be, safe and clean and beautiful, stimulating and exciting, centers of commerce and learning and culture.

It is not too late to restore economic health, vigor, and opportunity to rural America.

*It is not too late to put jobs where people want to live.*

*It is not too late to bring back to all Americans a real sense of community.*

Seven years ago, Orville Freeman was the only leading figure in public life who was sounding the alarm on population distribution.

"At that time," Brookings' Sundquist says, "the nation's intellectual community, insofar as it was aware of Freeman's thesis, treated it with a disdain that blended into outright hostility. Teachers, writers, scholars, and editors for the most part live in cities . . . The country's intelligentsia is wholly urban now; the voices that once sang of rural life, the Hamlin Garlands and the Willa Cathers and the Robert Frosts, are now stilled without replacement. One can stock a library with books on the 'urban crisis' but try to fill a single shelf with works that deal in depth with the corresponding rural crisis."

But Freeman persisted. And slowly he picked up support. Three of the nation's greatest daily newspapers, and many other papers, saw the wisdom in his plea for restoring population balance. Governors of urban states and mayors of the huge and troubled cities began to see the logic in stemming immigration.

And in 1967, President Johnson spoke to the issue when he said: "The cities will never

solve their problems unless we solve the problems of the towns and smaller areas. So consider the problems of urban growth. If the present trend continues, by 1985 as many people will be crowded into our cities as occupy the entire nation today. I don't think this has to happen. Modern technology and modern industry and modern transportation can bring jobs to the countryside rather than people to the cities. And modern government could help also."

When Mr. Johnson and Mr. Freeman left office in 1969, Nixon Administration officials took up the cause. Listen to Mr. Nixon's first Secretary of Commerce, Maurice Stans, define the issue:

"The overriding question before the Nation is this: Shall we let haphazard and chaotic growth create almost insoluble problems for our people, for government, and for industry? . . . (Or should) business and government at all levels—federal, state, and local—cooperate, under fair rules equitably applied, to build an urban system that is not only productive, but also enhances the quality of life for our people and their children into and beyond the year 2000?"

Mr. Nixon himself came fully to grips with the issue in his 1970 State of the Union Address. In this address, he noted that "vast areas of rural America are emptying out of people and of promise." And, he said, "The violent and decayed central cities of our great metropolitan complexes are the most conspicuous failures in American life today."

"I propose," he said laudably, "that before these problems become insoluble, the nation develop a national growth policy."

"In the future, decisions as to where to build highways, locate airports, acquire land or sell land should be made with a clear objective of aiding a balanced growth."

"In particular, the Federal government must be in a position to assist in the building of new cities and the rebuilding of old ones."

"And at the same time, we will carry our concern with the quality of life in America to the farm as well as the suburb, to the village as well as the city. What rural America needs most is a new kind of assistance. It needs to be dealt with, not as a separate nation, but as part of an overall growth policy for America."

In December of the same year, under Title VII of the 1970 Housing and Urban Development Act, Congress declared that existing and future federal programs must be made consistent with a national growth policy and set a goal of "reversing the trends of migration and physical growth which reinforce disparities among states, regions, and cities, comprehensive treatment of the problems of poverty and employment (including the erosion of tax bases and the need for better community services and job opportunities) which are associated with disorderly urbanization and rural decline, and the development of means to encourage good housing for all Americans and new community development."

From all this one might well believe we were on our way, that the revolution in thinking about the future had caught fire throughout the government, that America, at last, was about to adopt and implement a national growth policy.

Not so.

Another year-and-a-half have gone by, and we're still without a policy. Once again, brave words, bold words, imaginative words have not been backed by deeds.

And why? Because the problems of heedless growth, the problems of acute population imbalance, are so huge, so deep, so pervasive that they defy overall attention and comprehension. The crisis mentality is unfortunately tuned to individual—not collective—crises.

Yet this is precisely why a national policy, a comprehensive broad-visioned, far-

sighted national policy, must be adopted and adopted soon!

Without such a policy we can expect that land will continue to be developed, ravaged, and misused. Pollution of the environment will continue to be concentrated most where it can be remedied least. Urban blight will continue to spread with urban sprawl. "Ghettoization" of inner cities will go on as before. The rural to urban migration will proceed uninterrupted at the rate of half a million or more a year. City unemployment will go on climbing because unskilled, untrained migrants are still pouring in. Welfare problems will multiply for the same reason. And there is certain to be a further polarization of our people, a further alienation of our people from their government, and a quickly accelerated depreciation of American's sense of community.

As a nation we have survived a traumatic birth and many growing pains. At a very young age, as nations go, we became the envy of the world.

Now we stand at the brink of a new maturity, a maturity that tells us we may have grown too fast, grown too recklessly. A maturity that tells us it is time to stop, retrace our path, pick up the values we dropped along the way, take careful stock of what we have and what we are—and then decide exactly where we're going.

I know the direction I want to see us take.

I want us to recreate an America with elbow room and breathing space. I want to see an America where revitalized smaller cities, medium sized cities, villages, and new towns can make it possible for 300 million of us to live in less congestion tomorrow than 200 million of us live in today.

I want to see an urban America freed of the blight of congestion and pollution and crime and drugs and despair. I want to see an urban America with the amenities of life restored for all Americans.

In that America, people *could* live where they wanted to live.

In that America, people *could* feel that they belonged and that they meaningfully counted.

In that America, people everywhere *could* regain and nurture that all-important sense of community.

We shall survive. Better and stronger than ever before. But our work is cut out for us. Government and citizenry must work together to achieve the ultimate goal: an America capable of meeting a realistic growth within a sane environment.

#### EAST-WEST TRADE RELATIONS ACT

Mr. ROTH. Mr. President, I am pleased to be associated with the Senator from Washington (Mr. JACKSON) in sponsoring an amendment to the East-West Trade Relations Act, S. 2620, which will provide a positive inducement for the Soviet Union to repeal the exit taxes they are charging their Jewish citizens who wish to emigrate. This amendment is easily explained. It will make U.S. trade concessions—specifically, the granting a most-favored-nation treatment to the Soviet Union or other non-market economy countries and the permitting of those countries to participate in U.S. Government credit, credit guarantee, and investment guarantee programs—contingent upon those countries granting their citizens the opportunity to emigrate without paying exorbitant ransoms. I think the junior Senator from Washington well described the philosophical basis of the amendment when he said:

It is a simple amendment. It arises out of and is rooted in our traditional commitment to the cause of individual liberty. It is a simple plea for simple justice. But unlike other such pleadings, it has some teeth in it.

The situation that gives rise to this effort is well-known. Soviet Jews have long been the victims of cultural and political suppression in the Soviet Union, and many have sought to leave. Many of us in the Congress have been very concerned by the obstructions that the Soviet Union has put in the way of emigration despite its ratification of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and its signing of the 1966 International Covenant on Civil and Political Rights, both of which guarantee freedom of emigration. In November of last year, a number of us joined in sponsoring Senate Concurrent Resolution 51 asking that the right of free emigration be placed on the agenda of the United Nations General Assembly. In May of this year, the President made known his feelings on the rights of the Jewish minority to the Soviet leaders.

After the President's visit, however, the Soviet Union resorted to a new device to discourage Jewish emigration. This was the emigration tax, allegedly to repay education benefits. It is quite clear that the Soviets hoped that this tactic would discourage emigration while attracting little attention. But through the efforts of the Jewish community in the Soviet Union and Jewish organizations elsewhere, the new outrageous tax has come to the attention of the world.

This kind of a tax has no parallel in our country. The United States has always permitted free emigration and our society has always provided a free education for its citizens. The purpose of free education in our society is to help every citizen achieve his own potential and contribute more effectively to a society that hopes to retain his allegiance through good government. Free education is not the basis for indenture to the State.

I am proud that our governmental institutions, society, and economic system have proved a magnet of attraction for many different nationalities around the world who have come to this country and have shared in its greatness.

Communist societies, however, have been no such magnet. On the contrary, they have been characterized by waves of emigration as people have sought personal and economic freedom, religious toleration, and the rights of free expression of opinion, assembly, and equal justice. If these societies do not want to have disaffected citizens, they should look toward restoring such rights rather than toward denying free exits.

The Berlin wall today remains as the most blatant reminder of the barriers that Communist governments have used to keep their citizens from fleeing. Apparently, such tactics have been refined in the 1970's. Instead of erecting an ugly, physical barrier, the Soviets have resorted to building an invisible, but nonetheless real, "Berlin wall" to prevent its Jewish minority from leaving the land they no longer want to live in.

Mr. President, I am basically opposed to interference on our part in the internal affairs of other governments. But I do not believe that this principle of noninterference should be extended to the point where we no longer express our outrage toward a situation that violates basic human rights. This amendment does not coerce the Soviet Union to change its domestic laws, but it does provide an incentive for that government to make changes in its treatment of its Jewish minority by making trade concessions on our part conditional on such changes. If international public opinion is ever going to be effective, it must be attached to such inducements. I hope, therefore, that all Senators will give close and careful consideration to this amendment and join with us in attempting to insure free emigration for Soviet Jews who desire only to live in the land of their choice.

#### FOUR MORE YEARS?

Mr. CHURCH. Mr. President, the September 23 issue of the Blackfoot News contains an excellent editorial entitled "Can we take 4 more years?"

In it, the publisher of this fine Idaho daily, Drury R. Brown, asks the fundamental question of the current presidential campaign:

... Can the United States take four more years of Richard M. Nixon in the White House?"

Taking just one point in the editorial, Mr. Brown notes that—

Under Richard Nixon there is a tighter alliance of big government with big business than has ever been achieved before. His Administration has operated on the theory that what is good for big business, no matter how badly managed . . . is good for the United States. Will the people of the United States swallow this policy of subsidy and socialism for the rich and private enterprise for the poor?

I commend the editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

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

#### CAN WE TAKE 4 MORE YEARS?

It's six weeks until Election, 1972, and the pollsters find Richard Nixon to be leading George McGovern by 34 points while Jimmie the Greek, Las Vegas bookmaster, is quoted by Newsweek Magazine as giving bettors even odds that Nixon will carry 46 states.

It all has an air of unreality. At the risk of being asked—who's crazy?—I can't help but think the pollsters will be proven wrong. The people of the United States may be mesmerized now, but I don't expect them to stay that way through election day.

There is one fundamental question that must be decided by the people. Simply put it is—can the United States take four more years of Richard M. Nixon in the White House?

The White House election strategy is to make it appear he is not running as a Republican but as a candidate of all the people. His master strategists operate under the title "Committee to Re-elect the President." He and they know there are not enough Republicans to accomplish that end unless they can confuse and divide the opposition.

Some imperative issues can be stated in simple questions.

Now that our Commander-in-Chief has

substituted mechanized killing for killing by foot-soldiers and has made the war in Vietnam almost danger-free for U.S. military personnel, are we willing to continue the slaughter of North and South Vietnamese to preserve the Nixon ego, now hopefully entwined with his concept of Presidential power?

Are we willing to accept four more years of military buildup and a continuation of boondoggle for the rich? President Nixon understands that because of the built-in fears of many of the American people brought about by 25 years of cold war, that it is much easier to sell the concept of the warfare state than the concept of a welfare state.

Under Richard Nixon there is a tighter alliance of big government with big business than has ever been achieved before. His Administration has operated on the theory that what is good for big business, no matter how badly managed (Penn Central, Lockheed, daily newspaper, combinations in restraint of trade saved by the Falling Newspaper Act, the ITT) is good for the United States. Will the people of the United States continue to swallow this policy of subsidy and socialism for the rich and private enterprise for the poor? In the four years of Nixon there have been 10,000 small business failures that have gone unnoticed by his Administration.

Will the people of the United States accept placidly the corruption that follows from such alliances between big business and big government? Are they completely cynical about the relationship of the Justice Department to the ITT and ready to accept the concept that government should operate that way? What about the millions of dollars, collected by the Committee to Re-elect the President in advance of the date set for mandatory revelation of the names of subscribers to the "and—subscribers whom the Committee refuse now to reveal? Is there any chance we can have a revelation of the meaning of the Watergate Affair before election?

What about the effort of the Committee to defy "The President" as if he should be above criticism and is more than flesh and blood man? The Committee equates the White House with Mount Olympus.

Richard M. Nixon puts his pants on one leg at a time like all the rest of us and he should be put to the same rough ordeal of scrutiny and dissection that George McGovern has sustained and now appears emerging from.

#### MINNESOTA AT MUNICH

Mr. HUMPHREY. Mr. President, because of the somber tone that the Olympics has assumed as we look back on the tragic murder of Israeli team members, we tend to forget some of the finer moments at Munich. We have not paid sufficient tribute to our U.S. team members who did such a fine job in representing their country, in their display of physical prowess and in their noteworthy sportsmanship.

As Senator from Minnesota, I would like to pay special tribute to the Minnesota contingent of the Olympic team, and I know that what I have to say is what my fellow Minnesotans are saying. Craig Lincoln's superior diving skill won him the well-deserved bronze medal, a medal that was harder to win than most considering the uncertainty expressed over the partisanship of the judges for other contestants. Bill Allen helped win a gold medal for the U.S. yachting team. Jim Brewer, another Minnesotan, made a significant contribution to the U.S.



basketball team's fine performance. Jim and his teammates were denied the gold medal by extremely dubious officiating in the championship game. We share their disappointment and applaud their accomplishment.

Although they won no medals, the rest of the Minnesota team also brought home laurels to their State. Bill Rogosheske, in canoe racing, Angus Morrison, in slalom canoeing, and Dave and Jim Hazewinkel, Gary Neist and Coach Alan Rice in wrestling, all did an outstanding job.

We in Minnesota are proud of the Minnesota contingent just as we are proud of the U.S. Olympic team. The world over has been shamed by the tragedy which befell Munich, and I think responsible political leaders must seek to maintain the essence of the Olympic tradition. The athletes, themselves, put on a commendable display of spirit and talent, and if we are to look forward to another Olympics, governments must concentrate on returning to their original spirit. We owe that to the Craig Lincolns and Duane Bobicks and the Jim Brewers.

And Minnesota has a lot to be proud of in its Olympic team. Congratulations are in order and a warm welcome home to our team.

#### ALASKA INDIAN RESERVATION ROADS AND BRIDGES

Mr. STEVENS. Mr. President, S. 3939, the Federal-Aid Highway Act of 1972, is a most important bill for the State of Alaska. As well as providing \$20 million from the highway trust fund for Federal aid highway projects in Alaska in 1974 and 1975 and authorizing nearly \$59 million for reconstructing portions of the Alaska Highway, the bill will authorize for the first time \$75 million in 1974 and \$100 million in 1975 for Indian reservation roads and bridges. The definition of "Indian roads and bridges" is modified so that Alaska Native villages will be eligible for funding under chapter II of title 23. This authorizes Federal assistance for non-Federal aid highways.

The importance of these authorizations for Indian reservation roads and bridges and the expanded definition of this term can best be illustrated by two pieces of correspondence I received a few days ago from Mr. John Sackett, president of the Tanana Chiefs Conference. Mr. Sackett's letter and the enclosure from Mr. B. A. Campbell, commissioner of the Alaska Department of Highways, graphically illustrate the plight of the village of Tetlin. The State of Alaska cannot fund a road to connect Tetlin to the Alaska Highway. Only if this provision remains in S. 3939 will Tetlin be authorized for Federal funds. The Senate wisely passed the bill with this section intact. I urge the passage of this portion of the bill by the House when it takes up the legislation. Once these funds are authorized and the money appropriated, the people of Tetlin and countless other Alaskan villages as well as other Indian reservations across the country will have vastly improved communications with the outside world.

And when this authorization is ap-

proved, I would hope the Senate Appropriations Committee will move swiftly to authorize funds for it.

Mr. President, I ask unanimous consent that relevant portions of the letter from Mr. John Sackett and its enclosure from Mr. Campbell be printed in their entirety in the RECORD.

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

TANANA CHIEFS CONFERENCE,  
Fairbanks, Alaska, September 14, 1972.  
Senator TED STEVENS,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR STEVENS: For a number of years various persons have been trying to obtain a road into Tetlin and without success. Tetlin was then a reservation, however; BIA never obtained road funds for Tetlin and most of it always filtered to Metlakatla. Since then I contacted the state and they do not have funds as the attached letter indicates, nor do they have plans to use any bond monies coming in the future.

In the meantime, the reservation status for Tetlin was revoked due to the claims settlement and no BIA monies can be used for Tetlin or any other former reservation unless an amendment, which is now before Congress, is passed allowing BIA road monies to be used other than reservations.

Tetlin needs two things. One, passage of the amendment which would also help a number of other towns in Alaska and secondly, we need an appropriation of \$3 million for the 17 miles of road. The local BIA stated the road is already surveyed.

We would sincerely appreciate whatever you can do on the appropriations committee to assist us in delivering a transportation system to the Tetlin residents and I will be awaiting your reply.

Thank you.

With kind regards.

Very sincerely,

JOHN C. SACKETT, President.

STATE OF ALASKA,  
DEPARTMENT OF HIGHWAYS,  
Juneau, September 8, 1972.

Mr. JOHN SACKETT,  
President, Tanana Chiefs Conference,  
Fairbanks, Alaska

DEAR MR. SACKETT: In reference to your letter of August 24, 1972, I have reviewed the access problem to the Village of Tetlin. There appears to be two possible routes that could be considered for a road. One would parallel the Tetlin and Tanana Rivers, connecting with the Alaska Highway midway between Tok and Tetlin Junction. This would avoid building any major structures but would be approximately 17 miles in length. The other route would be more direct, paralleling the Tetlin River, crossing the Tanana River just below its confluence with the Tetlin River and connecting with the Alaska Highway west of Midway Lake. This latter route would require a major structure across the Tanana River. Rough estimates have put the cost of either route between \$2,000,000 and \$3,000,000.

At the present time the only highway funds available for village roads are those made available under the Local Service Roads and Trails Program. Funds available under this program are allocated on a population and area basis and there are not sufficient funds available for a project of this magnitude. However, we understand that federal legislation has been introduced which would allow more latitude in use of BIA road funds. If this becomes law, we would be happy to cooperate with the BIA subject to availability of funds.

Very truly yours,

B. A. CAMPBELL,  
Commissioner of Highways.

#### DEMOCRACY IN VIETNAM?

Mr. WILLIAMS. Mr. President, for the last several years we have listened to extensive arguments justifying an American military commitment to assist President Thieu of South Vietnam establish a democratic society. Mr. Nixon has insisted that when the United States withdraws from Vietnam, it must be "in a way that gives the South Vietnamese a reasonable chance to survive as a free people."

Events over the last few months have indicated that Mr. Nixon's expressed goals and intentions have merely been distracting rhetoric which does not relate to actual developments in Vietnam. American financial and military support evidently has resulted in little more than President Thieu's establishment of an oppressive military dictatorship.

I have noticed a column from the New York Times and a Washington Post editorial which discuss the frightening development in Vietnam. President Thieu has imposed nearly prohibitive regulations concerning the publishing of newspapers, permitted preemptive police sweeps and prison torture, and abolished the electoral process in the 10,000-odd hamlets of South Vietnam—the basic political unit.

These programs and tactics are hardly the trappings of an emergent democratic society. They appear to be the wild groping efforts of a man who is losing control of his situation and resorts to striking out at his opponents—real or imagined—in an attempt to preserve his own personal power. At the present time, given the inclinations of President Thieu, and the enormous continuing American support he receives, the South Vietnamese have no chance to survive as a free people.

These two articles indicate how both the massive American intervention and the unprecedented level of our bombing have failed to have any appreciable effect on the development of responsive democratic society in that country. I commend them to my colleagues, especially those in this Chamber who maintain that we are performing an important and noble role in Vietnam by continuing our military involvement there.

I ask unanimous consent that the two articles printed be in the RECORD.

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

[From the Washington Post, Sept. 11, 1972]

#### WHY FIGHT ON FOR PRESIDENT THIEU?

It can come as no surprise to those familiar with the statecraft of President Nguyen Van Thieu that he has by decree abolished the electoral process in the 10,000-odd hamlets of South Vietnam. The step follows logically enough from the squalid procedure by which he did his opponents out of the presidential race a year ago; and from much else. Mr. Thieu is, simply, the top man in a military dictatorship whose chief if not sole purpose is to maintain its ever more frantic clutch on power; his government is an army of occupation with only the trappings of a parliamentary democracy.

This would be of no particular concern or consequence to Americans, were not the United States singlehandedly almost entirely responsible for the fact that Mr. Thieu

stays in power. There may be a few people somewhere who believe that his government, as presently constituted, could last out the afternoon without the support President Nixon continues to afford it but Mr. Thieu is himself conspicuously not one of them. Otherwise there would be no reason or explanation for the extraordinarily vicious campaign of personal vilification which the state-controlled radio and television of South Vietnam is conducting against Sen. George McGovern. There is no evidence that the United States has protested or otherwise tried to halt this carefully orchestrated intervention in American domestic politics—despite the heavy financial and technical support which the United States supplies to Vietnamese radio and television. Such a calculated hands-off posture is of a piece with the Nixon administration's evident glee in politically exploiting any North Vietnamese word or act which could be construed as favorable to the Democratic presidential nominee.

"Mad dog" and "traitor" are characteristic of the Thieu media's descriptions of Senator McGovern, as in: "We must engage in . . . holding the jaw, caging and if necessary beating to death the political mad dog who is soiling the traditions of American democracy . . . and particularly interfering insolently into the internal affairs of an ally . . ." The Thieu regime's concern for the "traditions of American democracy" would be merely laughable, if Mr. Thieu himself were not profiting so considerably by the exertions of the United States. As it is, his contempt for the real traditions of American democracy—such as local self-government, democratic rule, and a free press—make a mockery of American sacrifice in his behalf.

How many times has President Nixon rationalized continued American participation in the war—a war which in 1968 he pledged to bring to an end by 1972—by asserting some supposed responsibility to assure "self-determination" for South Vietnam? How often has he sanctified the "will of the people" in the South? Yet there in Saigon is a leader who repeatedly demonstrates that it is not the self-determination of the South Vietnamese which is his goal, but the perpetuation of his personal power.

To Mr. Thieu's abolition of hamlet elections, the State Department responded that the United States is "not responsible for the internal affairs" of foreign states. One could weep. Richard Nixon has expended additional thousands of American lives during his presidency and spent additional tens of billions of dollars in order to assure that one group of Vietnamese rather than another group gets to hold the reins in Saigon, and his State Department now reports that the United States is "not responsible" for Vietnam's internal affairs.

In fact, we only wish President Nixon would take the State Department at its word. The United States is not responsible for Vietnam's internal affairs. It has discharged many times over whatever responsibility it may once have had. That is the principal reason why we long have felt that Mr. Nixon is wrong to keep insisting that the war is worth more American lives and dollars, more death and more destruction in Vietnam, more dislocation at home. The latest evidence of Mr. Thieu's misrule could not make the point more clear.

[From the New York Times, Sept. 28, 1972]  
THIEU'S CRACKDOWN: HE CALLS IT "CLOSING THE GATES TO COMMUNISM"

SAIGON.—Police crackdowns, prison torture and arbitrary government behavior in general are nothing new to the South Vietnamese, but President Nguyen Van Thieu's latest steps to tighten his control over all aspects of life here have alarmed even his long-suffering countrymen.

Operating under the emergency powers he pushed through the National Assembly in June—on top of the martial law regulations imposed after the start of the North Vietnamese offensive March 30—the President has, among other things, imposed harsh new regulations on the press. Aimed apparently at eliminating all opposition comment and criticism, these controls seem certain to force most of the Vietnamese-language newspapers to shut down and leave only pro-Government papers on the streets. One paper closed last week, and several others are in the process of closing.

The new special powers permit Mr. Thieu to legislate by decree, bypassing the National Assembly. In effect, he can now do virtually what he pleases. One of his most recent orders was for "preemptive sweeps" to unearth Communist agents and sympathizers. The police thus far have arrested at least 15,000 persons. About 5,000 of them are said to have been released, but the arrests are continuing, and reports have been filtering out of the prisons of severe and widespread torture.

Needles driven through fingertips, breasts burned with lighted cigarettes, objects shoved up vaginas, relentless heating with wooden rods and forced ingestion of water to bring a person close to drowning are some of the tortures being reported. These reports are based on documents smuggled out of prison and on extensive interviews conducted by The New York Times with prisoners recently released.

Here is part of a typical account, given by a former prisoner who was not herself beaten: "Two women in my cell were pregnant. One was beaten badly. Another woman was beaten mostly on the knees, which became infected and full of pus. One high school student tried to kill herself by cutting both wrists on the metal water taps in the wash-room, but she failed."

It is impossible to verify these accounts; the Saigon Government bars journalists from its prisons, which it calls "re-education centers." The United States mission, which provides the bulk of the financial support and expert advice for Saigon's police and prison system, also refuses to discuss the situation on the record, arguing that it is an internal South Vietnamese affair.

Nor can one establish that the scars and other marks one sees on the bodies of former prisoners were inflicted by the police. Yet the weight of the evidence seems to support the allegations of widespread torture. One high American source, who granted an interview but insisted on anonymity, acknowledged that "all kinds of deplorable things may well be going on." However, he emphasized, some of those arrested are known Communist activists charged with terrorism.

The danger of Communism and the argument that the country's survival is at stake is the justification given by the Government for the crackdown on the press. A pro-Government Senator said the decree was aimed at "purifying the press." Mr. Thieu said in a recent speech that the press was one of the "wide-open gates for Communist penetration—if we are not vigilant."

"I will keep abiding by democratic principles," Mr. Thieu said, "but the more wide open are the gates of democracy, the more fissures it will have. The Communists will then be able to enter, not only by the main gate but by side gates as well, and South Vietnam will be lost politically."

If life for the stoical South Vietnamese has become even more repressive under the Thieu Government, they have also been tyrannized in some districts by their Communist "liberators." For example, in the northern half of Binh Dinh province, which was captured and held for nearly three months by the North Vietnamese and the Vietcong, allied intelligence officials now report that the Communists installed a regime characterized by

heavy taxes, forced labor and the summary execution of several hundred Saigon Government officials.

However, many analysts here do not think that the Binh Dinh experience, though it could foreshadow selective executions, necessarily means that the Communists would engage in a countrywide "bloodbath," as predicted in hawkish American circles, should they take control of all of South Vietnam. These analysts reason that when in full control, the Communists would presumably feel less insecure and could afford to be conciliatory.

Whatever the future for the South Vietnamese, their present—whether under the Thieu regime or Communist occupation—bears little resemblance to the democracy the United States says it is trying to foster here. Until the Communist invasion last spring the Saigon Government was at least observing some of the forms of democracy. Now even this veneer has been discarded.

"If Thieu is smart," said one Vietnamese journalist last week, "he will relax his controls before it is too late. If he doesn't, no matter how many special powers he has, the discontent could explode."

#### NEW YORK STUDY SHOWS OLDER WORKERS PERFORM WELL

Mr. JAVITS, Mr. President, the New York Times of September 22 carries a story about a study conducted by the New York State Commission on Human Rights, at the request of Governor Rockefeller, of work performance by workers between 65 and 70 years of age, as compared to younger workers. The study surveyed the performance of 100,000 employees of New York State agencies.

The results of the study were announced on September 21 by Jack M. Sable, the New York State Commissioner of Human Rights. The study found that older workers consistently ranked as high, or higher, than their younger counterparts in such categories as absenteeism, punctuality, accidents, and overall work performance. Commissioner Sable suggested that the study should lead all employers, public and private, to reconsider some of the commonly held beliefs about older workers.

Mr. President, I was one of the authors of the Federal Age Discrimination in Employment Act of 1967 and have fought against the evil of age discrimination all of my political life. Age discrimination is every bit as insidious as discrimination based on race, religion, or sex; indeed, in many cases its effect on the individual may be more devastating than other forms of prohibited discrimination.

The Federal Age Discrimination in Employment Act, as well as many State acts, have unquestionably helped eliminate some of the more open and notorious types of age discrimination which have been practiced in this country, but they certainly have not eradicated it completely, even among persons covered by the laws. Moreover, most of the laws, including the Federal act, do not afford any protection to workers over the age of 65. Indeed, the New York State commission survey was undertaken in connection with Governor Rockefeller's drive to eliminate the age-65 cutoff in the New York State law.



The use of age 65 as the normal retirement age apparently goes back to the first social security laws enacted in Europe at the end of the 19th century. It is, of course, used in our own social security law, and is also used in thousands of private retirement plans throughout the country. It is also the age for compulsory retirement under many private plans.

It would seem fairly obvious, given the fantastic improvement in health care, longevity, and the nature of most work—for example, much less manual labor—that we ought to reassess the validity of using a concept developed in the 19th century as our rule of thumb for throwing workers on the scrap heap.

The study conducted by the New York State commission is thus most timely and should prove of great interest to those who are interested in pursuing this subject further. I ask unanimous consent that the New York Times article be printed in the RECORD.

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

**JOB SURVEY FINDS AGED WORK WELL**  
(By David A. Andelman)

PATCHOGUE, L.I., September 21.—The State Commissioner of Human Rights announced today that a survey of more than 100,000 state employees had shown that workers over the age of 65 performed their jobs "about equal to and sometimes noticeably better than younger workers."

The survey, undertaken in 40 state agencies at the request of Governor Rockefeller, was designed to support a move by the Governor to remove all age restrictions from the employment-discrimination provision of the state's human-rights law. The law now states that no discrimination in hiring shall be allowed against workers up to the age of 65.

"The indications of this survey are astonishingly in favor of the over-65 workers," Commissioner Jack M. Sable reported. "And I suggest it should lead all employers, public and private, to review their assessment of older workers."

**STUDY COVERS 132,316**

The state survey, the results of which Mr. Sable disclosed at a dinner speech to the Pilot's Club, an organization of the elderly here tonight, covered the areas of absenteeism due to illness, accidents or unexplained reasons; punctuality in reporting to work; on the job accidents, disabling or otherwise, and over-all work performance.

Of the 40 agencies surveyed, 33 with workers over 65 returned the questionnaires covering a total of 132,316 employees. Of these, 3,705 workers were between the ages of 65 and 70, the mandatory state retirement age. It was because of the higher-than-normal state retirement age that state agencies alone were chosen for the study.

In regard to absenteeism, 23 of the agencies reported no appreciable difference in rates of absenteeism between those over and under 65. Nine agencies reported more satisfactory attendance records in the older group and one agency indicated less-satisfactory attendance.

In the area of punctuality, 21 of the agencies indicated "employees over the age of 65 are generally about equally punctual to those under 65," while the remaining 12 indicated noticeably better punctuality among older workers. No agencies said older workers were less punctual.

As for on-the-job accidents, at 21 agencies there was no difference in the two age groups, and 11 agencies reported noticeably lower accident rates among its older work-

ers. One reported a higher accident rate among its older employees.

The names of the agencies were not released by the state commission.

In terms of over-all job performance, 29 agencies reported their older workers were "about equal" to younger workers and in four agencies found "noticeably better" job performance by those over 65.

**GOVERNOR CALLED "CONCERNED"**

One agency reported that while "employees in this age group (65 to 70) are generally unable to perform the more physically demanding jobs" it noted that "other than this, we find them to be more satisfactory."

Commissioner Sable said that Governor Rockefeller had "been concerned with the fact the state's antidiscrimination law in the area of employment is restricted to persons 40 to 65."

During the last legislative session, he had sought to have that restriction removed entirely and "extend the entire working population regardless of age—that is to say, no matter how old you are, if you are physically and mentally able to handle the job, you should not be discriminated against in hiring," Mr. Sable said. That bill was defeated.

**CRITICISMS OF GENOCIDE CONVENTION—NO SUBSTANTIAL ARGUMENT AGAINST RATIFICATION**

Mr. PROXMIRE. Mr. President, the Genocide Convention has been a target of severe critical attack from both highly responsible and highly irresponsible sources. Responsible critics have argued principally over technicalities of phrasing in the treaty and the possible ineffectiveness of the treaty, because of the lack of an international enforcement organization. Irresponsible critics have attacked the treaty as a Communist plot, a tool for extraditing American citizens for trial abroad, and as a document which will virtually abolish the U.S. Constitution.

I have refuted the many uninformed charges against the Genocide Convention in a number of statements already published in the CONGRESSIONAL RECORD. Today I address my remarks to those critics who have responsibly considered the text of the treaty and still hold reservations.

The report on the Genocide Convention from the Committee on Foreign Relations—Executive Report No. 92-6—acknowledged certain difficulties of interpretation which occur in the text of the treaty itself. In four "understandings" the committee recommended specific interpretations of certain paragraphs in order to allay any misconceptions.

Although there is presently no international enforcement tribunal to implement punishment of persons accused of genocide, the ratification of this treaty by the United States nevertheless serve as a powerful statement of our Nation's stand against the unspeakable crime of racial extermination.

The Genocide Convention has as its stated objectives the preservation of man's most precious right, the right to live. When the Genocide Convention was submitted to the Senate 22 years ago only five nations had ratified it. Since then another 70 nations have ratified the treaty, but not the United States.

Mr. President, America is conspicuous. We are conspicuous for our remarkable

national record in the struggle for human rights. We are just as conspicuous for our international absence in the ratification of the United Nations Convention on Genocide. We should resolve without further hesitation or excuse this hypocritical inconsistency between domestic achievement and international indifference.

Mr. President, I call upon the Senate of the United States to ratify this document without further delay and so proclaim to all the world our country's united condemnation of the inhuman barbarism by which one group would exterminate another from the face of the earth.

**REGULATIONS FOR HARD ROCK MINING**

Mr. STEVENS. Mr. President, on Friday, September 1, 1972, in volume 37 of the Federal Register No. 171 at page 17836, the Department of the Interior published several important amendments to title 43 C.F.R. sections 3851.3-6.

As hard rock miners know, these sections require mining claimants to expend annually \$100 in labor or improvements in order to retain their titles. Section 3851.3 itself was the subject of a recent decision by the U.S. Supreme Court. As a result of that decision, *Hickel v. Oil Shale Corp.*, 400 U.S. 48 (1970), these amendments were necessary.

These new regulations will be of great interest and importance to hard rock miners throughout the United States. I ask unanimous consent that the notice of the Department of the Interior, as it appeared in the Federal Register, be printed in the RECORD.

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

[From the Federal Register, Sept. 1, 1972]

**COMPLIANCE WITH MINING LAWS**

On page 13153 of the FEDERAL REGISTER of July 15, 1971, there was published a notice and text of a proposed amendment of Subpart 3851 of Title 43, Code of Federal Regulations. The purpose of the amendment is to revise the regulations in light of the principles set out in *Hickel v. Oil Shale Corporation*, 400 U.S. 48 (1970). The Department's regulations relating to assessment work on mining claims state that failure to perform the required assessment work relates solely to the right of possession between rival or adverse claimants to the same mineral land. The Supreme Court's decision in *Hickel v. Oil Shale Corporation* shows that the existing regulation is not consistent with the law.

Interested persons were given until August 9 to submit comments, suggestions, or objections to the proposed amendment. As of September 7, 42 comments were received. Most persons objecting to the rulemaking stated that they believed the proposal went beyond the intent of the Supreme Court's decision. They read that decision as applying only to mining claims located for minerals now subject to leasing under the Minerals Leasing Act of 1920. This interpretation is based on the references in the opinion to the effect of the "Savings Clause" (section 37) of the Mineral Leasing Act of 1920.

The interpretation advocated in the comments and suggestions has been given

careful consideration. The Department notes that the Court's opinion states that "the command of section 28 of the 1872 Act is that assessment work of \$100 be done 'during the year' \* \* \*"

The Court also characterized as "dicta" statements in two earlier decisions (*Wilbur v. Khrushnic*, 208 U.S. 306 (1930) and *Ickes v. Virginia-Colorado Development Corporation*, 295 U.S. 639 (1935)) that the failure to do assessment work is not ground for cancellation of a claim by the government. It goes on to state that "While the objective of the 1872 Act was to open the lands 'to a beneficial use by some other party,' once the original claimant defaulted, the defeasance inevitably accrued to the United States owner of the fee. On that premise it would seem that the dicta in *Khrushnic* and in *Virginia-Colorado* are not valid."

Questions about the exact intent and meaning of *Hickel v. Oil Shale Corporation* may ultimately have to be resolved in the courts. In the meantime, it is the Department's view that the proposed regulation correctly reflects the law as stated in that decision.

Therefore, the proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective September 9, 1972.

HARRISON LOESCH,

Assistant Secretary of the Interior.

AUGUST 25, 1972.

Subpart 3851 is amended as follows:

1. Section 3851.3 is revised to read as follows:

§ 3851.3 Effect of failure to perform assessment work.

(a) Failure of a mining claimant to comply substantially with the requirement of an annual expenditure of \$100 in labor or improvements on a claim imposed by section 2324 of the Revised Statutes (30 U.S.C. 28) will render the claim subject to cancellation.

(b) Failure to make the expenditure or perform the labor required upon a location will subject a claim to relocation unless the original locator, his heirs, assigns, or legal representatives have resumed work after such failure and before relocation.

§ 3851.4 [Deleted]

2. Section 3851.4 is deleted.

§ 3851.4, 3851.5 [Redesignated]

3. Sections 3851.5 and 3851.6 are redesignated as §§ 3851.4 and 3851.5, respectively.

[FR Doc. 72-14947 Filed 9-1-72; 8:53 am]

#### FUNDING FOR THE KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. FULBRIGHT. Mr. President, there have been numerous press reports about the financial difficulties of the Kennedy Center for the Performing Arts. That the Kennedy Center has financial problems should certainly come as no great surprise to anyone. Nonetheless, I believe the Center has done remarkably well in its first year.

I welcome the recent report of the General Accounting Office on the finances and operations of the Kennedy Center. It is important to have a clear indication of the Center's finances and the GAO has made some worthwhile recommendations for management controls of the Center. Many of these recommendations had already been implemented prior to the issuance of the GAO report and I believe that in the future there will be adequate management controls.

In its first year of operations, the Center has brought outstanding and diverse cultural attractions to our Nation's Capital. The success of the Center's programs has been widely acclaimed. Further, as a memorial to the late President John F. Kennedy, the Center has become one of the most popular sites in the Nation for visitors to Washington from every State in the Union.

I am proud that the Government did make a significant contribution to the construction of the Center. As sponsor in the Senate of the legislation introduced 14 years ago which eventually led to the construction of the Center, and of legislation almost 9 years ago which redesignated the National Cultural Center as the John F. Kennedy Center for the Performing Arts—in honor of and in tribute to our late President—I know only too well of the long and difficult struggle which finally culminated with the opening of the Center a year ago.

There were those who belittled the Center, its architecture and its planned cultural presentations. Such criticism has rapidly faded away in the face of overwhelming public acceptance. As one of my State's leading newspaper, the *Arkansas Democrat*, recently editorialized:

While it's fashionable to criticize the building, we found it to be magnificent. And it is much more than a memorial to a popular American. It is a much needed home for the National Symphony, the American Ballet Theatre and a temporary stage for other artists and actors—and not just those from the Washington area.

... Just think how important it is for us to have this cultural showcase in a city that has more foreign visitors than any other in the country.

Before this building was completed, Washington was the only major world capital without excellent cultural facilities.

Although criticism of the Center itself has diminished, there are those who persist in talking about how much the Center is costing the taxpayers, implying that there is a massive outpouring of public funds for the Center and its programs. I do not wish to be misunderstood. As I stated earlier, I welcomed the GAO report. The first-year operations of the Center brought many unexpected difficulties. It was a period of adjusting to an entirely new and extremely large operation. However, I believe that in the future the Center will and must maintain proper management controls.

I do refute those who imply that great sums of public money are being spent on the Kennedy Center or other cultural and artistic endeavors in this country. The truth is that in comparison with almost any other developed nation, we are spending only the most minimal amount of public funds in support of the arts.

As the GAO report states, Congress appropriated \$23 million for construction of the Center. Additionally, the Center was authorized to borrow \$20.4 million from the Treasury Department. The total construction cost is now estimated at \$72.4 million. Private sources contributed \$22 million, and donated materials amounted to \$2.5 million. An additional \$4.5 million will be needed to pay for the completed building.

Recently Congress approved \$15 million for nonperforming arts functions at the Center. This basically is for operational and maintenance costs—resulting because of the 8,000 to 10,000 persons who visit the Center daily.

#### FUNDING FOR THE ARTS

Mr. President, I am pleased to note that we have been allocating increasing amounts of Federal funds for the arts. The requested appropriation for fiscal year 1973 for the National Endowment for the Arts is \$38.2 million, which represents a substantial increase over the 1972 appropriation of \$29.7 million, a figure that nearly doubled the 1971 appropriation. It is encouraging to see these increases in funds for the arts. However, the fact remains that we are dedicating only a minuscule amount of our overall Federal budget to these important programs.

Of significance is the fact that the total cost of the Kennedy Center—and I refer to the total, not just the amount of Government funds—of roughly \$70 million, is less than 1 day of the war in Vietnam was costing us in 1968 or 1969. The amount of funds for the National Endowment for the Arts this year is about the equivalent of our current daily expenditures in Southeast Asia.

The Joint Economic Committee calculated a national security budget for fiscal 1973, based on requested budget authority for military and military-related programs, at about \$120 billion. At that rate we are spending \$331 million per day for military and related purposes—almost five times as much in 1 day as the total cost for the Kennedy Center, only \$23 million of which was appropriated by Congress.

We will spend as much this year for just two of the highly dubious F-14A planes—314 of which are scheduled to be built—as we will allocate for the arts.

#### COMPARISON WITH OTHER NATIONS

The manner in which a society allocates its public funds is, I believe, a useful indication of what it believes contributes to the quality and vitality of its citizens' lives. It is instructive to contrast our allocation for the arts with that of other nations.

According to a study made last year, the U.S. Government annually contributes 7½ cents per person to the arts. In comparison, the Austrian Government, with a population of 7 million, spends more than \$2 per person and the Canadian Government, with its population of 20 million, spends \$1.40 a person. Other figures include: West Germany, \$2.42 a person; Sweden, \$2; Israel, \$1.34, and Britain, \$1.33. Obviously the difference between our expenditures and those of these other countries is enormous.

A group called partnership for the arts has set a goal of \$200 million for Federal funding of the arts by 1976. The group points out that this would be approximately \$1 per person and would represent only 1 percent of what we spend on our highways.

I should state here that it is difficult to be precise about exactly what constitutes art and culture. The categories used by each country are not necessarily the same. For example, in this country some



of the programs and facilities of the Smithsonian Institution, which receives substantial public support, certainly would be considered as cultural. However, the figures I am using here refer primarily to the performing arts and the visual arts.

Austria is, of course, a country with a great cultural tradition and actually the figure of \$2 per person for the arts is deceptively low. This country of only 7 million allocates as much—if not more—in public funds for the arts as does the United States—30 times as large.

In 1969, the Austrian Government spent \$13.8 million on the arts—museums, art academies, and so forth—and another \$13.6 million on Federal theaters. More recent figures indicate an annual expenditure of \$20 million per year for the four state-owned theaters, \$6 million of which was for the Vienna State Opera. These figures do not include the subsidies for the arts and education by State and municipal governments, which in many cases match or surpass Federal spending. I might add that Vienna, like most other major capitals, has outstanding cultural facilities, something that we did not have until the opening of the Kennedy Center. The famous Vienna Opera House, which was partially destroyed in World War II, was restored with the aid of U.S. funds.

In Sweden, the Royal Opera has 90 percent of its \$6.6 million budget covered by state subsidy. It has a large repertory and gives more than 250 opera performances annually, and ballet in addition. Tickets at the Swedish Opera ordinarily run from \$1 to \$5. At the Metropolitan Opera in New York, tickets range from \$1.75 to \$30, with most tickets in the \$17.50 bracket. Ticket prices at the Kennedy Center have—with some validity—been criticized as being too high, although they are generally below New York prices.

Still, prices are undeniably beyond the range of many families, making it impossible for them to patronize the center on a regular basis. Efforts are being made to provide low price or free tickets to selected groups, but this has had to be done on a limited basis.

An editorial in the Washington Star after last year's opening of the center stated:

A government which cheerfully undertakes to subsidize everything from speculative housing projects to environmentally dubious supersonic projects is nevertheless still suspicious that anything spent on the art is dangerously, as they say, "socialistic." One great value of the Kennedy Center may well be its influence in changing that attitude in Congress. When that change takes place, when the United States at last pulls itself up to the level of cultural support of, say, Sweden, Russia, China, France, England, Israel, Mexico, Brazil, Ghana, and Canada, to name a few, then prices at the Center, like prices of similar institutions in those countries will make the performing arts more nearly universally available than they have ever been in this country. But again, this is a decision for the nation, not for the Center management to make.

In the meantime, what a blessing the Center has been for the city. . . . Thanks to the Center, Washington is a more existing and rewarding place to live than it was a few weeks ago and for all its past. This is no small gift.

Metropolitan Opera officials have pointed out that only 2½ percent of its budget—\$553,000—is obtained from public sources, while major European opera companies—London, Hamburg, Stockholm, and Vienna—receive from 49 to 90 percent of their budgets from their governments.

One city—West Berlin—which has benefited greatly from all categories of assistance from the United States, including the construction of a cultural center, probably spends about as much in public funds for the arts as does the entire U.S. Government. West Berlin, with a population equivalent to 1 percent of the United States total, has been subsidizing its operas, orchestras, theaters, museums, painters, sculptors and writers at a rate of more than \$25 million a year. The Deutsche Opera receives more than \$5 million annually; the Berlin Philharmonic more than \$1.5 million, and the Schiller Theater \$1.75 million.

Another beneficiary of large amounts of U.S. assistance, Israel, spends for the arts at a per capita rate 18 times greater than the United States. With a population of less than 3 million, Israel spends more than \$4 million for the arts. Meanwhile, of course, the United States is providing Israel up to \$500 million in aid, plus another \$400 million in private funds through tax-deductible contributions.

Two countries with populations about one-fourth as large as ours continually spend more than we do for the arts. Great Britain, with some 54 million people, spent \$66 million last year, and West Germany, with some 55 million people, spent \$134 million—\$2.42 per person. Here again there is the irony of our huge contributions to the West German economy, where we maintain more than 200 major military bases, and the continuing presence of more than 500,000 American military personnel and dependents in Europe, while the European countries are able to spend much more for cultural and artistic activities than we are.

I could cite many more examples from the Netherlands, Belgium, Finland, and the Soviet Union among others. The public resources to activities which give point is that all these countries are dedicating a much greater proportion of their pleasure and enjoyment to their people rather than prestige and glory to their rulers.

Unfortunately many Americans have an aversion to "the arts," because they have not had the opportunity to develop an appreciation. Television, with the notable exception of public television, has done little to change this situation. Given the opportunity, I believe many more Americans would develop a greater interest in and appreciation for the arts. Singing and dancing are, after all, among the oldest forms of human activity, enjoyed by nearly everyone. What I am talking about is participation—that is involved—the joint participation of the audience and the dancer, singer or actor.

It is a question of whether we put an emphasis on civilizing or brutalizing our people. I would hope that we would move toward making creative rather than destructive activities the hallmark of our society.

I am again reminded of all our boasting about our trillion-dollar gross national product. Our GNP is many times larger than that of most of the countries I have mentioned; yet they are able to spend considerably larger amounts for the arts. Once more this points up the shortcomings of the GNP as a significant measure of the well-being of a country.

Unless and until we are willing to do even a fraction as much for the arts as some of the countries I have cited, we are destined to continue hearing about financial difficulties of our cultural institutions.

In a recent letter to me, one of the dancers with the National Ballet referred to the per capita spending in the United States as disgraceful for any nation, let alone America. I must concur with this view. The writer continued:

If Israel can spend \$1.34 per capita, isn't someone sleeping? If this insomnia persists, tens of thousands of Americans will never see the ballet the only touring company left in America can bring them. New York Times theatre critic, Clive Barnes, said in the August 13, 1972, edition of that paper: "If Washington is interested in the arts, it really must help its own people. The National Ballet of Washington is a national treasure, a company that is good now and shows every evidence that it will be better and better in the future. . . ."

In the Kennedy Center we now have a focal point for cultural activity which should serve as an inspiration for this country to apply a much greater share of our public resources toward enabling our people to recognize and enjoy the sense of fulfillment and achievement which results from participation in co-operative experiences with other people. We urgently need an antidote to the harshness of our competitive system and the tragedy of prolonged conflict in Indochina.

#### THE 100TH ANNIVERSARY OF GRAND UNION

Mr. WILLIAMS. Mr. President, I would like to call to the attention of the U.S. Senate and the American people the 100th anniversary of the Grand Union Co., the 10th largest food chain in the Nation and the only one with its principal headquarters in the State of New Jersey.

The company, which maintains its corporate offices in East Paterson, N.J., officially observed its centennial on Friday, September 1, 1972.

I would like to enter in the RECORD the following article taken from the May 1972 issue of Bergen magazine. I believe it points out the accomplishments this large retailing company has made in its long history and its plans for the years ahead.

#### GRAND UNION—PEOPLE PLEASERS SINCE 1872

From its beginning in 1872 as a one-man, one-store enterprise in Scranton, Pa., the Grand Union Co. has evolved in a hundred years into the Nation's 10th largest food chain with annual sales in excess of \$1.3 billion.

The company, which is headquartered in the Elmwood Shopping Center at 100 Broadway, East Paterson, N.J., currently operates 537 Grand Union supermarkets,

25 Grand Way discount department stores, 62 Triple-S blue stamp redemption centers, and nine E-Z Shop convenience foodstores in 11 Eastern States, Puerto Rico, and the U.S. Virgin Islands.

In addition, the company operates Grand Patio restaurants, Grand Rx prescription drug units, the North American Equipment Corp., which manufactures materials handling equipment, 10 major warehouses, a potato chip factory, fleets of trucks totaling more than 500, and two large bakeries.

In February, Grand Union posted its ninth consecutive sales record, and marked the fourth successive year in which sales totaled \$1 billion or more. During its 1971 fiscal year, which ended on February 26, 1972, the company had a 52-week sales volume of \$1,304,411,306, an 8.6-percent increase on sales of \$1,200,830,604 rung up in the 52-week 1970 fiscal year.

Charles G. Rodman, of Ridgewood, N.J., Grand Union president, says there is no magic formula for success in food retailing:

It's a matter of guaranteeing customer satisfaction and living up to the guarantee, he says. This our company has done and will continue to do, by selling quality merchandise at the lowest possible prices in attractive, clean, well-stocked stores manned by friendly people.

Grand Union currently employs more than 26,000 people in its many operations.

During the past 20 years, the company's earnings have increased 850 percent and its sales have risen 700 percent. Last year, the company's growth rate in earnings ranked 21st among the top U.S. retail organizations. Cash dividends have been paid since 1943 and quarterly dividends have been declared consecutively since 1945. The current annual dividend rate is 80 cents per share. Equity per common share for the 1971 fiscal year was \$23.38 compared with \$12.06 a decade ago.

Future expansion, Mr. Rodman says, will be in both larger and smaller food store units. The company has plans for supermarkets up to 40,000 square feet with a wide variety of general merchandise items as well as a large assortment of foods. Simultaneously, Grand Union is building E-Z Shop convenience food stores in the 2,500 square foot range.

The major thrust of the company, Mr. Rodman notes, is toward large, complete supermarkets with a variety of under-the-roof installations, including restaurants, bakeries, and prescription drug units.

E-Z Shop stores, meanwhile, are open 7 days a week from 7 a.m. until 11 p.m., and offer easy accessibility for shoppers in a hurry who need only a loaf of bread, a pound of butter, a quart of milk, or similar items. The company has nine E-Z Shops open, eight under construction, and 10 others planned.

Because customer satisfaction has been at the root of Grand Union's success since the beginning, "People Pleasers Since 1872" is the slogan for this year's centennial observance.

The Grand Union Co. has always had strong promotional emphasis. Soon after

Cyrus D. Jones started the Grand Union Tea Co. on September 1, 1872, he gave out cardboard tea tickets redeemable for merchandise—forerunners of the company's Triple-S blue trading stamps distributed by a wholly owned subsidiary, the Stop and Save Trading Stamp Co. of South Hackensack, N.Y.

William H. Preis of Englewood, N.J., senior vice president in charge of diversified operations, says more than 100-million books of Triple-S blue stamps with a retail value in excess of \$300-million have been redeemed since the organization was founded in 1955.

Grand Union pays for its stamps from its normal sales promotion budget. Triple-S blue stamps have long been advertised as "The Extra That Customers Don't Pay Extra For."

The company may well be the only one ever to print and sell a book of sermons. In 1890, it offered a book by T. DeWitt Talmage, pastor of Brooklyn Tabernacle. Even back in the last 19th century, Grand Union used such modern merchandising methods as offering dictionaries, calendars, cookbooks, tea canisters, flatirons, coffee grinders, and other merchandise.

In its role as a "People Pleaser," Grand Union has conducted many consumer-oriented programs. Last year, for example, it sponsored a 6-week consumer nutrition information program. Good nutrition—and how to shop for it—was featured in newspaper advertisements, on radio and through in-store signs.

The company distributed nutritionally balanced menus to customers in its 225 supermarkets in the New York-New Jersey metropolitan area. Each menu, which was given out at the check-out, contained meal suggestions for a 2-week period.

Earlier this year, the company began packaging grapefruit, oranges, and other produce items in wrappers containing consumer information. The bags bear such messages as "seedless grapefruit has very few seeds."

Last summer, the company implemented a "Consumer Bill of Rights." It stressed four points: The customer's right to choice, satisfaction, knowledge and direct access to company officials on complaints.

Headed by Miss Jean F. Judge, director of consumer affairs, who came from Rutgers University where she was extension professor of consumer food marketing, the company maintains a customer relations department that handles an average of 800 customer letters and telephone calls a month.

Grand Union has been headquartered in East Paterson, N.J., since 1952 when it moved its corporate headquarters from Manhattan. More than 500 people are employed in its East Paterson general offices, Grand Way Division headquarters and accounting and computer center in Paramus, N.J., and Triple-S Stamp subsidiary in South Hackensack, N.J.

Over the years, Grand Union executives have played important roles in New Jersey affairs. Thomas C. Butler, present chairman of the board, is a director and immediate past president of the New Jersey State Chamber of Commerce. He

is now serving as president of the New Jersey Citizens Transportation Council and as chairman of the Hospital Service Plan—Blue Cross—of New Jersey.

Mr. Rodman is a director of the Bergen County Chamber of Commerce and the Bergen County United Fund. He also serves on the boards of the New Jersey Bell Telephone Co. and the Peoples Trust Co. of New Jersey.

#### A MEMORIAL TO GEORGE FRANK BONEY, LATE THE CHIEF JUSTICE OF THE ALASKA SUPREME COURT

Mr. STEVENS. Mr. President, on Wednesday, August 30, 1972, Alaska lost its chief justice in a tragic boating accident. George Frank Boney was the youngest chief justice in the United States. He had just turned 42 years old when he lost his life. Chief Justice Boney was one of the outstanding attorneys in Alaska when he was appointed to the supreme court on December 20, 1968, by the then Governor, Walter J. Hickel. In 3½ years he led the Alaska Supreme Court to a position of preeminence in this country. His life exemplified not only the court on which he served, but also the caliber of the Alaska bench and bar. This life of this bright young man was snuffed out at the height of his career, when he was just coming into his own as a legal scholar and jurist. I do not doubt that, had he lived, he would have become one of the great chief justices of this country.

George Frank Boney was born in Savannah, Ga., on July 3, 1930. His family had lived for many years in that State, and he grew up there. He attended the University of Georgia, in Athens, graduating in 1948 with an A.B. degree and being named to Phi Beta Kappa. He attended Harvard Law School, where he won the Roscoe Pound Prize in 1952, and was graduated with an LL.B. degree in 1954. While at Harvard he completed the Air Force ROTC program and was commissioned a second lieutenant in the U.S. Air Force Reserve on June 8, 1953.

After graduation from law school, he served as a judge advocate in the U.S. Air Force from 1954 to 1958. He was admitted to the bars of the District of Columbia and Florida in 1955. In 1958, he was named assistant U.S. attorney for the District of Alaska and served in that post until April 1, 1959. During that time he was admitted to the Alaska bar and to practice before the U.S. Court of Appeals for the Ninth Circuit.

He engaged in the private practice of law from 1959 until he was appointed to the Alaska Supreme Court. He was admitted to the Supreme Court of the United States in 1966. During that period of time, he also became a member of the American Judicature Society and the American Trial Lawyers Association. He was elected treasurer of the Federal Bar Association, Anchorage Chapter and vice president of the Alaska Academy of Trial Lawyers. He also served as vice president of the Anchorage Bar Association. He was a delegate to the Republican National Convention in 1968. He was a member of the Governor's Advisory Committee to the Attorney General from



1967 to 1968 and a law member of the Alaska Judicial Council from January 1965 to September 1968. He also served as chairman of the Law Revision Committee of the Alaska Bar Association until January 1, 1969.

On December 20, 1968, he was appointed associate justice of the Alaska Supreme Court and on May 8, 1970, was appointed chief justice. At that time, he also became chairman of the Alaska Judicial Council.

Chief Justice Boney was a member of Phi Kappa Phi, Phi Eta Sigma, Kappa Sigma Fraternity, and various other fraternal groups. He was a member and trustee of the Anchor Park Methodist Church in Anchorage.

He leaves his wife, the former Sarah E. Boozer of Montgomery, Ala., and three children, Catherine Lynn, George Frank, Jr., and Angela Carol.

These are the facts of his life, but they do not indicate his talents. Chief Justice Boney led a drive to liberalize the Alaska court system. He strongly backed the move for a State law center for paralegal training. He was a leader to improve justice in the bush for Alaska Natives. He was a champion of personal rights and human dignity, speaking many times from the bench on behalf of personal freedom and minority rights.

In one of his early cases, *Fresneda v. State*, 458 P. 2d 134, 139 (Alaska 1969), George Boney set forth his philosophy:

In dealing with a matter which affects the very essence of constitutional liberty, history becomes of more than academic importance. Our political ancestors forged our Constitution on the anvil of their experience and with a view toward what they regarded as certain governmental evils. The matters that concerned them can provide valuable insight into the intentions and the underlying principles embodied in the Bill of Rights.

Last year, in a landmark decision, Chief Justice Boney further explained that the Constitution applies equally to all people throughout the far reaches of Alaska:

It is of paramount importance that the benefits conferred by the Constitutions of the United States and Alaska be extended with an even hand to the people of our state. When a large segment of the population lives in towns and villages scattered throughout the reaches of the state, we cannot afford to succumb to the temptation of convenience by allowing the machinery of justice to become inflexibly entrenched within the enclaves of our major cities. Instead, we must tailor our system of justice to meet the needs of the people. It is the judicial system which must take the initiative to assure compliance with the mandates of the constitution; we cannot simply neglect or ignore communities of individuals located in remote areas of the state. Justice must be made available to all the people of Alaska, *Alvarado v. State*, 486 P.2d 891, 905-06 (Alaska 1971).

George Frank Boney was an outstanding jurist and a good friend. We, and I believe I speak in this statement for the entire Alaska legal community, will miss him deeply.

The Anchorage Daily News expressed its views in an editorial published on August 31, 1972. The Anchorage Daily Times also expressed its views in an editorial the same date. I ask unanimous consent that the editorials be printed in the RECORD.

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

[From the Anchorage Daily News, Aug. 31, 1972]

#### GEORGE BONEY

George F. Boney was a chunky, voluble and vital man. Few who knew him were untouched by his wit, his incisive mind and his concern for justice.

Among those at The Daily News who knew him best was C. Robert Zelnick, our Washington columnist. Mr. Zelnick, who came to know Chief Justice Boney well during his days as a reporter in Anchorage, filed this tribute Wednesday night:

George Boney was devoted to the institution of justice.

He was an ideological conservative, a raconteur of some note, a robust and jovial companion and a witty and effective politician. He was a man of integrity, good taste, and hardy appetite.

But most of all, George Boney was a man who cared about the quality of things he was a part of. He built an important Anchorage law firm not because he was himself the greatest barrister of our era, but because he took the time and expended the energy to attract good men to his staff and because his diplomacy, tact and good humor could hold men of diverse temperaments and philosophies together.

He was an extraordinarily competent Supreme Court justice, again not solely because of his considerable legal erudition, but because he cared about the administration of justice and surrounded himself with men who cared as he did.

He made the state Supreme Court into a nationally respected judicial tribunal.

He knew that the Constitution guarantees a speedy trial as well as a fair one and he worked hard to make his court system more efficient. He brought justice to the far reaches of the state because he believed in justice and thought it was selfish of men to hoard it.

George Boney was a positive man. He judged others not by whether they agreed with his particular legal or political viewpoint, but by whether they shared his zeal for the betterment of institutions. As loquacious as he was, and as sensitive to criticism as he was, he responded to bombast with reason and to rhetoric with logic.

Alaska will miss the kindly, gentle and affable George Boney. The state Supreme Court will miss its able, diligent and intelligent chief justice.

#### HIS ACHIEVEMENTS

George F. Boney's tenure on the state Supreme Court was pathetically brief for a man of such vitality and vision.

But during his less than four years on the bench (a little more than two of which he spent as chief justice), Mr. Boney decided a number of cases which will have a profound influence on the future of the judicial system in Alaska. The common thread in all these key decisions was an evident concern for the impact of institutions on the common man. He was always concerned that a defendant with power, influence and wealth could secure a fair trial while a poor man without power or influence sometimes could not. He thought there ought to be equal justice for all and set the court on the road toward achieving it in these key decisions:

*Baker vs. the City of Fairbanks*, which guaranteed the right to a jury trial in all cases, including misdemeanors.

*Alexander vs. the City of Anchorage*, which guaranteed defendants the right to counsel in all criminal cases.

*Alvarado vs. the State of Alaska*, which ordered representative juries for trials in the bush.

In addition, the chief justice convened the first conference on justice in the bush. It brought judges, lawyers, magistrates, state troopers and interested observers together to discuss the pressing need for extending the judicial system to the remote areas of the state, which had been virtually ignored previously.

And he ordered pioneering advances in judicial proceedings, including the use of electronic recording of trials in place of the traditional court stenographers and the use of videotape for recording depositions.

Chief Justice Boney's tenure, though tragically brief, was a period of pioneering advance for the Alaska court system and will be recalled as such by history.

[From the Anchorage Daily Times, Aug. 31, 1972]

#### GEORGE F. BONEY

In life yesterday morning George F. Boney was sailing a small boat on turbulent waters—pondering, perhaps, a stormy period approaching in his career during which time his continued service on the Supreme Court of the State of Alaska would be on the election line.

In death today, the 42-year-old jurist is the object of praise and tribute from associates and friends, universally shocked and saddened by a sudden tragedy on the small lake north of Palmer where the chief justice maintained a cabin retreat.

His death by drowning, apparently as a result of the accidental capsizing of his small sailboat in rough waters on an overcast and windy day, stunned people in all walks of life in Alaska.

Once more the sudden death of a man in the prime of life was a startling reminder of how quickly anyone can be called from this life—in an instant, as it were, at a time when death and tragedy seem far removed from the scene.

For George F. Boney, a Georgian by birth and an Alaskan by choice and by spirit, the unexpected came at a time when he was alone; at a time when he was away from the office; at a time when it was known that he was seeking solitude to ponder some of the decisions facing him as the youngest chief justice of all the states.

Only four weeks ago he had announced his intention to stand on the ballot in November for retention on the Supreme Court, under provisions of Alaska's Constitution that require judges to run on their record on a non-partisan ballot if they seek continuation in the office to which they originally are selected by gubernatorial appointment.

George Boney's decision was to seek a 10-year elective term on the bench, despite the fact that a behind-the-scenes political effort was being launched to defeat him.

As a Republican appointee to the high court, the chief justice was a political target of those who wanted his seat taken by a Democrat. The immediate cause of the move against him, however, was his leadership in the recent Supreme Court reapportionment of the Alaska Legislature.

That came after the high court unanimously declared unconstitutional the redistricting plan announced by Gov. William A. Egan. The Supreme Court, under Chief Justice Boney, affirmed a lower court's finding of unconstitutionality. The lower court had ordered the reapportionment matter returned to the governor's office for further review by the State Reapportionment Advisory Board—meanwhile leaving in place the existing legislative districts, at least through the 1973 lawmaking session.

Chief Justice Boney, speaking for the Supreme Court, would have none of that.

Reapportionment, under provisions of the one-man, one-vote concept, could not be delayed, the high court held. And the court

promulgated its own redistricting plan—the one under which candidates were nominated in last week's primary election, and the one under which the nominees will stand in the November election.

But George Boney will not be on the ballot with them.

He will not face the test at the polls of which he had no fear, despite the opposition he recognized was being mounted against him.

Four weeks ago, in a private luncheon conversation, George Boney spoke bluntly about the challenge. "I have to be pragmatic," he said, "A judge can't campaign for office. But I'm not afraid to run, and I'm sure I will be confirmed. I like the court. I like the job. I think we've done some good things. I'm proud to be a part of it."

Tragically, his part, as the second chief justice of Alaska's highest court, is now relegated to the state's history.

#### IDAHO FALLS SCHOOLS HONOR RETIRED TEACHERS

Mr. CHURCH. Mr. President, everyone has a favorite educator who remains vivid in his memory.

In Idaho Falls, Idaho, School District 91 has devised an effective way of assuring that tangible recognition will be given as well.

Four elementary schools in Idaho Falls have been named in honor of retired teachers: Dora Erickson, A. H. Bush, Theresa Bunker, and Ethel Boyes.

Since all four educators are members of the National Retired Teachers Association, the September 1972, NRTA News-Bulletin described their achievements and their new honor.

Mr. President, I believe that the Idaho Falls example might well be followed elsewhere in other communities where teachers and principals have stirred the admiration and the friendship of the people within those communities. I ask unanimous consent that the article be printed in the RECORD.

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

#### IDAHO FALLS SCHOOLS NAMED TO HONOR RTA MEMBERS

IDAHO FALLS, IDAHO.—Four Idaho Falls elementary schools were recently named in honor of retired teachers. School District No. 91 named schools for RTA members Dora Erickson, A. H. Bush, Theresa Bunker, and Ethel Boyes, all former teachers in the district.

Mrs. Erickson was principal of the school which now bears her name. Prior to her 1968 retirement, she was district director of elementary education. Since retiring, she has been a member of the Mayor's Committee for the Handicapped and the State Committee for Better Education in Idaho.

Bush, a 1969 retiree, taught 46 years in Idaho Falls, setting what is believed to be the record for continuous service as a teacher and principal in the state. He is past president of the Eastern Idaho Educational Association and was instrumental in bringing improvements in the Idaho teachers retirement program.

Miss Bunker began her assignment in Idaho Falls in 1924 after teaching 16 years in Oklahoma. During her 49-year career, she served as a teacher and principal in elementary and junior high schools.

After a 45-year career, Ethel Boyes continued to teach as a substitute in the school named for her. She formerly was a principal at two Idaho Falls elementary schools.

While District 91 has named many schools in honor of prominent community residents and other distinguished Americans, these four schools are the first to bear the names of living teachers and administrators.

#### JESS H. DAVIS

Mr. WILLIAMS. Mr. President, recently the State of New Jersey and the Nation lost an outstanding educator and a most concerned human being with the death of Jess H. Davis.

From 1952 to 1959, Mr. Davis served as president of Stevens Institute of Technology in Hoboken, N.J. During that time the school experienced unparalleled growth and Mr. Davis was able to bring this about without diminishing the quality of education at Stevens which certainly is one of America's finest engineering colleges.

And, he did more than just head Stevens. He enmeshed himself into many civic problems in an effort to help all people.

The New York Times of September 18 published a story outlining the distinguished career of this most distinguished individual.

I ask unanimous consent that that article be printed in the RECORD as a tribute to the great contributions of Mr. Davis.

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

#### JESS H. DAVIS, LED STEVENS INSTITUTE— PRESIDENT DURING 20 YEARS OF SCHOOL'S GROWTH DIES

Jess Harrison Davis, president emeritus of the Stevens Institute of Technology in Hoboken, N.J., died of cancer yesterday at his home in Charlottesville, Va., where he had moved after his retirement last June. He was 66 years old.

Mr. Davis left the presidency of the Clarkson College of Technology in Potsdam, N.Y., for Stevens in 1951. During his incumbency, the student body almost doubled, shifting from mostly day students to mostly residents. Graduate study expanded, and a doctoral program was instituted, co-education was introduced, and a \$20-million building program was completed.

In that period, from 1952 to 1959, Mr. Davis served as a commissioner of what is now the Port of New York Authority. He was also a member of the Hackensack Meadowlands Commission and president of the New York State Association of Engineering Colleges.

At his death, Mr. Davis was a director and executive-committee member of Philip Morris, Inc., the First Jersey National Bank and the National Biscuit Company; director and executive-committee chairman of the Prudential Insurance Company, and a director of the Bethlehem Steel Corporation, the Pennwalt Corporation, the Public Service Electric and Gas Company and the Carrier Corporation.

#### JOINED CLARKSON IN 1929

A native of Columbus, Ohio, he received a mechanical-engineering degree from the Ohio State University in 1928 and a Master of Science degree 1933. Meanwhile, he had joined the Clarkson faculty in 1929, become dean of administration in 1946 and president in 1948.

His service there was interrupted by two years as head of the mechanical-engineering department at the University of Louisville from 1944 to 1946.

Mr. Davis worked as an engineer with the Alabama Power Company in 1936; the American Locomotive Company in 1937; the Cen-

tral New York Power Company in 1940, and the Foster Wheeler Corporation in 1941. He was later a consulting engineer with Hydraulic Controls, Inc., the New York Air Brake Company, Douglas M. McBean, Inc., and the DeWolf Furnace Corporation.

Honorary doctorates came to him from St. Lawrence University (1949), Clarkson (1951), Rutgers (1954), Ohio State University (1956) and from Stevens last June.

He leaves his second wife, the former Mary Roper, and a daughter, Mrs. Edward Boslow Jr., by his first wife, the late Dorothy Corrigan Davis. Also surviving are his mother, Mrs. W. E. Davis, and a sister, Mrs. Chester Hursey, both of Yucaipa, Calif., and two grand children.

There will be a memorial service at Stevens at a date to be announced.

#### TREASURY DEPARTMENT REVE- NUES SHARING FIGURES FOR ILLI- NOIS

Mr. PERCY. Mr. President, the Treasury Department has now made available on a limited basis its computations of amounts to be received by the States under the revenue-sharing bill as it has emerged from conference. I am pleased that these official figures are finally available. Local government officials throughout my own State of Illinois—and I am sure in other States as well—have been extremely anxious to have this information.

In order to try to accommodate this need, I and my staff made an estimated calculation of the amounts to be received by counties and municipalities with populations over 2,500 in Illinois, which has proven to be very closely correct. However, I think it important that they have the official figures. I think it is important to point out that even these figures might contain inaccuracies. They do not, I understand, take into account municipalities incorporated after 1967. Thus, in the final distribution of funds within counties, municipalities incorporated after that date must be included in the division of the revenue-sharing funds.

I ask unanimous consent that the official Treasury tabulation of revenue-sharing funds for Illinois be printed in the RECORD.

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

#### Revenue sharing funds for Illinois

[In dollars]	
Total State grant to all locals...	183,163,046
Amount returned to Illinois	
State government is.....	187,510
<hr/>	
Adams County area.....	1,579,322
Adams County government.....	472,200
Total to all cities over 2,500.....	726,970
Total to all cities under 2,500.....	94,627
Total to all townships.....	285,525
Quincy City.....	726,970
<hr/>	
Alexander County area.....	287,222
Alexander County government.....	134,319
Total to all cities over 2,500.....	130,334
Total to all cities under 2,500.....	22,570
Total to all townships.....	0
Cairo City.....	130,334
<hr/>	
Bond County area.....	334,961
Bond County government.....	123,714
Total to all cities over 2,500.....	47,474
Total to all cities under 2,500.....	29,555
Total to all townships.....	134,218
Greenville City.....	47,474



Boone County area.....	316,114	Cook County area.....	97,644,623	Schiller Park Village.....	109,459
Boone County government.....	132,271	Cook County government.....	16,719,551	Skokie Village.....	331,716
Total to all cities over 2,500.....	101,522	Total to all cities over 2,500.....	79,631,662	South Chicago Hghts. Vill.....	24,584
Total to all cities under 2,500.....	9,105	Total to all cities under 2,500.....	189,454	South Holland Village.....	80,636
Total to all townships.....	73,217	Total to all townships.....	1,103,957	Steger Village (part).....	18,237
Belvidere City.....	101,522	Alsip Village.....	36,735	Village of Stickney.....	38,969
		Arlington Heights Village.....	248,722	Stone Park Village.....	39,731
Brown County area.....	133,535	Village of Barrington.....	36,733	Village of Summit.....	92,833
Brown County government.....	45,281	Bartlett Village (part).....	8,276	Thornton Village.....	19,651
Total to all cities over 2,500.....	0	Bellwood Village.....	178,220	Tinley Park Village.....	44,237
Total to all cities under 2,500.....	50,761	Bensenville Village (part).....	11	Westchester Village.....	71,132
Total to all townships.....	37,494	Berkeley Village.....	12,000	Western Springs Village.....	40,052
		Berwyn City.....	317,152	Wheeling Village.....	48,622
Bureau County area.....	876,887	Blue Island City.....	115,584	Willow Springs Village.....	12,904
Bureau County government.....	294,752	Bridge View Village.....	60,333	Wilmette Village.....	105,955
Total to all cities over 2,500.....	140,826	Broadview Village.....	48,428	Winnetka Village.....	46,594
Total to all cities under 2,500.....	150,768	Village of Brookfield.....	90,048	Worth Village.....	54,301
Total to all townships.....	290,541	Burnham Village.....	13,967	Barrington Hills Village.....	8,942
Princeton City.....	79,448	Calumet City City.....	178,833	Buffalo Grove Village (part).....	18,160
Spring Valley City.....	61,378	Calumet Park Village.....	37,673	City of Co Club Hills.....	25,404
		Chicago City.....	69,477,799	Elk Grove Village (part).....	136,930
Calhoun County area.....	86,926	Chicago Heights City.....	419,228	Hanover Park Village (part).....	38,694
Calhoun County government.....	68,864	Chicago Ridge Village.....	12,000	Sauk Village.....	32,691
Total to all cities over 2,500.....	0	Cicero Town.....	617,105	Streamwood Village.....	59,931
Total to all cities under 2,500.....	18,063	Crestwood Village.....	19,025	Schaumburg Village (part).....	59,363
Total to all townships.....	0	Deerfield Village (part).....	30	City of Palos Hills.....	26,398
		Des Plaines City.....	328,273	Palos Heights City.....	32,693
Carroll County area.....	416,916	Dixmoor Village.....	24,833	Hoffman Estates Village.....	73,352
Carroll County Govt.....	133,069	Dollon Village.....	121,161	City of Countryside.....	31,624
Total to all cities over 2,500.....	70,017	East Chicago Heights Village.....	57,500		
Total to all cities under 2,500.....	97,432	Elgin City (part).....	42,616	Crawford County area.....	285,589
Total to all townships.....	116,058	Elmwood Park Village.....	115,320	Crawford County govt.....	111,082
Savanna City.....	70,417	Evanston City.....	516,250	Total to all cities over 2,500.....	51,255
		Evergreen Park Village.....	118,848	Total to all cities under 2,500.....	33,896
Cass County area.....	339,910	Flossmoor Village.....	25,870	Total to all townships.....	89,356
Cass County Govt.....	124,550	Forest Park Village.....	99,418	Robinson City.....	51,255
Total to all cities over 2,500.....	68,503	Franklin Park Village.....	190,674		
Total to all cities under 2,500.....	45,217	Glencoe Village.....	34,760	Cumberland County area.....	233,603
Total to all townships.....	101,640	Glenview Village.....	82,036	Cumberland County govt.....	86,837
Beardstown City.....	68,503	Glenwood Village.....	13,500	Total to all cities over 2,500.....	0
		Harvey City.....	273,812	Total to all cities under 2,500.....	41,584
Champaign County area.....	1,949,151	Harwood Heights Village.....	33,209	Total to all townships.....	105,182
Champaign County Govt.....	606,716	Hazel Crest Village.....	39,979		
Total to all cities over 2,500.....	890,024	Hickory Hills Village.....	18,500	De Kalb County area.....	1,139,945
Total to all cities under 2,500.....	119,249	Hillside Village.....	86,669	De Kalb County govt.....	375,560
Total to all townships.....	333,161	Hinsdale Village (part).....	7,449	Total to all cities over 2,500.....	430,455
Champaign City.....	493,664	Hometown City.....	28,862	Total to all cities under 2,500.....	62,607
Village of Rantoul.....	134,345	Homewood Village.....	67,301	Total to all townships.....	265,324
Urbana City.....	262,016	Justice Village.....	18,500	De Kalb City.....	239,921
		Kenilworth Village.....	9,826	City of Genoa.....	37,563
Christian County area.....	859,348	Village of La Grange.....	74,346	Sandwich City (part).....	26,908
Christian County Govt.....	295,954	La Grange Park Village.....	51,523	Sycamore City.....	72,062
Total to all cities over 2,500.....	176,727	Lansing Village.....	96,532		
Total to all cities under 2,500.....	34,814	Lemont Village.....	21,866	De Witt County area.....	386,194
Total to all townships.....	301,853	Lincolnwood Village.....	42,631	De Witt County govt.....	99,544
Pana City.....	94,725	Lyons Village.....	70,872	Total to all cities over 2,500.....	65,509
Taylorville City.....	82,002	Markham City.....	107,731	Total to all cities under 2,500.....	38,336
		Matteson Village.....	31,408	Total to all townships.....	182,805
Clark County area.....	330,579	Maywood Village.....	273,444	Clinton City.....	65,509
Clark County Govt.....	106,066	Melrose Park Village.....	273,721		
Total to all cities over 2,500.....	58,576	Midlothian Village.....	79,925	Douglas County area.....	454,129
Total to all cities under 2,500.....	18,601	Morton Grove Village.....	117,460	Douglas County govt.....	125,884
Total to all townships.....	147,336	Mount Prospect Village.....	144,950	Total to all cities over 2,500.....	88,535
Casey City.....	30,102	Niles Village.....	229,899	Total to all cities under 2,500.....	86,757
Marshall City.....	28,474	Norridge Village.....	60,862	Total to all townships.....	152,953
		Northbrook Village.....	90,006	Tuscola City.....	60,768
Clay County area.....	352,245	Northfield Village.....	16,519	Villa Grove City.....	27,767
Clay County Govt.....	200,124	North Lake City (part).....	113,584		
Total to all cities over 2,500.....	50,611	North Riverside Village.....	36,298	Du Page County area.....	3,634,647
Total to all cities under 2,500.....	27,140	Oak Forest Village.....	58,922	Du Page County govt.....	1,489,971
Total to all townships.....	74,370	Village of Oak Lawn.....	277,611	Total to all cities over 2,500.....	1,748,645
Flora City.....	50,611	Oak Park Village.....	370,984	Total to all cities under 2,500.....	20,428
		Olympia Fields Village.....	11,468	Total to all townships.....	395,604
Clinton County area.....	676,879	Orland Park Village.....	26,146	Addison Village.....	101,562
Clinton County Govt.....	207,023	Palatine Village.....	90,020	Bartlett Village (part).....	3,268
Total to all cities over 2,500.....	139,688	Palos Park Village.....	10,871	Bensenville Village (part).....	84,611
Total to all cities under 2,500.....	172,841	Park Forest Village.....	112,242	Bloomington Village.....	9,814
Total to all townships.....	157,327	Park Ridge City.....	188,994	Clarendon Hill Village.....	22,914
Breese City.....	59,000	Phoenix Village.....	47,104	Downers Grove Village.....	154,838
Carlyle City.....	50,667	Posen Village.....	29,806	Elk Grove Village (part).....	740
Centralia City (part).....	30,081	Richion Park Village.....	11,466	Elmhurst City.....	294,951
		Riverdale Village.....	55,900	Glen Ellyn Village.....	72,240
Coles County area.....	997,105	River Forest Village.....	44,190	Hinsdale Village (part).....	46,731
Coles County government.....	196,817	River Grove Village.....	45,616	Hanover Park Village (part).....	597
Total to all cities over 2,500.....	538,538	Riverside Village.....	34,397	Itasca Village.....	19,512
Total to all cities under 2,500.....	31,236	Robbins Village.....	113,500	Lisle Village.....	24,269
Total to all townships.....	230,513	Rolling Meadows City.....	72,560	Lombard Village.....	144,694
Charleston City.....	197,950	Roselle Village (part).....	218	Naperville City.....	121,055
Mattoon City.....	340,587	Rosemont Village.....	29,278	North Lake City (part).....	202

## Revenue sharing funds for Illinois

[In dollars]

Roselle Village (part)-----	15,321	Total to all townships-----	99,134	Elgin City (part)-----	460,765
Schaumburg Village (part)-----	637	McLeansboro City-----	19,476	Geneva City-----	41,436
Villa Park Village-----	194,460	Hancock County area-----	565,695	Montgomery Village (part)-----	13,799
West Chicago City-----	98,320	Hancock County govt-----	199,246	North Aurora Village-----	21,009
Westmont Village-----	31,040	Total to all cities over 2,500-----	64,829	St. Charles City-----	73,964
Wheaton City-----	138,721	Total to all cities under 2,500-----	90,871	South Elgin Village-----	17,051
Winfield Village-----	17,021	Total to all townships-----	210,749	West Dundee Village-----	8,500
Wood Dale Village-----	33,036	Carthage City-----	33,799		
Oak Brook Village-----	19,463	Hamilton City-----	31,030	Kankakee County area-----	1,415,496
Carol Siream Village-----	22,819	Hardin County area-----	100,743	Kankakee County government-----	552,467
Woodridge Village-----	36,362	Hardin County govt-----	63,211	Total to all cities over 2,500-----	523,352
Glendale Heights Village-----	39,446	Total to all cities over 2,500-----	0	Total to all cities under 2,500-----	51,527
Edgar County area-----	516,139	Total to all cities under 2,500-----	37,532	Total to all townships-----	288,151
Edgar County govt-----	200,893	Total to all townships-----	0	Bonrbonnais Village-----	19,484
Total to all cities over 2,500-----	125,945	Henderson County area-----	202,024	Bradley Village-----	91,340
Total to all cities under 2,500-----	47,518	Henderson County govt-----	84,150	Kankakee City-----	342,315
Total to all townships-----	141,784	Total to all cities over 2,500-----	0	Manteno Village-----	18,962
City of Paris-----	125,945	Total to all cities under 2,500-----	24,268	Momence City-----	51,252
		Total to all townships-----	0		
Edwards County area-----	133,397	Henry County area-----	819,346	Kendall County area-----	336,865
Edwards County govt-----	85,335	Henry County govt-----	212,132	Kendall County government-----	136,311
Total to all cities over 2,500-----	0	Total to all cities over 2,500-----	259,846	Total to all cities over 2,500-----	44,108
Total to all cities under 2,500-----	48,062	Total to all cities under 2,500-----	92,942	Total to all cities under 2,500-----	47,851
Total to all townships-----	0	Total to all townships-----	254,427	Total to all townships-----	108,595
Effingham County area-----	588,262	Galva City-----	32,120	Montgomery Village (part)-----	66
Effingham county govt-----	216,613	Geneseo City-----	36,085	Pland City-----	43,947
Total to all cities over 2,500-----	121,224	Green Rock City-----	12,209	Sandwich City (part)-----	95
Total to all cities under 2,500-----	75,736	Kewanee City-----	179,432		
Total to all townships-----	174,688			Knox County area-----	1,291,665
Fayette County area-----	496,083	Iroquois County area-----	801,593	Knox County government-----	372,303
Fayette County govt-----	209,360	Iroquois County govt-----	274,726	Total to all cities over 2,500-----	652,705
Total to all cities over 2,500-----	62,038	Total to all cities over 2,500-----	54,894	Total to all cities under 2,500-----	80,960
Total to all cities under 2,500-----	51,614	Total to all cities under 2,500-----	155,173	Total to all townships-----	185,696
Total to all townships-----	173,071	Total to all townships-----	316,801	Abingdon City-----	53,958
Vandalia City-----	62,038	Waseka City-----	54,894	Galesburg City-----	579,410
				Knoxville City-----	19,337
Ford County area-----	391,617	Jackson County area-----	1,474,412	Lake County area-----	3,062,681
Ford County govt-----	133,287	Jackson County govt-----	376,790	Lake County government-----	960,092
Total to all cities over 2,500-----	77,433	Total to all cities over 2,500-----	424,252	Total to all cities over 2,500-----	1,692,781
Total to all cities under 2,500-----	30,777	Total to all cities under 2,500-----	61,914	Total to all cities under 2,500-----	82,393
Gibson City-----	44,407	Total to all townships-----	184,456	Total to all townships-----	327,415
Paxion City-----	33,026	Carbondale City-----	314,233	Antioch Village-----	24,311
		Murphysboro City-----	110,019	Buffalo Grove Village (part)-----	3,340
Franklin County area-----	916,267			Deerfield Village (part)-----	62,451
Franklin County govt-----	290,478	Jasper County area-----	107,797	Fox Lake Village-----	25,218
Total to all cities over 2,500-----	235,505	Jasper County govt-----	99,674	Grayslake Village-----	16,180
Total to all cities under 2,500-----	113,343	Total to all cities over 2,500-----	24,181	Gurnee Village-----	25,335
Benion City-----	76,436	Total to all cities under 2,500-----	9,484	Highland Park City-----	106,380
Christopher City-----	18,259	Total to all townships-----	54,458	Highwood City-----	16,397
West Frankfort City-----	140,810	City of Newton-----	24,181	Lake Bluff Village-----	16,513
				Lake Forest City-----	56,339
Fulton County area-----	868,145	Jefferson County area-----	525,564	Lake Zurich Village-----	24,350
Fulton County Govt-----	299,750	Jefferson County govt-----	224,199	Libertyville Village-----	38,525
Total to all cities over 2,500-----	214,477	Total to all cities over 2,500-----	190,029	Mundelein Village-----	90,656
Total to all cities under 2,500-----	107,088	Total to all cities under 2,500-----	24,580	North Chicago City-----	265,383
Total to all townships-----	246,829	Total to all townships-----	186,756	Round Lake Beach Village-----	26,675
Canton City-----	155,092	Mt. Vernon City-----	190,029	Round Lake Park Village-----	18,348
Farmington City-----	32,331			Wauconda Village-----	29,834
Lewistown City-----	27,055	Jersey County area-----	337,739	Waukegan City-----	639,971
		Jersey County govt-----	171,500	Winthrop Harbor Vilg Off-----	25,458
Gallatin County area-----	177,338	Total to all cities over 2,500-----	21,500	Zion City-----	153,000
Gallatin County Govt-----	59,942	Total to all cities under 2,500-----	31,406	Lincolnshire Village-----	8,345
Total to all cities over 2,500-----	0	Total to all townships-----	113,333	Village of Lindenhurst-----	10,357
Total to all cities under 2,500-----	40,378	Jerseyville City-----	21,500	Park City-----	9,414
Total to all townships-----	77,009				
Greene County area-----	106,725	Jo Daviess County area-----	520,323	LaSalle County area-----	2,195,351
Greene County govt-----	153,505	Jo Daviess County govt-----	208,879	LaSalle County Govt-----	715,108
Total to all cities over 2,500-----	59,880	Total to all cities over 2,500-----	39,668	Total to all cities over 2,500-----	937,158
Total to all cities under 2,500-----	51,008	Total to all cities under 2,500-----	91,520	Total to all cities under 2,500-----	135,332
Total to all townships-----	142,333	Total to all townships-----	180,256	Total to all townships-----	407,752
Carrollton City-----	33,191	Galena City-----	39,669	LaSalle City-----	179,741
White Hall City-----	26,688			Marseilles City-----	29,854
Grundy County area-----	362,034	Johnson County area-----	146,885	Mendoia City-----	73,357
Grundy County govt-----	109,775	Johnson County govt-----	83,401	Oglesby City-----	43,419
Total to all cities over 2,500-----	86,510	Total to all cities over 2,500-----	0	Ottawa City-----	234,296
Total to all cities under 2,500-----	43,778	Total to all cities under 2,500-----	63,484	Peru City-----	121,035
Total to all townships-----	121,972	Total to all townships-----	0	Sireator City (part)-----	255,458
Coal City Village-----	29,082	Kane County area-----	2,687,574		
Morris City-----	57,472	Kane County government-----	655,531	Lawrence County Area-----	418,869
		Total to all cities over 2,500-----	1,605,435	Lawrence County Govt-----	168,832
Hamilton County area-----	207,139	Total to all cities under 2,500-----	72,839	Total to all cities over 2,500-----	83,869
Hamilton County govt-----	82,161	Total to all townships-----	353,769	Total to all cities under 2,500-----	69,364
Total to all cities over 2,500-----	19,476	Aurora City-----	742,287	Total to all townships-----	96,803
Total to all cities under 2,500-----	6,368	Batavia City-----	52,287	Lawrenceville City-----	83,869
		Carpentersville Village-----	155,591		
		East Dundee Village-----	18,746	Lee County area-----	907,135
				Lee County Govt-----	327,498
				Total to all cities over 2,500-----	264,772
				Total to all cities under 2,500-----	103,927



Total to all townships-----	210,937	Total to all cities over 2,500----	22,966	Total to all townships-----	0
Dixon City-----	264,772	Total to all cities under 2,500----	50,269	Du Quoin City-----	70,207
Livingston County area-----	718,028	Total to all townships-----	118,520	Pinckneyville City-----	38,791
Livingston County Govt-----	593,000	Henry City-----	22,966	Platt County area-----	326,731
Total to all cities over 2,500----	125,028	Mason County area-----	288,686	Platt County govt-----	105,967
Total to all cities under 2,500----	0	Mason County govt-----	110,911	Total to all cities over 2,500----	39,821
Total to all townships-----	0	Total to all cities over 2,500----	63,673	Total to all cities under 2,500----	61,882
Streator City (part)-----	1,028	Total to all cities under 2,500----	26,957	Total to all townships-----	119,060
Dwight Village-----	69,000	Total to all townships-----	87,144	Monticello City-----	39,821
Fairbury City-----	55,000	Havana City-----	44,276	Pike County area-----	458,623
Logan County area-----	801,736	Mason City City-----	19,388	Pike County Govt-----	180,204
Logan County Govt-----	301,456	Massac County Area-----	332,021	Total to all cities over 2,500----	34,668
Total to all cities over 2,500----	192,412	Massac County govt-----	217,934	Total to all cities under 2,500----	61,412
Total to all cities under 2,500----	74,581	Total to all cities over 2,500----	92,962	Total to all townships-----	182,339
Total to all townships-----	233,287	Total to all cities under 2,500----	21,124	Pittsfield City-----	34,668
Lincoln City-----	192,412	Total to all townships-----	0	Pope County area-----	63,542
McDonough County area-----	811,814	Metropolis City-----	92,962	Pope County govt-----	51,164
McDonough County Govt-----	266,370	Menard County Area-----	182,567	Total to all cities over 2,500----	0
Total to all cities over 2,500----	258,006	Menard County govt-----	133,235	Total to all cities under 2,500----	12,378
Total to all cities under 2,500----	54,649	Total to all cities over 2,500----	23,846	Total to all townships-----	0
Total to all townships-----	232,790	Total to all cities under 2,500----	25,486	Pulaski County area-----	208,956
Bushnell City-----	45,339	Total to all townships-----	0	Pulaski County govt-----	141,123
Macomb City-----	212,667	Petersburg City-----	23,846	Total to all cities over 2,500----	0
McHenry County area-----	1,045,081	Mercer County area-----	413,418	Total to all cities under 2,500----	67,833
McHenry County govt-----	362,461	Mercer County govt-----	179,183	Total to all townships-----	0
Total to all cities over 2,500----	337,157	Total to all cities over 2,500----	35,030	Putnam County area-----	112,972
Total to all cities under 2,500----	63,677	Total to all cities under 2,500----	60,347	Putnam County govt-----	36,619
Total to all townships-----	281,786	Total to all townships-----	138,858	Total to all cities over 2,500----	0
Algonquin Village-----	16,311	Aledo City-----	35,030	Total to all cities under 2,500----	16,751
Cary Village-----	22,517	Monroe County area-----	178,024	Total to all townships-----	59,603
Crystal Lake City-----	13,086	Monroe County govt-----	69,492	Randolph County area-----	455,026
Harvard City-----	38,284	Total to all cities over 2,500----	94,255	Randolph County govt-----	255,097
Village of Lake in the Hills-----	33,181	Total to all cities under 2,500----	14,277	Total to all cities over 2,500----	123,401
McHenry City-----	53,699	Total to all townships-----	0	Total to all cities under 2,500----	76,528
Marengo City-----	19,977	Columbia City-----	39,363	Total to all townships-----	0
Woodstock City-----	79,502	Waterloo City-----	54,902	Chester City-----	47,321
McLean County area-----	1,771,073	Montgomery County area-----	123,375	Red Bud City-----	26,492
McLean County govt-----	566,814	Montgomery County govt-----	233,594	Sparta City-----	49,589
Total to all cities over 2,500----	714,976	Total to all cities over 2,500----	143,356	Richland County area-----	402,302
Total to all cities under 2,500----	174,975	Total to all cities under 2,500----	77,135	Richland County govt-----	130,516
Total to all townships-----	314,308	Total to all townships-----	269,289	Total to all cities over 2,500----	129,983
Bloomington City-----	491,940	Hillsboro City-----	32,830	Total to all cities under 2,500----	21,553
Normal Town-----	223,036	Litchfield City-----	79,894	Total to all townships-----	120,251
Macon County area-----	1,372,625	City of Nokomis-----	30,633	Olney City-----	129,983
Macon County govt-----	396,103	Morgan County area-----	864,751	Rock Island County area-----	2,611,367
Total to all cities over 2,500----	665,057	Morgan County govt-----	239,031	Rock Island County govt-----	634,489
Total to all cities under 2,500----	76,469	Total to all cities over 2,500----	246,251	Total to all cities over 2,500----	1,044,626
Total to all townships-----	234,995	Total to all cities under 2,500----	50,801	Total to all cities under 2,500----	101,792
Decatur City-----	665,057	Total to all townships-----	328,668	Total to all townships-----	230,461
Macoupin County area-----	887,124	Jacksonville City-----	236,524	Coal Valley village-----	10,182
Macoupin County govt-----	274,111	Vill of S Jacksonville-----	9,727	East Moline City-----	265,056
Total to all cities over 2,500----	155,330	Moultrie County area-----	317,056	Milan Village-----	55,492
Total to all cities under 2,500----	130,561	Moultrie County govt-----	131,045	Moline City-----	578,880
Total to all townships-----	327,121	Total to all cities over 2,500----	40,991	Rock Island City-----	695,694
Carlinville City-----	69,390	Total to all cities under 2,500----	34,083	Silvis City-----	39,321
Gillespie City-----	20,077	Total to all townships-----	110,936	St. Clair County area-----	4,618,540
Staunton City-----	46,620	Sullivan City-----	40,991	St. Clair County government-----	2,109,737
Virden City-----	19,243	Ogle County area-----	670,794	Total to all cities over 2,500----	2,450,625
Madison County area-----	3,562,613	Ogle County govt-----	243,382	Total to all cities under 2,500----	58,178
Madison County govt-----	1,431,878	Total to all cities over 2,500----	173,232	Total to all townships-----	0
Total to all cities over 2,500----	1,928,767	Total to all cities under 2,500----	56,887	Alorton Village-----	21,000
Total to all cities under 2,500----	201,967	Total to all townships-----	187,292	Belleville City-----	351,987
Total to all townships-----	0	Mt. Morris Village-----	15,466	Cahokia Village-----	108,755
Alton City-----	598,516	Oregon City-----	36,977	Caseyville Village-----	19,611
Bethalto Village-----	28,552	Polo City-----	28,463	Collinsville City (part)-----	1,808
Collinsville City (part)-----	114,083	Rochelle City-----	92,326	Dupo City-----	14,309
East Alton Village-----	146,407	Peoria County area-----	2,781,938	East St. Louis City-----	1,673,276
Edwardsville City-----	96,749	Peoria County govt-----	712,747	Village of Fairmont City-----	9,130
Granite City-----	492,756	Total to all cities over 2,500----	1,769,168	Lebanon City-----	23,843
Highland City-----	57,740	Total to all cities under 2,500----	115,618	Mascoutah City-----	38,968
Madison City-----	130,921	Total to all townships-----	184,504	O'Fallon City-----	37,569
Venice City-----	111,877	Bartonville Village-----	47,253	Swansea Village-----	17,911
Wood River City-----	151,166	Chillicothe City-----	32,616	Washington Park Village-----	31,403
Marion County area-----	864,136	Peoria City-----	1,653,725	Centreville City-----	101,055
Marion County govt-----	252,715	Peoria Heights Village-----	35,533	Saline County area-----	455,764
Total to all cities over 2,500----	295,738	Pekin City (part)-----	41	Saline County government-----	173,749
Total to all cities under 2,500----	123,847	Perry County area-----	341,275	Total to all cities over 2,500----	139,233
Total to all townships-----	191,836	Perry County govt-----	208,610	Total to all cities under 2,500----	33,014
Centralia City (part)-----	155,013	Total to all cities over 2,500----	108,998	Total to all townships-----	109,768
Salem City-----	140,725	Total to all cities under 2,500----	23,666	Eldorado City-----	47,500
Marshall County area-----	317,704			Harrisburg City-----	91,733
Marshall County govt-----	125,950				

Revenue sharing funds for Illinois  
[In dollars]

Sangamon County area	2,129,952	Total to all cities over 2,500	24,212
Sangamon County government	667,985	Total to all cities under 2,500	31,370
Total to all cities over 2,500	935,733	Total to all townships	123,762
Total to all cities under 2,500	198,490	Nashville City	24,212
Total to all townships	327,744	Wayne County area	406,486
Auburn City	29,425	Wayne County govt	128,304
Chatham Village	9,193	Total to all cities over 2,500	65,267
City of Springfield	897,115	Total to all cities under 2,500	31,245
		Total to all townships	181,670
		Fairfield City	65,267
Schuyler County area	194,470	White County area	413,849
Schuyler County government	56,146	White County govt	146,824
Total to all cities over 2,500	18,763	Total to all cities over 2,500	61,410
Total to all cities under 2,500	3,440	Total to all cities under 2,500	60,748
Total to all townships	116,120	Total to all townships	144,867
Rushville City	18,783	Carmi City	61,410
Scott County area	140,299	Whiteside County area	1,173,231
Scott County government	108,524	Whiteside County govt	583,614
Total to all cities over 2,500	0	Total to all cities over 2,500	512,776
Total to all cities under 2,500	31,775	Total to all cities under 2,500	76,840
Total to all townships	0	Total to all townships	0
Shelby County area	539,997	Fulton City	88,776
Shelby County government	197,338	Morrison City	29,246
Total to all cities over 2,500	39,039	Rock Falls City	101,449
Total to all cities under 2,500	60,456	Sterling City	295,305
Total to all townships	243,164		
Shelbyville City	39,039	Will County area	2,563,263
Stark County area	179,529	Will County govt	823,494
Stark County govt	78,675	Total to all cities over 2,500	1,140,359
Total to all cities over 2,500	0	Total to all cities under 2,500	154,749
Total to all cities under 2,500	40,344	Total to all townships	444,661
Stephenson County area	955,983	Village of Bolingbrook (part)	10,179
Stephenson County govt	318,109	Crete Village	34,579
Total to all cities over 2,500	335,404	Joliet City	848,414
Total to all cities under 2,500	64,551	Lockport City	60,702
Total to all townships	237,919	New Lenox Village	9,414
Freeport City	335,404	Plainfield Village	17,413
		Romeoville Village	41,790
Tazewell County area	1,482,697	Steger Village (part)	35,264
Tazewell County govt	439,776	Williamson City	24,653
Total to all cities over 2,500	656,525	Crest Hill City	51,952
Total to all cities under 2,500	97,336	Williamson County area	938,898
Total to all townships	289,059	Williamson County govt	482,472
Creve Coeur village	40,951	Total to all cities over 2,500	374,047
East Peoria City	184,396	Total to all cities under 2,500	82,379
Marquette Heights city	9,094	Total to all townships	0
Marion Village	53,649	Carleville City	31,500
Pekin City (part)	327,094	Herrin City	115,923
Washington City	41,343	Johnston City	45,709
Union County area	216,435	Marion City	180,915
Union County govt	120,455	Winnebago County area	3,526,799
Total to all cities over 2,500	52,201	Winnebago County govt	1,222,478
Total to all cities under 2,500	143,779	Total to all cities over 2,500	2,204,092
Total to all townships	0	Total to all cities under 2,500	100,229
Anra City	52,201	Total to all townships	0
Vermilion County area	1,432,029	Loves Park City	89,385
Vermilion County govt	384,576	Rockford City	2,023,772
Total to all cities over 2,500	635,094	South Beloit City	90,936
Total to all cities under 2,500	122,585	Woodford County area	569,920
Total to all townships	289,773	Woodford County govt	187,904
Village of Bolingbrook (part)	1,243	Total to all cities over 2,500	31,404
Danville city	503,139	Total to all cities under 2,500	125,782
Georgetown city	17,469	Total to all townships	224,833
Hoopeston City	70,408	Eureka City	31,404
Tilton Village	27,210		
Westville Village	15,625		
Wabash County area	256,669		
Wabash County govt	139,821		
Total to all cities over 2,500	104,473		
Total to all cities under 2,500	12,375		
Total to all townships	0		
Mount Carmel City	104,473		
Warren County area	516,235		
Warren County govt	175,200		
Total to all cities over 2,500	123,633		
Total to all cities under 2,500	35,569		
Total to all townships	181,833		
Monmouth City	123,633		
Washington County area	329,415		
Washington County govt	150,071		

note successful methods which spark excitement and learning for students who had been turned off by school.

The Sunday, September 24, edition of Parade contains one such success in which St. Louis kids use a computer, initially, to play a simulated football game and then go on to more sophisticated math and reading exercises once their interest is engaged. While no one contends that computers are the ultimate answer to improved compensatory education, computers, audiovisual equipment and materials, and a number of other tools have proven of value in the classroom, and should be encouraged wherever they help the teacher and the student with the job at hand.

In this light, I have been dismayed by the repeated failure of this administration to recommend funding for title III of the National Defense Education Act and title VI of the Higher Education Act, both of which provide modest amounts of money for acquisition of such things as the computer system which proved so successful for underprivileged students in St. Louis. The administration has not sent a budget request to Congress for either NDEA III and HEA VI for this fiscal year, although the authorizations were signed into law over 3 months ago. As a result the House has omitted both of these programs from the new version of the Labor-HEW appropriations bill.

I know I speak for hundreds of Missouri schools, and thousands more all across the Nation, when I urge the Senate Appropriations Subcommittee on Labor-HEW to restore these two programs and provide for them the \$75 million and the \$15 million respectively which were originally passed by the Senate in June. In the absence of interest in these programs from the White House, it is the responsibility of the Congress to see that these two popular and effective matching programs are not allowed to fall by the wayside.

Mr. President, I ask unanimous consent that the Parade article be included at this point in the Record.

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

FLICK A SWITCH AND SCORE A TOUCHDOWN  
(By John G. Rogers)

ST. LOUIS, Mo.—Nineteen-year-old Sam Wishom is quite a football player. In a recent game he first ran a punt back 67 yards for a touchdown. Then he intercepted a pass to cut off an opponent score. And he capped those exploits by kicking a 42-yard field goal that gave his team victory.

These feats were all the more remarkable in that Sam wasn't even on a football field. He was seated at the console of a \$67,000 computer, flicking little switches linked to electronic connections. For Sam is one of a group of underprivileged boys who have the good luck to be able to play computer football in an IBM program that's designed to stimulate interest in learning.

"You can instruct a computer to do almost anything," says Gary Seigal, an IBM systems engineer. "So we poured this computer full of football. There are eight switches for the offensive team, eight for the defense. The offensive player flicks a switch choosing his play—smash through the line, end run, short pass, long pass, and

EDUCATIONAL TECHNOLOGY  
SCORES A TOUCHDOWN

Mr. EAGLETON. Mr. President, there is no more difficult nor frustrating task than the search for effective ways to bring education to underprivileged children. Many ideas have been tried and have failed. Others promise much, but due to the lack of funds have yet to be tried.

Every idea in this area tries to incorporate some technique for reaching through the barrier which all too often divides the ghetto child from the enjoyment of learning.

Therefore, it is always encouraging to



so on. The defense, just as in actual football, tries to anticipate what the opponent's move will be and manipulates a switch setting his defense for the expected play. Then, the computer, knowing what both offense and defense are up to, selects at random one out of a number of logical outcomes and punches it out on a printout."

#### TENSE PLAYERS

It's great fun to watch the players, seated side by side at the computer console, tensely awaiting the outcome of each printout, usually surrounded by a crowd of kibitzers.

"Oh, no, I fumbled," moans Sam as he sees a touchdown go down the drain.

"My guys keep dropping the long passes," mutters Tony Gully, the opponent to the moment.

In addition to the football games, the kids engage in more sophisticated math and reading exercises involving computers and the success of the program is seen in the fact that a number of them, including Sam and Tony, have been accepted by colleges.

#### KIDS EXCITED

Says Bill McRoberts, executive director of Sophia House, the neighborhood organization which recruits the boys: "We use the computer and football to excite a kid's imagination. This brings him to an entirely new horizon and once he makes that jump, it dawns on him that there are other jumps to be made in life."

Girls can play computer football, too. Says Kathy Miller, 21, a college senior who tutors at Sophia House: "I know a lot about football. I've played four games and won them all, all against guys. They're so funny. All the time they're teaching me the fine points of the game and I'm creaming them. I remember taking the first one 38 to 14 from this fellow who was showing me how to play."

The computer has produced such wild games as 72 to 14 and such close ones as 3 to 0. There are two 30-minute halves—and only one recorded case of injury. That occurred when a player got so excited that he jumped up abruptly and bashed his knee against the computer. A substitute had to come off the bench and finish the game for him.

#### OREGON AND CALIFORNIA LANDS

Mr. HATFIELD. Mr. President, the sound and equitable conservation of valuable forest resources by the Federal Government under the Oregon and California lands program has provided sustained amounts of raw materials for the Oregon timber industry and serves as an important source of income for 18 counties in western Oregon in which the O. & C. lands are located.

The O. & C. program is an excellent example of how environmental protection and economic growth can be achieved concurrently. Charles V. Stanton, editor emeritus of the Roseburg, Ore., News-Review, has recently completed highly informative historical summary of this program which I am pleased to call to the attention of the Senate. I ask unanimous consent that his series of articles be printed in the RECORD.

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

#### COUNTY BENEFITS FROM O&C

Douglas County recently received two checks from the federal government. Together they amounted to \$9,462,396.60. This income represented the county's share of roughly \$37 million paid to 18 Oregon counties that participate in receipts from Oregon

and California land grant (O&C) acres within their boundaries.

Douglas County has a great many newcomers who know little or nothing about the O&C. Mrs. John Pearl, 739 W. Indianola, Roseburg, said as she brought The News-Review a letter intended for its Reader Opinions column. The letter outlined in brief form the history of the land grant and the importance of its revenue to the respective counties.

The letter was brought to the attention of Charles V. Stanton, editor of the Reader Opinions column. Stanton, who formerly served as editor-manager of The News-Review, and who, though semi-retired, still is employed part-time by the newspaper, was inspired by Mrs. Pearl's communication to write a more detailed history of the O&C.

Stanton's career with Roseburg newspapers spans the years from the time of the reversion of the O&C lands in 1916 to the present. Much of his work as a news reporter and editor was affected by various factors concerning the grant.

Douglas County, largest county in Western Oregon, contains some 913,000 acres or approximately one-fourth of the total land grant of 3,738,000 acres. As revenue is apportioned among counties on a ratio of contained acreage, Douglas County receives about one-fourth of total O&C income each year.

From this revenue it pays the cost of all county offices and administrative operations, gives money to county schools, puts a large sum into road construction and maintenance. Were it not for this income Douglas County taxpayers would have to dig up considerably more money each year.

From his knowledge of the O&C program, together with research from a large supply of statistical and historical information, embracing Mrs. Pearl's letter, Stanton has written a 10-part history of the O&C. These chapters will appear as his regular column "Charley Comments" starting Thursday.

Readers interested in the subject are invited to clip these columns to form a history of this program presently of such great importance to Douglas County.

Mrs. Pearl, whose letter inspired the series, is a former school teacher. She came to Roseburg more than four years ago from Oakridge. Her husband, John Pearl is an engineer for Roseburg Lumber Co.

Mrs. Pearl has long been interested in the field of writing. She has written particularly for garden magazines. She has been publicity representative for Roseburg Garden Club and has frequently given information for The News-Review's Garden Page.

Becoming interested in the county's source of revenue from the O&C, she researched literature at the Douglas County Library and interviewed individuals informed on the subject.

#### SPECIAL N-R SERIES DETAILS O&C HISTORY

The first of a series of 10 articles concerning the Oregon and California (O&C) lands is being published today on Page 10.

The remainder of the articles will follow during the next nine issues of The News-Review.

The articles are written by Charles Stanton, editor emeritus of the N-R and closely concerned with O&C since the lands were reversioned with the federal government in 1916. A letter from Mrs. John Pearl, Roseburg, is a part of the series.

Stanton gives the history of the lands and how important the lands, and their revenue, are to Douglas County.

The county received \$9 million as its share of O&C revenue this year, which points up how vital the issue is to Douglas County residents.

The formula under which the revenue is shared by Douglas and other nearby O&C

counties has been under political attack both from within and outside the county.

In an election year, some of the facts of some situations are overlooked or misstated, Stanton says.

Stanton's series of articles is intended to give the historic background concerning O&C lands and how a certain formula of revenue sharing can help—or financially cripple—Douglas County.

#### SERIES WILL OUTLINE HISTORY OF O&C GRANTS

(By Charles V. Stanton)

(NOTE.—This is the first chapter of a series of 10 "Charley Comments" columns, in collaboration with Mrs. John Pearl, Roseburg, giving a limited history of the Oregon and California land grant. News-Review readers may desire to clip and retain these columns for future reference.)

#### O&C—FIRST IN SERIES

Douglas County recently received two checks totalling almost \$10-million—\$9,462,396.60, to be exact. A check of more than \$8-million was received, representing the county's share of receipts from Oregon and California (O&C) grant lands for a period of 11 months. A second check, amounting to more than \$900,000, followed after final accounting had been completed.

The history of the O&C has been told many times. But Douglas County's population has grown so rapidly we have many newcomers—News-Review readers, we hope—who are not familiar with this source of county income.

Were it not for this outside income our Douglas County taxes would be far higher than they now are. We support most of the cost of county operation, give a slice for schools, and put a large sum into construction and maintenance of roads, all from the money we get from O&C lands.

The fact that many people were not familiar with the grant was called to our attention recently by Mrs. John Pearl, 739 W. Indianola, Roseburg. Mrs. Pearl brought us a letter in which she had outlined quite briefly some of the salient factors of the grant. Her letter, we thought, needed some elaboration. But the elaboration we did caused us to delve deeper and deeper into the subject. So this and future columns will embrace not only what she had to say but will involve a vast amount of detail entering into this important bit of our history.

We hope all who read will be interested in learning how it happens Douglas County obtains this large sum of money.

#### PUBLIC LAND ACQUIRED

"In 1846 this new Nation added 183 million acres to its public lands in Oregon by the Oregon Compromise with England," Mrs. Pearl wrote. "Before this, from the Treaty of Paris, April 30, 1803, by which we acquired the Louisiana Purchase, which added 541 million acres, until 1867, when the last of the public lands were acquired, our country was expanding westward. Most of the difficulties experienced by this Nation, domestic as well as foreign, have been directly concerned with, or closely related to, matters of governing, acquiring and disposing of public lands."

With reference to some of the historical background mentioned by Mrs. Pearl, it should be realized that in the '40s and '50s the United States was very seriously concerned with getting population into the vast wilderness of the West Coast.

With Mexico pressing from the south and England from the north, while the Russians had made an attempt toward Pacific coast colonization, the United States had entered into much controversy.

#### MORE PEOPLE NEEDED

Russian colonization was attempted as a means of collecting pelts from the sea otter. These pelts of extreme value were a

prize sought by many fur hunters. The Russian attempt, operating from land bases, was foiled by British vessels which swept the coastal areas from the sea.

The sea otter was made almost extinct along the coast. The British moved north into British Columbia, where some of these sea animals still existed.

We faced a war with England over boundaries between what is now British Columbia and the Oregon Territory, which then embraced what is now Washington, Oregon, Idaho and parts of Wyoming and Montana. The U.S. territorial claims had extended into British Columbia prior to the treaty.

We fought a war with Mexico whereby we set the boundary on the south.

But the whole coastal area was very sparsely settled. When the treaty was signed with England in 1846, there were approximately 6,000 Americans and 1,000 British in the region. The United States was desperately trying to retain possession of the land by a preponderance of population. It was encouraging settlement.

#### RAILROADS GIVE AID

Then, just prior to the War Between the States, the invention of the locomotive and the railroad began to change the face of the country. The federal government, realizing the value of the railroad in expanding population westward, and having an abundance of undeveloped public land, began giving grants of land to aid railroad companies to build into those areas where, only by subsidies, could these transportation lines be constructed.

"As an incentive to opening the West, Oregon in particular, grants were made to the Oregon and California Railroad Company of all odd-numbered sections, non-mineral in character, in a strip extending 20 miles on each side of the railroad right of way," Mrs. Pearl said.

Some of this land had been homesteaded, some acreage had been taken over by squatters. Rather than face trouble with occupants of the land, the federal government and the railroad company agreed the grant should be extended to include an additional 10 miles on each side of the right-of-way.

Some 30 years later, when the United States Forest Service was created, a controversy arose because there was an intermingling of land. This dispute became known as "controversial" lands. An agreement was finally engineered by Guy Cordon of Roseburg, a nationally known expert on the O&C question and legal representative of the Association of Oregon Land Grant Counties, before being appointed to the U.S. Senate to serve out the unexpired term of the late Sen. Charles L. McNary.

#### O. & C. GRANTS ENCOURAGED RAILROAD CONSTRUCTION (Second in series)

During the 1800s the United States accumulated many millions of acres of public lands. Administration of those lands became a very great problem, handled largely by the United States Land Office.

In 1946 the Bureau of Land Management took over the duties of the General Land Office, which had been in existence since the year 1812, and also the Grazing Service of 1934. Included in the many activities for which the Bureau of Land Management became responsible was, and is, the O&C Administration.

Not long ago Mrs. John Pearl, 739 W. Indianola, Roseburg, visited The News-Review and presented some statistics concerning the O&C Grant Lands and the importance of the income received by Douglas County from those lands. I became interested in Mrs. Pearl's research and from it have attempted to bring together a number

of the many aspects of this problem, presently receiving much attention in Congress and elsewhere.

#### SETTLEMENT AID GIVEN

In the 1840s the U.S. government was urging migrations of Americans to the West Coast and particularly the Oregon Territory, which then embraced what we today call the Pacific Northwest. The discovery of gold in California in 1849 speeded the western movement. The federal government began giving extensive acreage to railroad companies to encourage the building of rail lines throughout the country. One such grant was made in 1869 to the Oregon and California Railroad Company for construction of the Oregon section of a railroad between San Francisco, California, and Portland, Oregon.

This grant particularly stated that the land was being given for the benefit of the area through which the right-of-way was projected. It was specified that the land must be sold to bona fide purchasers for \$2.50 per acre. The government's thought was that, by putting settlers on the land, sufficient business would be created to take care of the cost of railroad operation and expansion.

#### LANDS REVESTED

Some of this land, particularly that with agricultural resource, was sold for the specified sum. But other acres, such as a great part of O&C holdings in Douglas County, were steep, rugged heavily forested, and worthless for agriculture, except where settlers could burn off the trees and find free pasture for their sheep and cattle on the burned over tracts.

The Southern Pacific Railroad Company had purchased the rail line from the Oregon and California company. It refused to sell some of its land, particularly timber holdings, and reportedly, also sold a considerable portion at more than the specified price of \$2.50 per acre.

So, in 1916, the federal government reclaimed ownership (revested) the lands from the railroad company, specifying violation of terms of the grant.

Those lands, Mrs. Pearl points out, amounted to nearly three million acres, for which the federal government paid the railroad \$2.50 per acre.

#### TAXES BECAME PROBLEM

Revestment of the lands brought a major problem to some of the 18 land grant counties in Western Oregon, especially Douglas County.

Approximately 25 per cent of the O&C lands is in Douglas County. Timber, at that time, had virtually no value and was not being privately purchased. A major part of the land in the Willamette Valley, however, had passed into private hands many years before, and those counties had been collecting taxes on land and improvements for a long time. The railroad company had been paying around a half-million dollars annually in the form of taxes. The loss of that amount of money was a disaster to some of the counties, and Douglas County was the worst hit.

In 1926, ten years after it had revested the lands, the Congress passed the Stanfield Act, engineered by Guy Cordon, of Roseburg, then legal advisor to the O&C counties, and who later became a United States Senator. The bill was introduced by U.S. Senator Robert N. Stanfield who carried it through to passage. It advanced "an amount of money equal to what the land and timber would have paid had they been privately owned," says Mrs. Pearl.

#### F. D. R.'S "FAST ONE" PROVED BOON TO 18 OREGON COUNTIES

The late President Franklin D. Roosevelt pulled what a good many federally-minded politicians thought was a "fast one" in 1937.

But that "fast one" later developed into a substantial financial boon for Oregon's 18 land grant counties and resulted recently in Douglas County receiving around \$10-million as its share of revenue from O&C land grant receipts for the past year.

That was the largest amount ever received by the county from that source. It probably will remain a record for several years.

To encourage building of the Oregon section of the railroad between Portland, Oregon, and San Francisco, California, the federal government gave approximately 3.7 million acres of public land, in alternate odd-numbered sections for 30 miles on each of the proposed right-of-ways to the railroad company.

#### TAX LOSS SERIOUS

The company, by terms of the 1869 grant, was required to sell its lands at the rate of \$2.50 per acre. But the owner, the Southern Pacific company in the early 1900s was selling part of the land for more than the specified amount. After 1903 it refused to sell any land. Because of this alleged violation of contract, the federal government, authorized by court action, revested 2.8 million acres of O&C land. It paid the railroad company for the revested land, the payment, which was in excess of \$4-million, being based on \$2.50 per acre, less the land already sold, and adjusted with relation to land sold for more than the specified sum.

#### FORMULA ADOPTED

In 1926, Congress passed what was known as the Stanfield Act. It advanced to the counties, in lieu of taxes, money based on the assessed valuation of the year 1914. It provided the counties should share in receipts, of which there were virtually none. O&C timber lands were a drag on the market.

The Stanfield Act gave the counties a little revenue for the next ten years, during which time the advances made by the federal government in lieu of taxes amounted to almost \$8-million.

In the midst of the Great Depression FDR introduced his famed "Economy Act." His recommendations concerning O&C lands were considered by the O&C counties as a disaster spelling financial bankruptcy.

Subservient to FDR, the Congress, in 1937, adopted a completely new program and concept pertaining to the grant lands.

This new bill provided the counties should get 75 per cent of revenue. Revenue, however, was a bare dribble. Nothing in lieu of taxes! The federal government was to receive 25 per cent of revenue to meet costs of administration.

The big factor, insofar as counties were concerned, was that O&C lands were virtually worthless. Taxes were stopped. On top of all that the Act provided the counties would get 50 per cent of revenue—of which there was virtually none—but also were charged with paying back almost \$8 million the federal government had advanced in lieu of taxes, for which the federal government retained 25 per cent of revenue in addition to 25 per cent for administration.

That Economy Act, at the time, seemed to the concerned counties to be little short of disaster. And that it was for a few years.

But the plan boomeranged, as it turned out, proving to be a godsend for the counties. But that's another story.

#### BOOM PROVIDED BREAK FOR O. & C. COUNTIES

Franklin D. Roosevelt's recommendations concerning O&C lands in his Economy Act of 1935 were approved in the Congress in 1937. These new regulations, designed to save money for the federal government, withdrawing payments in lieu of taxes to the affected counties, were feared by the counties to spell disaster.

Not only did the federal government discontinue the financial help it had been giv-



ing, but it charged the counties with a debt of almost \$8 million representing the money that had been paid over a period of 11 years.

The new regulations, placing the whole program on a basis of receipts, provided the counties were to be credited with 75 per cent of revenue from timber sales, grazing fees and other land uses. The federal government was to retain 25 per cent for management. From the 75 per cent it was provided 25 per cent should be retained for reimbursement of the \$8 million debt. Thus the counties received only 50 per cent of receipts. We were in the midst of the Great Depression. Income from the O&C grant was virtually nil.

When the United States entered the Second World War in 1941 and began active military participation with its allies in 1942, a boom was immediately experienced in the lumber industry. The federal government purchased huge quantities of lumber for military structures at home and abroad. Residential demand skyrocketed. Mills in need of raw material began purchasing timber from O&C lands.

Douglas County was slow getting into the boom, but there came a time when the military had need for dimension timbers to be used to crate war materiel. The big break for Douglas County came when the federal government purchased the Youngs Bay Mill, near Astoria, and moved it, adding extensive improvements, to Roseburg where an ample supply of virgin timber was available. This plant, rebuilt and expanded, is owned and operated today by Champion International Corporation, formerly U.S. Plywood.

Soon other big operations moved into the county, while numerous small mills were going full blast.

By 1951 the 25 per cent retained by the federal government from O&C receipts had paid off the so-called debt. The counties became entitled to the full 75 per cent of revenue.

But with the increase in money going to O&C counties, some members of Congress got "itchy." They didn't like to see so much money escaping from clutches of the federal treasury.

Another factor disturbing Congress was the vigorous demand for more access roads. Access roads were needed to permit sale of more timber, lagging far behind the allowable cut restrictions. The 25 per cent allowed for administration didn't begin to cover the need for access roads. Congressmen weren't about to appropriate money from the federal treasury to increase sales from which the counties were principal beneficiaries.

Roseburg's Guy Gordon, who has been appointed as United States senator to fill out the unexpired term of the late Sen. Charles L. McNary, had been legal counsel for the Oregon Association of Land Grant Counties. In fact, he had engineered much of the legislation previously enacted in the Congress.

Cordon proposed that the counties assist with the construction of access roads and that from their 75 per cent they allow 25 per cent to be used for capital investment. That brought their actual annual receipts back to 50 per cent.

#### COUNTY MONEY UTILIZED

Cordon was aided in securing congressional approval by Harris Ellsworth, also of Roseburg, who was serving as the first representative from Oregon's Fourth Congressional District.

A few of the affected counties weren't entirely too happy with the arrangement. They didn't like sharing their income. But the plan finally won out.

It soon proved to be most advantageous.

Through construction of access roads it became possible to harvest timber at a figure approaching the allowable cut on O&C lands. This, in turn, increased the total revenue and thus gave more money to the counties than under the old formula.

As roads were built, the counties further extended their cooperation with the federal government in fields of multiple use, watershed protection, reforestation, fire protection, recreation and other such development.

#### F. D. R.'s 'Economy Act' Proved To Be BLESSING

The Congressional Act of 1937—a part of FDR's "Economy Act"—as it affected Oregon's O&C land grant counties, was considered by those counties to be a major disaster.

The Act provided the counties should receive 75 per cent of revenue from timber sales and other land use. The federal government was to retain 25 per cent to repay administrative costs. But 25 per cent of the share accredited to the counties was to be retained for repayment of the money already paid out by the federal government in lieu of taxes. Thus the 18 Oregon counties were saddled with a debt of around \$8 million. They had been receiving money in lieu of taxes based on 1914 assessed valuation. Assessment rates varied between counties. They were not uniform. Now the counties were bereft of tax income. They were to receive 50 per cent of sales, but there was practically no market for O&C timber.

Between 1916, when the lands were reverted with the federal government, and 1926, when the Stanfield Act was passed, providing some tax relief for the counties, the total income from O&C lands was approximately \$4 million, all of which went to the federal treasury to repay the government for what it had paid the railroad company.

#### ACT PROVED BLESSING

The Nation was going through the Great Depression when the "Economy Act" was proposed by President Roosevelt. The recommendation with reference to O&C lands was adopted by the Congress in 1937.

That Act, which counties feared spelled bankruptcy, proved quickly to be a blessing.

With the Second World War came a boom in the lumber industry. O&C timber, which had been virtually worthless, insofar as income was concerned, was of easy access, being located in a 60-mile strip on each side of the railroad. It rose quickly in stumpage value, so that by 1951 the counties had paid off the debt with which they were charged. This made them eligible for the full 75 per cent of receipts. However, as the federal government's share was inadequate to meet the cost of capital investment, the counties voluntarily agreed that the 25 per cent formerly going to repay indebtedness should be used for access roads, and other development.

#### SALES COMPETITIVE

The Act of 1937 specifically repeated the purpose of the original grant in stating that management of these lands should be for the benefit of the local community.

In keeping with that purpose the O&C management tried several procedures.

The Act in its original form provided for cooperative agreements. Companies were given opportunity to match their own timber holdings with like volume of federal timber and thus have a specific amount of timber reserved for their future use.

The contract method, however, didn't get to first base. No one seemed genuinely interested.

Then the O&C established "marketing areas." The idea was that timber from the grant could be manufactured only within the boundaries of the "areas" so created.

But that plan, too, failed. It was withdrawn in 1953. Since that date O&C timber has been sold on a competitive program.

From revenue amounting to only \$4-million in 10 years, between 1916 and 1926, O&C timber lands today are returning well over an average of \$35-million annually.

Douglas County, in which approximately 25 per cent of the original grant was located,

has received more than \$9-million from last year's receipts.

#### NEW FORESTRY CONCEPT INCLUDED IN 1937 ACT (O&C—Sixth in series)

When the Congress in 1937, inspired by the recommendations of FDR's so-called "Economy Act," drew up new rules for the Oregon and California grant lands, it actually did a great favor to the state's 18 land grant counties, who, at the time, thought they were facing bankruptcy.

The federal government had taken the lands away from the Southern Pacific Railroad company because the company had withdrawn them from sales to bona fide settlers. But, by the act of 1937, the federal government did the same thing. It declared the lands to be permanent federal property, withdrew them from sales, homesteading and other private uses, and placed them under separate management.

The Congress specified that the federal government was to be repaid for almost \$8-million it had advanced in the form of taxes. The counties were to receive 75 per cent of income off the lands—an income which, at the time was almost non-existent—but 25 per cent was to be retained by the federal government to pay off the debt with which the counties were charged.

It is history, now, that the lumber boom, coming with the Second World War, brought in enough income that the debt was retired, something that had not been foreseen.

#### NEW IDEA PRESENTED

The 1937 Act carried with it a new idea in forestry. It provided for sustained yield and allowable cut.

Actually some skulduggery—at least in thought—can be suspected.

The Congress, tightening the purse strings during the Great Depression, selfishly withdrew support from the O&C counties, which were left to financial starvation as the federal treasury absorbed half of the little money coming in.

Sustained yield and allowable cut features of the Act resulted from urging by big scale lumber industry.

Prior to withdrawal of the lands from sale and private ownership, some people were eking out a few dollars by buying government land and cutting the timber with family mills or selling it to neighborhood mills.

Big companies didn't like the idea. They weren't interested at that time in buying O&C timber, but they didn't like the competition from these hilltop outfits.

Thus they encouraged the withdrawal of O&C lands from the market. They encouraged the ideas of allowable cut to further limit competition.

At that time we were subject to the belief that our timber resource was inexhaustible; that private timber was totally sufficient for need. Industry sought to get the federal government out of the competitive field.

#### THEORIES BOOMERANGED

We've been extremely fortunate here in Douglas County that both these theories, which one may suspect were formed with ulterior motive, eventually boomeranged.

The O&C lands became extremely valuable. Privately owned timber wasn't inexhaustible. In fact, it soon was overcut. The industry long had operated on a cut-and-get-out program, leaving stripped forest lands behind. This program came into Oregon, along with the lumber boom. Today our timber industry in Western Oregon would be in extremely bad shape were it not for the raw materials available from National Forests and the O&C grant lands.

Furthermore the sustained yield theory, which permits an allowable cut equivalent to the rate of growth, assuring a continuing harvest of timber forever, is of vital importance.

It is especially important here in Douglas

County where 88 per cent of our 3-million acres are classed as forest land—42 acres of forest per person. The county is 99.4 dependent, in our industrial operation, upon our timber.

#### O. & C. LANDS WITHDREW FROM PRIVATE OWNERSHIP

The Oregon and California land grant, in which the federal government sought to promote construction of the Oregon section of a railroad between Portland and San Francisco embodied a number of new ideas.

Several similar grants had been made previous to the O&C, authorized in 1866. From these earlier grants the federal government, which was seeking to encourage increased settlement of the area, had found some new procedures desirable.

One of the new ideas was to specify that land must be sold to actual settlers for \$2.50 per acre.

Prior grants, such as the one made in California for the California-Oregon's southern border, had no such price specification. The Southern Pacific Co. eventually purchased the assets of the C&O and the O&C railroads. The S.P. wasn't required to sell the land it obtained in California. It refused to dispose of the holdings and is owner today of much valuable timber land in northern California.

#### SALES DISCONTINUED

Land acquired through the O&C grant was predominantly timber. Of the original acreage of 3,728,000 acres, the railroad company had sold off only around 813,000 acres. Much of the land, however, was sold for considerably more than the specified price of \$2.50 per acre.

In the early 1900s there was a short flurry in the timber market. Timber, which had been virtually worthless, suddenly took on a measure of value. The Southern Pacific Co., in 1903, announced it was discontinuing all land sales. Oregon counties, and the State of Oregon, seeking to get the lands into private ownership and thus on the tax rolls at a higher valuation than could be charged by the railroad company, voiced strenuous remonstrance to the railroad company announcement.

The Oregon Legislature, in 1907, adopted a memorial to the Congress protecting the decisions, said to be contrary to terms of the grant.

The following year the federal government entered into a suit against the railroad company. The litigation continued until a decision by the U.S. Supreme Court authorized federal revestment of the land. The Chamberlain-Ferris Act. This Act called for revestment of 2,890,883 acres. It specified that the railroad company was to be paid at the rate of \$2.50 per acre, a sum of \$9,319,724.85, less prior receipts, some of which represented sales considerably more than the grant specified.

Subsequent adjustments—which took into consideration that of the 813,000 acres the railroad company had sold, about 685,000 acres went for more money than the railroad company should have received legally—concluded with a final payment by the federal government of \$4,077,478.35.

#### SALE STOPPAGE REPEATED

The Chamberlain-Ferris Act resulted in the respective counties receiving a little money. The railroad company, during the period of litigation, had allowed taxes to become delinquent. The tax had amounted to around \$500,000 per year for the 18 counties. The federal government appropriated through the Act the sum of \$1,571,044 to pay the tax delinquencies. The railroad company assumed part of the cost and reimbursed the federal treasury in the sum of \$257,715.

In 1926 the Stanfield Act resulted in counties receiving an annual income in lieu of taxes.

Then, in 1937, the federal government did the thing it had charged the railroad company with doing in violation of the terms of the grant. It stopped sales and homesteading. It withdrew the O&C lands from possibility of private ownership and placed them under a program of federal ownership. At the same time it ordered cessation of in lieu tax payments, placing entire O&C holdings on a revenue basis—at a time when receipts were virtually nothing. Counties were saddled with a debt of almost \$8 million.

#### O. & C. GRANT FINANCIAL HISTORY IS REVIEWED

(O. & C.—Eighth in Series)

The financial history of the O&C land grant is exceedingly interesting.

The original grant, made in 1869 specified that the grant, given to subsidize construction of the Oregon section of a railroad between Portland, Ore., and San Francisco, Calif., was for the benefit of the area through which the railroad was to pass. Similar language was used in the Act of 1937 where a new formula for federal ownership and management was adopted.

When the federal government revested the land, in 1916, from the Southern Pacific Railroad Co., alleging violation of the terms of the grant, the railroad company received in excess of \$4-million. This payment was made on the basis of \$2.50 per acre, less prior receipts, some of which were in excess of the limitations imposed by the contract.

Between 1916 and 1926 sales from the land totaling \$4 million had repaid the federal government for the money it had paid the railroad. Thus the federal government had possession of the land at no cost to itself.

#### TAX BILL CHARGED

But, between 1926 and 1937, the federal government paid out nearly \$8 million in the form of payments in lieu of taxes. Prior to revestment the railroad company had been paying out around \$500,000 per year to the 18 counties. The government, under terms of the Stanfield Act, had adopted a program of annual payments based on 1914 assessed valuations.

When the Congress, in 1937, revamped the whole operation, it decided on no more money in lieu of taxes. Not only that, however. It charged the counties with a debt for all the money received in lieu of taxes, roughly \$8 million.

#### DEBT RETIRED

The 1937 Act made the full operation dependent upon receipts. Up to that time there had been very little demand for timber off the lands included in the grant. Thus it was provided in the Act that the counties should be credited with 75 per cent of receipts, (of which there were virtually none), 25 per cent should be retained by the federal government for purposes of administration, and of the 75 per cent the federal government should retain 25 per cent to apply to the debt with which the counties had been charged.

Then came an unexpected boom in the timber industry. Stumpage from off the O&C lands began bringing big prices. By 1951 the counties had retired their debt and became eligible for the full 75 per cent. But there was need for access roads and other capital investment. So the counties authorized continued use of 25 per cent of their revenue for capital investment. Through road construction and other uses the counties and the federal government both profited.

Now, the O&C counties have an investment of around \$150 million in the grant lands. At the same time the federal government has been repaid for every penny it invested.

#### LAND VALUES INCREASED

But sales from O&C lands are not the only benefits the federal government gained from the grant.

The original acreage in the O&C grant was

\$3,728,000 acres. The grant was for each alternate section for 30 miles on each side of the proposed railroad right-of-way.

Between each of these alternate sections of land granted to the railroad company was a section of public domain land.

The federal government had been selling its land to homesteaders for \$1.50 per acre. But it had specified a price of \$2.50 per acre for sales made by the railroad company. The federal government, obviously, couldn't retain its old price against a sum fixed by its contract. Consequently its public land sales price in the area immediately went up another \$1 per acre.

Thus the federal government has done quite well for itself through the O&C grant.

Yet we have some congressmen selfishly eyeing the revenue received by Oregon's 18-land grant counties, while some have-not parts of Oregon are constantly seeking ways and means of "horming in" and some politicians cooperate with them.

The O&C problem has brought about many disputes in the past and doubtless will continue to be much in the news in years to come.

#### LARGE PART OF COUNTY UNDER FEDERAL CONTROL

(O. & C.—Ninth in series)

"The greatest concentration of high value virgin timber remaining in America today can be found in Western Oregon," writes Mrs. John Pearl, 739 W. Indianola, Roseburg.

When Mrs. Pearl visited The News-Review office earlier this month, she asserted that many newcomers to Douglas County were confused by the fact that Douglas county had received a record sized check of more than \$9-million as its share of receipts from Oregon and California grant lands. She wrote a short history telling "how come." It was her letter and statement that many newcomers were unacquainted with the O&C program that inspired the lengthy elaboration of her account.

In her letter she reports: "The lands managed by the Bureau of Land Management (BLM), as of 1971, are 25 per cent of the total acreage of Oregon, this is 15,692 acres."

Between the Bureau of Land Management and the U.S. Forest Service, the federal government controls around 52 per cent of the acreage of Douglas County.

#### JEALOUSIES CREATED

The land grant, made in 1866, gave alternate sections for 30 miles on each side of the proposed railroad right of way to the Oregon and California Railroad company to build the Oregon section of the railroad between Portland and the California line.

The federal government lacked money to offer a financial grant, but it had a great amount of public land. Furthermore it was vitally interested in getting more settlers into the Pacific Northwest. Consequently it gave way vast acreage throughout the country to induce railroad companies to build rail lines into undeveloped country.

Douglas County is the largest of the 18 counties in western Oregon through which the railroad was built. This further is illustrated by the fact that approximately one-third of Interstate-5, the north-south freeway through Oregon, is in Douglas County. Furthermore, O & C land in Douglas County was of little agricultural value, being chiefly in virgin Douglas fir timber. While many other counties quickly received benefits from O & C lands, grabbed off at \$2.50 per acre to be converted into farms which paid taxes for a great many years, Douglas County's lands went unimproved and virtually valueless for many years.

But Douglas County, containing roughly 25 per cent of the O & C acreage in Western Oregon, now is receiving around one-fourth of O & C income. Because of the high value of timber stumpage, the income has been



ample to pay the county's operating cost with a liberal distribution to schools and for other purposes.

"The O & C lands provide funds for only 18 counties of the 36, and from time to time jealousies have been caused and there have even been attempts to eliminate the entire set-up," Mrs. Pearl reports.

"Douglas County," she adds, "would be in hard circumstances without the O & C funds" which provide a substantial part of the county's budget.

#### SCHOOL TAX LOWERED

"County officials are understandably interested and concerned about the results obtained with the money they contribute from their share of receipts," says Mrs. Pearl. "They divide the money several ways, forest property, road maintenance, local improvements and school budgets."

"Douglas County School Fund gets a share of the O & C funds, and those received from the Forest Service shared timber sales receipts to help lower the school tax levies."

"If it were not for these funds, the taxes would be much higher."

And speaking of the early planners and those who have continued working on behalf of the land grant counties, Mrs. Pearl continues: They deserve "our thanks" for the federal check recently received.

#### O. & C. PROGRAM WILL LIKELY BRING FUTURE CONTROVERSY

(O. & C.—Tenth in series)

Douglas County, the largest county in Western Oregon, containing approximately one-third of Interstate 5 (the north-south freeway in Oregon) and roughly the size of the entire state of Connecticut, is 52 percent managed by the U.S. Forest Service and the Bureau of Land Management.

In 1869 the federal government, seeking to encourage further settlement of the Pacific Northwest, offered every alternate section of land to reimburse anyone, or any company, who would build a railroad from Portland, Ore., to meet a railroad built north from San Francisco, Calif., to a point near the Oregon boundary. So the Oregon and California Railroad Co. was formed to build this proposed rail line to connect with the C&O (California and Oregon) railroad.

Because some of the acreage proposed to be given the railroad company already had been taken over by homesteaders and squatters, the federal government added a 10-mile strip of alternate sections of land to the original 20-mile grant on each side of the right-of-way giving the railroad company some 2 million acres of land in a trip 60 miles wide. One-fourth of the total grant, in approximate figures, was in Douglas County.

#### GRANT TERMS VIOLATED

The Southern Pacific Co., which purchased the assets of the railroad companies, took over the grant contract which specified the land must be sold for \$2.50 per acre to bona fide settlers. Most of the agricultural land was sold within a few years, but little of the timber land had any immediate value. In 1903 the S. P. announced it would make no further sales. Too, it had exceeded the \$2.50 acre on some lands, it was claimed, and now had withdrawn remaining holdings from sale. So, in 1916, the federal government retested all unsold acreage. The railroad company was paid at the \$2.50 rate for the land taken back by the government. Various formulas to assist counties, which suffered greatly from tax loss, were tried out. In 1937 the Congress, in approving the Economy Act offered by the late Franklin Delano Roosevelt, determined the counties should get nothing other than a share of the revenue, and also must saddle a debt for money already advanced in lieu of taxes.

Then came an unexpected turn of events.

The formerly valueless timber suddenly became extremely valuable as the Second World War and the increase in population brought on a lumber boom. By 1951 the debt had been erased. The counties thereupon became eligible for 75 per cent of O&C receipts rather than the 50 per cent they had been receiving.

The federal government, receiving 25 per cent of receipts for maintenance, lacked money to build necessary access roads, conduct timber sales, keep up existing roads, etc. As timber was vitally needed to maintain the industry and to harvest the allowable cut from O&C lands, it was agreed by the land grant counties that one-third of their share, another 25 per cent should be retained for capital investment.

This agreement has been an outstanding benefit to the counties. Roads were built into formerly remote areas, bringing the O&C lands up to the allowable cut maximum, making stumpage available for industrial development.

From the earlier program for improvements of benefit to economic operations, the county investment has been broadened to permit certain similar developments on adjacent National Forest lands.

#### RECREATION ADDED

Further provision has permitted use of the county money for development of forest land for recreational purposes. O&C counties have shared in the Mt. Ashland ski area. The same counties have agreed to cooperate in financing the proposed ski development on Mt. Bailey. County money has gone into parks, picnic areas, public camps, etc., such as the Swiftwater Park program outlined for the North Umpqua at Rock Creek.

The affected counties each year consider a number of proposed projects. From among these projects in which the U.S. Forest Service, Bureau of Land Management and the counties themselves participate, the counties set up priorities which then are made into development plans.

Since the counties agreed to share receipts with the federal government in 1952 they have ploughed back over \$150 million of money that otherwise would have legally been distributed to respective county treasuries. Most officials agree, however, benefits from this cooperation have brought much higher revenue to the counties than would have been received had the capital funds not been so invested.

It has been said that Douglas County's receipts will be less next year than the \$9.4 million, recently received, which set a new high record. But a substantial part of the county's budget still will be represented by its share from O&C receipts.

Taking our cue from a statement by Mrs. John Pearl, 739 W. Indianola, Roseburg, I've tried in this and previous columns to outline some of the salient factors of the O&C program. This program promises considerable controversy in the months ahead. It is my hope that what has been written will assist readers of The News-Review in a better understanding of the problems as they arise.

#### NATIONAL GROWTH POLICY

Mr. HARTKE. Mr. President, ever since the introduction of the National Growth Policy Planning Act of 1972, I have advocated a reevaluation by the administration and specifically the President's Domestic Council of the need for a national growth policy.

Subsequent to the issuance of the first report on national growth mandated by title VII of the Housing and Urban Development Act of 1970, the administration ceased to assert its responsibilities under the act and dropped the idea of a

national growth policy. Not long after the introduction of the HARTKE legislation on May 11, the Domestic Council decided to reevaluate the need for a national growth policy. On May 31, John Ehrlichman of the President's staff, sent a memorandum to all members of the Cabinet asking for their thoughts on an extensive list of questions which seek to define and redefine the meaning of a "national growth policy."

I urge the administration to consider the need for new legislation in the field of "planning." This need has been advocated by the American Institute of Architects, the American Institute of Planners, the Urban Coalition, the Advisory Commission on Intergovernmental Relations, the Commission on Population Growth, and the American Future, the Club of Rome, and a large number of conservation, population control, and urban affairs interest groups.

I further urge the administration to consider the HARTKE National Growth Policy Planning Act 1972, S. 3600, and ask unanimous consent that the memorandum to Cabinet members from Mr. Ehrlichman be printed in the RECORD.

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

THE WHITE HOUSE,  
Washington, D.C., May 31, 1972.

From: John D. Ehrlichman.

Subject: National Growth Policy.

There is continuing and growing interest in the subject of national growth policy. In the short run, we can expect issues to arise in the coming months and in the formulation of the FY 74 budget which reflect the Administration's conception of national growth policy. The overall framework is defined in this year's report, and we must continue to define and refine this issue.

In addition, we should begin processes now which will lead to a firm basis for the 1974 growth report.

With these two objectives in mind, I would like your detailed and thoughtful consideration of the specific questions in the attached paper. This document is designed to do the following:

1. To identify areas where agreement among agencies exists and can be fairly said to rest on a firm basis.
2. To identify areas of disagreement among agencies based on different interpretations of trends, facts, studies, etc.
3. To identify important areas where studies or evidence have not yet been developed.

This year's national growth policy study demonstrates a need for a new approach which should be reflected, as appropriate, in agency staffing. Would you please contact my office within ten days with the name of the senior policy officer who will have overall responsibility for this task.

May I please have your response by July 30, 1972. We will review these responses with the President before deciding on further steps.

Attachment.

#### SCOPE OF WORK—NATIONAL GROWTH POLICY

In order to develop a more firmly-based position of national growth and national growth policy, the Federal establishment must do much more than it has done in the past to:

- Define "national growth policy"
- Define the Federal role in national growth policy
- Examine present Federal policies toward national growth

Examine present programs with national growth impact

Examine related topics of importance to the process and pattern of growth

In each of these areas, a number of specific questions must be answered

#### A. DEFINE "NATIONAL GROWTH POLICY"

1. (a) Is there a consensus in the literature on what "national growth policy" means?

(b) If there is a consensus, what is it and who are the groups and individuals responsible for it?

2. (a) How far have the "growth experts" gotten in specifying the content of "balanced and orderly growth" in real terms (the definition stressed by the Congress)?

3. (a) What evidence suggests that the development of a national growth policy is possible?

(b) Are there examples or studies indicating in operational terms what a national growth policy could or could not do?

(c) Can we draw lessons from the experience of other countries?

4. (a) Is it possible to limit the definition or concerns of national growth policy in such a way as to make it operationally effective and useful?

(b) Specifically, what kinds of institutions, actions, processes or procedures at the Federal level directly flow from having stated a national growth policy?

(c) What would be the form of stating a national growth policy?

5. (a) Would it be wise to attempt to develop and utilize a national growth policy?

(b) What are the political plusses and minuses of stating such a policy?

(c) To what extent would a national growth policy be subject to economic, political and social constraints which would make the policy irrelevant?

6. (a) Are there studies which show the relationship of a national growth policy to other national policies of interest such as economic stability at full employment, industrial planning, tax policies, population growth and movement, environmental and resources planning, etc.?

(b) Who, if anyone or any institution, has, at this point in time, sufficient technical expertise and politically viable organizations to relate these policies?

(c) If no such vehicles for achieving interrelationships exist, what options exist for filling the gap?

7. (a) Is there any reliable estimate of alternative futures for the country in the absence of a national growth policy?

(b) Can we say with any certainty what the impact of the presence or absence of a policy would be?

8. (a) Do we know enough about how the general public (not the "growth experts") wants the country to look in the future and, more importantly, what the public is willing to sacrifice in order to achieve it?

(b) If the answer is "yes," what is the source of our information?

(c) If the answer is "no," how do we find out?

9. (a) What evidence is there to show either a public consensus, need for, or an overriding necessity for the formulation of certain national growth policy objectives?

(b) Are there growth objectives which can safely be said to have widespread or universal support which are not being promoted by present Federal policy?

(c) Do these include the stated Title VII objectives?

#### B. DEFINE THE FEDERAL ROLE IN NATIONAL GROWTH POLICY

1. (a) What guidelines or concept should serve as the basis for Federal action to achieve and utilize a national growth policy?

2. (a) How do we define the national in-

terest—how do we balance the relative weights of economic, social and other considerations?

(b) What studies or evidence tend to support various alternatives?

3. (a) What is the appropriate forum for formulating the Federal role in national growth policy?

(b) What precisely did Congress mean in enacting the Title VII language establishing the national growth policy report and objective?

4. (a) To what extent should popular present concerns such as population growth and the environment indicate a need for a Federal role?

(b) To what extent should less direct but equally pressing concerns such as trade deficits, industrial productivity and the market economy influence Federal policy toward growth?

5. (a) To what extent should a national growth policy attempt to achieve welfare and social goals?

(b) Specifically, which goals warrant more Federal promotion?

(c) Is there evidence to suggest that the Federal role must give more weight to welfare considerations than state and local governments give?

6. (a) Is there a consensus on whether or not the Federal Government should be concerned with the location of activity in this country?

(b) To what extent should the Federal Government be concerned with the future "map" of the country?

(c) Is it possible to have a growth policy which does not specify where growth should occur or what appropriate actions are needed to achieve locational growth objectives?

(d) How does one distinguish between a "locational" growth policy and any other?

7. (a) What are the political pressures at the Federal level which can be expected to bear on the formulation of a national growth policy?

(b) How do these pressures affect Congress and the Executive Branch?

(c) What are the primary interests, both bureaucratic and non-governmental, which will affect the way national growth policies are formulated?

(d) Can these pressures be offset against each other in order to preserve the integrity of whatever policy is adopted?

(e) To what extent can the individual Representative's interest be reconciled with any meaningful national growth policy?

8. (a) What does the evidence suggest about the feasibility of coordinating Federal activities to implement a national growth policy?

(b) What has been our experience to date with past or similar efforts?

9. (a) To what extent is "disorderly growth" a national growth policy concern?

(b) Is there a national consensus on what constitutes disorder?

(c) If so, what are the specific features?

(d) Are we imposing higher standards on metropolitan development?

(e) What processes of transportation and land development could be changed to accommodate higher standards?

(f) What Federal operational policies does this imply?

#### C. EXAMINING PRESENT FEDERAL NATIONAL GROWTH POLICIES

1. (a) What evidence exists to indicate how much leverage (potential or real) Federal policies and programs have on the growth process?

2. (a) What do we get for the \$35-40 billion now spent annually on Federal grants to states and localities?

(b) Is there evidence to suggest that the leverage which this money possesses has been inadequately used in the past?

(c) How could it be increased?

(d) Is there evidence to suggest that these Federal funds have little or no leverage effect?

3. (a) Which Federal directives, if any, expressed in legislation conflict with one another in influencing growth?

(b) To what extent to conflicting directives cancel each other?

4. (a) Are there administrative policies and Presidential directives which are either internally inconsistent or conflict with Congressional directives, as far as growth is concerned?

(b) What weight must be attached to these various policies?

(c) To what extent are they self-enforcing and self-implementing, as opposed to being dependent upon forceful advocacy?

(d) To what extent are these directives location specific?

(e) Are there studies to show their location impacts and effects?

5. (a) Do we have enough information to be able to identify distortions in free (or competitive) market behavior which result from Federal policies?

(b) Is it possible to quantify the effects of these distortions in any realistic way?

(c) Are there analytical techniques which can be used in the absence of hard evidence to estimate the efficiency losses of these distortions?

(d) Are there studies which have used these techniques to estimate these losses?

(e) Is it possible to estimate the political costs associated with eliminating those policies with a large negative impact?

6. (a) Are there policies of the Federal Government which are not related to programs but more directly related to the economic, social and cultural "environment" which express national growth policies?

(b) If so, what are they and are there estimates of the impact of these non-programmatic policies on national growth?

(c) In the absence of quantitative estimates, are there at least estimates of the direction in which these non-programmatic policies impact?

7. (a) To what extent does a consensus exist that there is now a general lack of Federal leadership in developing priorities and policies for national growth?

(b) Are there operational role consistent with conclusions of Section B above which the Federal Government could adopt which would achieve the objectives implied in these criticisms?

(c) If not, are there adequate and appropriate alternative ways of achieving the same objective, such as inducements to state or local action or private action?

#### D. EXAMINING PRESENT PROGRAMS WITH NATIONAL GROWTH IMPACT

1. (a) Has an analysis been made of the relative impacts of Federal programs on the rate and location of national growth?

(b) What significant assumptions about "national growth policy" and the Federal role are implicit in these measures and in the identification of such Federal program?

2. (a) What consensus exists on how the location of jobs should influence housing programs, manpower programs, transportation programs, etc.?

(b) To what extent is population dispersal and concentration taken into account in these programs?

(c) In what concrete ways do program management decisions deflect these concerns?

(d) Could a national growth policy be reflected in these program decisions?

(e) How could program managers, with a much narrower perspective, be influenced to support a much broader objective in making decisions?

(f) In what form would the directive have to come (i.e., Presidential Executive Order, legislation, informal administrative practice) in order to have any effect?



3. (a) Is there an urban fiscal crisis?  
(b) How is it manifested?  
(c) To what extent does the presence or absence of an urban fiscal crisis determine Federal funding policies?

(d) Is there evidence to suggest that in the absence of a fiscal crisis, revenue sharing, welfare reform, property tax reform, etc., would represent inappropriate uses of tax dollars?

(e) What Federal urban programs, particularly HUD programs, would be superfluous if neither the fiscal crisis were shown not to exist or Federal tax transfer policies were instituted?

(f) What Federal urban programs would be particularly effective if the fiscal crisis were shown to exist?

4. (a) Is there an analysis to show the impact of the Federal minimum wage on where jobs are located and who holds them?

(b) Is this something that needs to be dealt with in Federal legislation?

(c) What are the possibilities and prospects for various alternative forms of minimum wage legislation that might minimize any adverse impact on growth that is found to exist?

5. (a) What does available evidence suggest the effect of urban renewal on central cities has been?

(b) What does the evidence indicate about the relative priority of urban renewal at the local level?

(c) Is the HUD conclusion that the program has failed supported by public or professional consensus?

(d) If so, what policy changes are warranted?

6. (a) Is there now a Federal policy or directive on preserving and expanding the stock of housing?

(b) What are the appropriate criteria to be used in defining the Federal role and developing appropriate programs?

(c) Is there at this point a sufficient evidence and analysis to support alternative Federal housing programs?

7. (a) What is the appropriate Federal role in evaluating the effects of metropolitan "balkanization"?

(b) Assuming adverse effects can be shown, what should be the Federal role in alleviating them?

(c) Is a rethinking of Federal participation in encouraging metropolitan government indicated?

(d) If so, what studies and demonstrations, if any, should be undertaken?

#### E. EXAMINE RELATED TOPICS OF IMPORTANCE

1. (a) Is it possible now to estimate quantitatively the fiscal needs of the cities?

(b) What evidence, for example, supports New York City's estimate that it requires \$50 billion in investment over the next ten years?

(c) Are there consistent standards of service delivery and amenity which can be used to objectively quantify urban needs?

2. (a) What is the impact of urban employee wage demands on the fiscal position of the cities?

(b) Is there evidence to indicate excessive vulnerability?

(c) What organizational or procedural steps, particularly Federal ones, could be taken to deal with this problem?

3. (a) What is the impact of local property taxes on the location of employment, residential construction, etc.?

(b) To what extent does this question bear on Federal policies?

4. (a) Are there indications that the reduction in migration during the last decade is permanent?

(b) What factors, if present, would restimulate long-range migration, particularly of blacks?

(c) Are there appropriate Federal policies which could be developed to encourage or inhibit such migration?

(d) Should such policies be adopted?

5. (a) What are the objectives of a growth center strategy as now employed by USDA, DOT and the Appalachian Regional Commission?

(b) Are these objectives consistent?

(c) Are the criteria consistent?

(d) Is there a need for federally-consistent criteria or should this be left to state determination?

(e) Could the Federal Government set down meaningful criteria?

(f) If so, how?

6. (a) What are the effects of present Federal policies on racial and economic segregation policies?

(b) Can these be quantified, either in terms of persons affected or economic costs to society?

(c) What are the effects of racial segregation on Federal programs?

7. (a) To what extent should the Federal Government concern itself with the efficiency of local government services?

(b) Is there a Federal interest in insuring that Federal tax transfer payments are wisely spent?

(c) Does this extend to development of new forms of urban technology and services or merely to a "technology transfer" role between cities through advisory and consultative mechanisms?

8. (a) What are the effects of present court decisions and other policies relating to equality of public services within metropolitan areas and, perhaps, states?

(b) Are there distortions caused by current methods of financing and providing Federal services which are either of Federal origin or concern?

(c) Should the Federal Government attempt to even out the distribution of services (regardless of its responsibility for existing distortions)?

9. (a) To what extent should patterns of growth within metropolitan areas, especially as they affect the location of jobs, the decay of central cities and increasing segregation, be taken into account in future Federal program development?

(b) Is there sufficient evidence to indicate how the Federal Government can get a handle on these problems?

10. (a) Is there a Federal interest in the harmonization and equalization of property tax rates as between classes of taxpayers?

(b) Do, for example, business concerns pay their way in terms of tax revenues?

(c) What costs are imposed on society by classes of taxpayers which are not taken into account in local tax sources and procedures?

(d) Is there evidence to substantiate claims of inequitable income redistribution inherent in such tax policies?

#### FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, some time ago, I alerted the Senate to the rising tide of nationalism engendered by our foreign investment policies.

I was not speaking just of Chile or of other developing nations, but rather of our traditional friend to the north—Canada. That tide has now been joined by Australia. According to the U.S. News & World Report:

Australian officials are examining proposals for action to be taken if they find United States and other foreign investors have too tight a grip on the Nation's business and resources.

This confirms my suspicion that the Hartke-Burke Foreign Trade and Investment Act (S. 2592) will be the best friend the multinationals ever had.

Mr. President, because of the importance of this issue, I ask unanimous consent that the article be printed in the RECORD.

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

#### WHAT U.S. COMPANIES ARE DOING ABROAD WARNINGS FROM "DOWN UNDER"

Australian officials are examining proposals for action to be taken if they find U.S. and other foreign investors have too tight a grip on the nation's business and resources.

About 600 American companies have set up plants and other facilities Down Under, representing a total investment of about 3 billion dollars.

Outside control of Australian enterprises could lead to conflicts with national economic interests, according to a White Paper recently delivered by the Treasury in Canberra to Parliament.

At least one American corporate giant, International Telephone & Telegraph, has heeded the warning signs for investors. ITT is holding up a proposed bid of 9.8 millions for the take-over of Frozen Food Industries, based in Melbourne, until Parliament finishes its debate on foreign investment.

In spite of signs of a somewhat cooler climate for the foreign investor in Australia, the pace of American ventures shows little sign of slowing down.

Alcoa of Australia, 51 per cent owned by Aluminum Company of America, has just opened an alumina refinery in Western Australia, the firm's second in that State.

Across the country, in Queensland, a subsidiary of the Freeport Minerals Company and its Australian partner, a unit of Metals Exploration N.L., have revealed plans to build a plant for processing nickel and cobalt. Ralph M. Parsons Company of Los Angeles will design and construct it—part of a complex costing some 265 million dollars.

A subsidiary of W. R. Grace, meanwhile, is considering construction of an 85-million-dollar paper-pulp factory in Queensland as a result of a favorable feasibility study. The plant would convert sugar-cane waste (bagasse) into pulp, primarily for the Japanese market.

#### LAW PROFESSORS OPPOSE ANTIBUSING BILL

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a new release relating to the opposition of law professors to the antibusing bill.

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

#### LAW PROFESSORS OPPOSE ANTIBUSING BILL

A bipartisan group of seven Senators today announced that nearly 500 law school professors throughout the country have joined in opposition to the so-called Equal Educational Opportunities Act of 1972.

This bill, soon to come before the Senate, would virtually ban student busing necessary to accomplish school desegregation. Besides sharply restraining Federal courts, the bill would permit all desegregation orders—going as far back as the 1954 Supreme Court decision in *Brown v. Board of Education*—to be reopened for new litigation.

In their joint statement, Senators Javits, Humphrey, Brooke, Kennedy, Hart, Weicker and Mondale said: "We are deeply troubled at the prospect that this complex and controversial measure—which would have an incalculable impact on the future of our Nation's schools—might be acted upon hastily by the Senate, in the closing days of a busy session, under the pressure of election poli-

tics, and without any consideration by a Senate Committee.

"We have heard from professors at 42 law schools representing every section of the country and of varied political persuasion. Their common petition is an unprecedented expression of concern by legal scholars who feel compelled to speak out against this measure. Their voice underlines the need for careful deliberation by the Senate."

In their joint letter the law professors stated that they had "... grave reservations about the constitutionality of the legislation". They said "... it would place in jeopardy most of the hard won progress toward school desegregation of the last two decades".

Urging defeat of the bill, the law teachers concluded it would:

"... open to relitigation nearly two decades of judicial desegregation decisions many of which involve no busing whatsoever, thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans. "... place the legislative and judicial branches in conflict; ... remove a remedy for the vindication of constitutional rights, even when that remedy is constitutionally required ... impair the Supreme Court's role of final arbiter of constitutional matters."

A dozen law school deans were among those writing: Deans Samuel Thurman (University of Utah), Clinton Bamberger (Catholic University), Thomas Shaffer (Notre Dame), Robert McKay (New York University), Dixon Phillips (University of North Carolina), Michael Sovern (Columbia University), Theodore St. Antoine (University of Michigan), Robert Yegge (Denver University), Lindsay Cowen (Case Western Reserve), Robert Lawson (University of Kentucky), Bernard Wolfman (University of Pennsylvania). The list of signers also included such noted constitutional authorities as Professors Milton R. Konvitz (Cornell), Harold Horowitz (U.C.L.A.), Nathaniel Nathanson (Northwestern), Yale Kamisar (Michigan), Thomas Emerson (Yale), Burke Marshall (Yale), Louis Pollack (Yale), Jessie Choper (University of California, Berkeley), and I. Michael Heyman (University of California, Berkeley).

In addition, the Senators noted that 35 Harvard Law School professors had already voiced opposition to similar anti-busing legislation last April. In a statement filed with the House Judiciary Committee, the Harvard faculty members said such legislation would "... sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children." Signers of that statement included Dean Albert Sacks, former Dean (and now University President), Derek Bok, and Professors Paul Freund and Archibald Cox.

The complete list of professors signing this petition released yesterday follows. They signed as individuals, the Senators said; their Law Schools are given for purposes of identification only.

STATEMENT RE: H.R. 13915, THE EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

The undersigned members of the Bar, in various sections of the country and representing differing political affiliations, have grave reservations about the constitutionality of the Equal Educational Opportunities Act of 1972, H.R. 13915, and fear it would place in jeopardy much of the hard won progress toward school desegregation of the last two decades. We urge its defeat in the Senate.

The passage of this bill, as indicated by the floor debate in the House and testimony before the House Judiciary and Labor and Education Committees, will:

Place the legislative and judicial branches in conflict;

Impair the Supreme Court's role of final arbiter of constitutional matters;

Remove a remedy for the vindication of minority students' constitutional rights, even when that remedy is constitutionally required; and

Open to relitigation nearly two decades of judicial desegregation decisions, many of which no busing whatsoever, thus leading to divisiveness and confusion in many communities already satisfactorily operating under school desegregation plans.

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*University of Texas, School of Law, Austin,  
Texas*

Albert W. Alschuler, David Anderson, George E. Dix, Parker C. Fielder, David B. Filvaroff, Robert Hamilton, Leon Lebowitz, Roy M. Mersky, Lucas A. Powe, David W. Robertson, Michael T. Rosenthal, George Schatzki, M. Michael Shariot, Russell Weintraub, Mark G. Yudof.

*University of Utah, School of Law, Salt Lake  
City, Utah*

Samuel D. Thurman, Dean.

Richard Aaron, Arvo Van Alstyne, Wallace R. Bennett, Ronald Boyce, Boyed Dyer, Edwin Brown Firmage, John J. Flynn, Lionel Frankel, Ron Harding, Denny Ingram, Jr., George Grossman, Owen Olpin, Kline Strong, Robert Swenson, E. Wayne Thode.

*Vanderbilt University, School of Law,  
Nashville, Tennessee*

Junius L. Allison, Jerry Black, Jr., James F. Blumstein, Jonathan Charney, Donald Hall, Robert D. Kamenshine, Robert A. Leflar, Thomas R. McCoy, L. R. Patterson, Paul H. Sanders, Thomas J. Sherrard, T. A. Smedley.

*University of Washington, School of Law,  
Seattle, Washington*

William R. Anderson, William P. Burke, Donald S. Chisum, Geoffrey Crooks, Robert L. Fletcher, Ralph W. Johnson, Richard O. Kummert, Arval A. Morris, Cornelius J. Peck, John R. Price, Frank W. Smith.

*Harvard Law School, Cambridge, Massa-  
chusetts\*\**

Paul M. Bator, Derrick A. Bell, Jr., Gary Bellow, Derek C. Bok, Stephen G. Breyer, Victor Brudney, Clark Byse, A. James Casner, Abram Chayes, Archibald Cox, John P. Daw-

son, Richard H. Field, Paul A. Freund, Charles M. Haar, Philip B. Heymann, Benjamin Kaplan, Andrew L. Kaufman, Lance Liebman, Louis Loss, John H. Mansfield, Michael J. McIntyre, Karen S. Metzger, Frank I. Michelman, Arthur R. Miller, Albert M. Sacks, Frank E. A. Sander, David L. Shapiro, Richard B. Stewart, Arthur E. Sutherland, Donald T. Trautman, Laurence H. Tribe, Donald F. Turner, James Vorenberg, Lloyd L. Weinreb, Ralph U. Whitten.

*Yale University, School of Law, New Haven,  
Connecticut*

Richard L. Abel, Lee A. Albert, Boris I. Bittker, Guido Calabresi, Elias Clark, Robert M. Cover, Jan G. Deutsch, Steven B. Duke, Thomas I. Emerson, Daniel J. Freed, Joseph Goldstein, Arthur A. Leff, Burke Marshall, Louis H. Pollak, John C. Roberts, John G. Simon, Larry G. Simon, Henry J. Steiner, Barbara D. Underwood, Harry H. Wellington.

FINANCIAL DISCLOSURE

Mr. BAYH. Mr. President, as the Members of this body well know, I have long supported the imposition of higher ethical standards on all of us who do the Government's business. I believe that these standards should be applied to members of the executive branch, to members of the judiciary, and to Members of Congress.

In order to indicate my good faith and my concern about the need for voters to have access to detailed information on the financial affairs of Members of the House and the Senate, I have for some time made a public disclosure of my own financial position. I am today submitting a disclosure of my assets and liabilities, together with my income, for the year 1971. I ask unanimous consent that this statement be printed in the RECORD.

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

PERSONAL FINANCIAL DISCLOSURE, SENATOR  
AND MRS. BIRCH BAYH\*

Assets July 1972

Cash in hand and in saving and checking accounts (approx.)	\$4,000
340 acre farm Vigo County, Ind.	68,000
Residence, Washington, D.C.:	
Cost of lot	25,000
Cost of house	75,000
Less mortgage, balance due	54,890
Net	45,110
Securities placed in blind trust in May 1970 with Terre Haute First National Bank (based on May 14, 1970, market value; present investments and value unknown)	45,655
372 shares Vigo County, Ind., Farm Bureau Cooperative Association, Inc., patron account No. 21880	1,860
Farm Producers Marketing Association	250
Tangible personal property in Washington, D.C. (estimated)	6,500
Cash value of life insurance (approx.)	9,659
Buick sedan 1970:	
Book value	2,050
Less encumbrance	704
Net	1,346
Chrysler sedan 1970:	
Book value	2,825
Less encumbrance	1,596
Net	1,229
Total assets	183,609

Footnote at end of table.

\*\* The listed members of the Harvard Law School faculty signed a statement in April, 1972 opposing the President's anti-busing legislation on the grounds that it would "sacrifice the enforcement of Constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children."

**PERSONAL FINANCIAL DISCLOSURE, SENATOR  
AND MRS. BIRCH BAYH\*—Continued**  
*Assets July 1972*

Less: personal note, Merchants National Bank, Indianapolis.....	\$5,000
Total net assets.....	178,609
<i>Income 1971</i>	
Salary as U.S. Senator.....	42,500
Honoraria and writing income.....	29,750
Farm income.....	4,209
Dividends, interest, and gains on investments.....	3,544
Total income.....	80,003

\*Does not include property which was purchased by Mrs. Bayh in her own name with the proceeds of her father's estate.

**MINNESOTA CITIZENS—BOTH RURAL AND URBAN—SUPPORT FAMILY FARMING AND OPPOSE CORPORATE FARMING**

Mr. HUMPHREY. Mr. President, on Sunday, September 17, 1972, the Minneapolis Tribune printed the results of a poll they conducted in the State of Minnesota revealing the attitudes of people regarding the preservation of our Nation's system of family farms as opposed to dependence upon corporate farms. The results of that poll are quite revealing and encouraging and should be carefully studied by all Members of Congress and others interested in this vitally important subject.

Briefly, the results of that poll reveal that the vast majority of people—both urban and rural—strongly endorse family farming as the most efficient way of food production in this Nation. Second, a vast majority of them feel that farmers in the United States are not paid fairly for their production. Third, almost 100 percent of them feel that it is important that the family farm survive. Fourth, the vast majority of them think that corporate farming is a bad thing for this Nation.

In addition, most of the people surveyed indicated that they do not support Federal Government efforts to encourage foreign meat imports in an effort to hold down consumer meat prices.

And, finally, most of the people polled in this survey, with the exception of farm people, indicated that they anticipate corporate farming will be the major source of food production in this country by the year 2000.

Mr. President, I suggest that this particular Minnesota poll is very representative of the feelings and attitudes of the people of this Nation as a whole. And, furthermore, I believe that the results of this poll further reflects the good judgment and good sense of the American people.

The people of this Nation see and understand the importance of maintaining our family farm system. Their attitude and views also reveal their insights into the dangers of permitting a corporate takeover of this system. Congress and the Nation should take particular note of these views and should take every step necessary to prevent nonfarm corporate takeover of this vital segment of our Nation's economy.

Congress can start by passing the

Family Farm Act of 1972 (S. 2828) which Senators NELSON, MONDALE, and I and others have introduced. This legislation, if enacted, would prohibit nonfarming businesses and corporations from entering farming. It also would prevent such businesses and corporations from controlling agricultural production through leasing, contractual arrangements, or other means of acquiring or controlling the means of producing agricultural products.

We cannot permit our Nation's family farm system to fall under the control or domination of a handful of giant corporations. But that is the direction in which we are headed unless action is taken soon to put a stop to any further intrusions of outside interests and money into this industry. In addition, we must continue to develop workable policies and programs to help insure farm families of an adequate income and prices. We cannot expect these family enterprises to continue to produce at price levels that are often either below cost of production or below reasonable rates of returns on investment and labor.

Mr. President, I ask unanimous consent to have the Minneapolis Tribune poll entitled "Most Like Family Farms, Oppose Corporate Farms," printed at this point in the RECORD.

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

[From the Minneapolis Tribune, Sept. 17, 1972]

**MOST LIKE FAMILY FARMS, OPPOSE CORPORATE FARMS**

Most Minnesotans have a favorable impression of the family farm and look upon the growth of corporate farming as a bad development.

And even in a time of consumer concern over rising food prices, Minnesotans say farmers are not being paid fairly for their products and that the United States should not bolster imports to hold down meat prices.

These are the findings of a statewide survey completed in early August by the Minneapolis Tribune's Minnesota Poll.

Of the 600 men and women questioned, 76 percent said they consider the family farm an efficient method of food production and 95 percent feel it is important that the family farm continue as a way of life in America.

Seventy-one percent, however, expect that corporate farming will be the dominant source of food by the end of the century.

By 57 to 26 percent, the men and women interviewed said they feel corporate farming is a bad development. The reasons given most often for opposing corporate farming are that it will destroy the family farm or that they disapprove of corporation business practices.

In the area of farm prices and consumer prices, 66 percent said they feel farmers are not receiving as much as they should for their products and 63 percent oppose government action designed to increase the supply of meat in an effort to reduce consumer prices.

The survey was conducted before Russia contracted to buy American grain, but after the administration began to encourage foreign countries to ship more meat to the United States.

Minnesotans living in rural villages, many of which are largely dependent upon agriculture and have close ties to the rural way of life, tend to side strongly with the farm people interviewed. Urban-area residents also follow the same line of thinking about agri-

culture, but to a lesser degree. The closest division of opinion among people living in Minneapolis, St. Paul and Duluth combined is over whether meat imports should be encouraged.

More men than women feel that farm prices are fair. Men also are more likely to think that the government should encourage meat imports.

Minnesotans under 30 years of age are less optimistic about the future of the family farm than are other Minnesotans. Fewer (69 percent) feel it is efficient and more (92 percent) said corporate farming will be dominant by the year 2000. By 42 to 39 percent, they feel corporate farming is a good thing.

College-trained Minnesotans also are less inclined to think the family farm is an efficient unit of production (59 percent) and more inclined to think corporate farming is a good development (40 percent) than are other Minnesotans.

Following are questions, and replies, for all adults and by place of residents. "Smaller cities" include cities of 2,500 or more population (except for Minneapolis, St. Paul and Duluth, which are shown separately). Villages are places under 2,500 population.

"As things stand today, do you think farmers in the United States are or are not paid fairly for their products?"

	[In percent]				
	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Are paid fairly.....	27	31	28	24	16
Are not.....	66	59	63	72	82
No opinion.....	7	10	9	4	2
Total.....	100	100	100	100	100

"Most farms in the United States are family farms. Farming is the major part of the operation and most labor and capital are provided by the operating family. Generally speaking, do you think the family farm is or is not an efficient way of food production?"

	[In percent]				
	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Is efficient.....	76	66	72	85	95
Is not.....	20	27	24	13	4
No opinion.....	4	7	4	2	1
Total.....	100	100	100	100	100

"Do you think it is or is not important that the family farm survive?"

	[In percent]				
	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Survival is important.....	95	89	95	99	100
Not important.....	4	9	4	1	0
No opinion.....	1	2	1	0	0
Total.....	100	100	100	100	100

"In corporate farming, farming is only part of the operation. The corporation provides management and capital for the farm operation, but it is in other businesses, too. Do you think corporate farming is a good thing or a bad thing?"



[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Good thing.....	26	38	30	17	5
Bad thing.....	57	45	53	66	85
No opinion.....	14	15	14	16	5
Other qualified answers.....	3	2	3	1	5
Total.....	100	100	100	100	100

The 26 percent who said corporate farming is a good thing gave the following reasons: it is more efficient than family farm (53 percent); has sufficient capital for investment, can absorb losses, promote agricultural research (18 percent); better management and more efficient use of labor (15 percent); lowers prices for consumers (10 percent); creates more jobs (6 percent); it is a good trend (4 percent); and it raises prices paid to farmers (2 percent). Fifteen percent gave other answers and 8 percent were indefinite.

The 57 percent who feel corporate farming is bad said: it will eliminate the family farm (41 percent); expressed anti-corporation sentiment such as it will lead to monopolies or be used for tax write-offs, (40 percent); there is a need for traditional rural values and life style in our society (18 percent); it will create unemployment (11 percent); and it will increase consumer prices (8 percent).

Others said: the small farm is more efficient (4 percent); corporations are not concerned with ecology (3 percent); and corporate farming will lower farm prices (2 percent). Two percent gave other answers and 3 percent were indefinite.

The results of the Minneapolis Tribune's Minnesota Poll are based on personal in-the-home interviews with 600 men and women 18 years of age or older. Respondents are selected by probability sampling procedures and interviewed by a staff of 110 trained interviewers. The Minnesota Poll was established in 1944 as a public service.

The following tables did not appear in the published release.

"By the year 2000, do you suppose that the family farm will continue to be the major source of food production or that corporate farms will be the major source?"

[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Family farm major source....	20	15	18	22	34
Corporate farm major source....	71	75	75	70	51
Other answers or no opinion.....	9	10	7	8	15
Total.....	100	100	100	100	100

"Do you think the federal government should or should not encourage foreign countries to ship as much meat as they can to the United States in an effort to hold down meat prices?"

[In percent]

	All adults	Minneapolis, St. Paul, Duluth combined	Smaller cities	Rural villages	Farm
Should encourage.....	31	45	33	23	6
Should not.....	63	46	60	72	94
No opinion.....	6	9	7	5	5
Total.....	100	100	100	100	100

CXVIII—2061—Part 25

# ACTIONS NEEDED AND LESSONS TO BE LEARNED FROM RECENT GRAIN SALES TO RUSSIA

Mr. HUMPHREY. Mr. President, early this week the House Agriculture Committee favorably reported a companion resolution to the one which Senator BENTSEN and I introduced in the Senate to authorize deficiency payments to farmers who sold their 1972 crop wheat before the sharp rise in market prices due to the large sales to Russia. Unfortunately the Senate Committee on Agriculture and Forestry voted against reporting the resolution which Senator BENTSEN and I sponsored, but the committee did support my request for a more detailed committee staff study of this question and others relating to these sales.

Mr. President, if the House passes House Joint Resolution 1300, the companion to Senate Joint Resolution 267—which I urge them to do—and if our Senate committee staff study can be completed in time, I will urge our Senate Agriculture Committee to reopen consideration of this matter before adjournment.

In addition to learning more about this important question of providing equity to those farmers who sold their wheat prior to the Russian sales, I am hopeful that our special committee staff study will also enlighten us on what, if anything, might be done, first, to strengthen our collection and evaluation of foreign crop information, including more effective dissemination of such information to all concerned; second, to improve and tighten up procedures and reporting of sales under our wheat export subsidy program; and third, to improve reporting of all sales of U.S. grains in the world market, whether they are private sales or sales supported through Government subsidy mechanisms.

A few short months ago we were projecting more wheat and feed grains would be added to existing stock on hand. Now we are told that wheat supplies at the end of this marketing year are estimated to be about \$54 million bushels or what many experts say would be below adequate reserve levels. In the case of feed grain supplies, we also are now expecting lower carryovers at the end of this marketing year than anticipated earlier. And I should like to remind everyone that we are not even half way through the current marketing year. Russia may resume purchases of wheat and feed grains. China may do likewise. And I do not believe anyone knows as yet whether India's partial recovery from its delayed monsoon season will require additional imports. What I am suggesting, Mr. President, is that many uncertainties still remain with respect to world grain supply conditions and I would hope that our recent experiences with the sales to Russia and China will result in a very careful assessment of those overall conditions as it may relate to further drawdowns of U.S. grain supplies, as well as the conditions under which such future sales might be made.

The economic interests of not only the private grain trade are involved in such

matters. All segments of our Nation's grain industry are involved, ranging from the farmer to the baker. In addition, the interest of the general public and the consumer are equally involved. Supply happenings in wheat and feed grains have a very direct impact on available supplies and prices of bread, cereal products, and meats at the retail or consumer level.

All of these interests must be kept in mind as we determine production levels and related market opportunities for our Nation's farm products. While public policy on these questions must insure that adequate supplies of these commodities are made available to the American people, it also must insure that our farm producers are protected from the price-depressing effects of any overproduction that might occur in providing that assurance.

These were the two central objectives behind my effort last year to gain congressional approval of establishing a national grain reserve. While the other body passed such a measure, the Senate was never provided with the opportunity to act upon it. The measure was defeated in the Senate Committee on Agriculture and Forestry, because of heavy opposition by Secretary Butz and the administration.

Another factor in this world grain supply situation that needs to be considered is the lack of any international grains agreement. I believe another attempt should be made to achieve some agreement with respect to the supply and price of grains in world markets. That agreement also should include production level commitments and constraints. Stable supplies and prices in world grain markets is important to everyone. Instability, or "boom and bust" market conditions involving such life-staples can result in major human catastrophes, in addition to the havoc such conditions create for those individuals or groups who depend upon those markets to make a living.

Mr. President, aside from some of the immediate concerns we now face as a result of these unusually large grain sales, I would hope that as we approach the formulation of a new farm bill next year, all of these considerations can and will be taken into account.

Mr. President, just prior to Senate Agriculture Committee consideration of Senate Joint Resolution 267, I wrote to all members of that committee outlining the economic aspects of that particular resolution. I would like to ask unanimous consent to have that memorandum printed at this point in the Record and would like to urge that all Members of the Senate review it carefully.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

## MEMORANDUM

SEPTEMBER 20, 1972.

To: Members of the Senate Committee on Agriculture and Forestry.  
From: HUBERT H. HUMPHREY.  
Subject: Economic Aspects of Senate Joint Resolution 267.

On September 14, 1972, Senator Bentsen and I introduced S.J. Res. 267 which au-

thorizes and directs the Secretary of Agriculture to make a deficiency payment to producers who sold their 1972 crop of wheat before the sharp rise in market prices which occurred as a result of large sales to the Soviet Union.

Senator Bentsen and I wish to request immediate consideration of this particular Resolution by the Committee on Agriculture and Forestry. On September 15, 1972, I wrote to Senator Jordan, Chairman of our Subcommittee on Agricultural Production, Marketing and Stabilization of Prices requesting immediate consideration of this Resolution by that Subcommittee. Senator Jordan informed me that it would not be possible to call a Subcommittee meeting between that date and today's Full Committee session, and further indicated that he personally had no objection to my requesting Full Committee consideration at today's session. His willingness for me to proceed in this manner, of course, in no way implies either his or the Subcommittee's endorsement or opposition to the Resolution.

Based upon consultations with Dr. Walter Wilcox of the Library of Congress, I wish to convey the following information pertaining to the economic aspects of this particular Resolution in order that the Committee may more intelligently deliberate on it at today's session.

The parity price of wheat, July 1972 was \$3.03 per bushel. The U.S. average farm price at that time was \$1.33 per bushel.

The value of the 1972 wheat marketing certificates under the Agricultural Act of 1970, is equal to the difference between the average market prices in the first five months of the marketing year, July 1, to November 30, 1972 and the parity price in July.

With no new developments in the market it is probable that the five month average market prices would have approximated \$1.33 resulting in the certificates having a value of \$1.70 per bushel.

As the extent of the Soviet purchases became known, market prices rose sharply. Number one ordinary red winter wheat at Kansas City increased in price from \$1.52 a bushel the first days in July to \$1.62 the first two days of August, to \$1.95 the first two days in September, to \$2.27 yesterday, Sept. 19. This is an increase of 75 cents a bushel for first quality wheat at the Kansas City market.

It now appears probable that wheat prices will average 30 cents a bushel higher and wheat marketing certificate values will be 30 cents a bushel less than they would have been in the absence of the extraordinary export sales to the Soviet Union and other countries.

Wheat producers who sold their wheat before the sharp rise in prices occurred in late August and September not only failed to receive higher prices which are now expected to prevail for the balance of the season, but will receive marketing certificates valued at some 30 cents a bushel less than otherwise.

On the basis of previous marketings it is probable that about one-third of the 1972 wheat was sold by mid-August. Since Southern wheat producers who sold early are probably about average in size it is probable that about a third of the wheat producers will be adversely affected by the wheat sales to the Soviet Union unless deficiency payments, similar to those authorized in S.J. Res. 267 are made.

The domestic wheat marketing allotment is approximately 500 million bushels. If the value of these certificates is reduced 30 cents a bushel as a result of higher market prices, government expenditures would be reduced \$150 million.

If the producers of one-third of this 500 million bushel domestic marketing quota qualified for deficiency payments, because of

early sales at low prices, the deficiency payments would total \$50 million, one-third of the anticipated savings.

Paragraph (C) provides, "The Secretary of Agriculture shall issue such regulations as necessary to carry out the provisions of this joint resolution on a fair and equitable basis."

Fair and equitable administration of a program of deficiency payments should not present any serious problems. The Commodity Credit Corporation now has an accepted scale of differentials by county and quality of wheat which it uses in administering its price support loan program. These differentials could be applied to producers' sales prices to determine the amount of the deficiency payment to which they were entitled.

Regulations will be needed as to qualifications for deficiency payments where a producer sells a part of his wheat for less than the five month average, adjusted for location and quality, and a part at a later date, at a price which is above the seasonal average.

Because of the time required to gather and process sales information if this resolution is delayed in passage, it might be desirable to give eligible wheat producers until January 31 rather than January 1, 1973 to make application for a deficiency payment.

I believe it is only fair and equitable that those wheat producers who receive less than parity for their 1972 crop due to these Russian sales be compensated in the manner prescribed in S.J. Res. 267.

Therefore, Senator Bentsen and I, and the thousands of wheat producers adversely affected by those sales, wish to urge your favorable consideration of this Resolution.

PRICE PER BUSHEL OF NO. 1 ORDINARY HARD RED WINTER WHEAT AT KANSAS CITY; JULY 1 TO AUG. 18, 1972

	July	August	September
1		\$1.62	\$1.95
2		1.62	
3	\$1.51	1.70	
4		1.76	
5	1.52		1.96
6	1.54		1.95
7	1.51	1.84	1.95
8		1.83	1.97
9		1.75	
10	1.54	1.81	
11	1.59	1.82	2.00
12	1.59		2.05
13	1.59		2.04
14	1.56	1.82	2.08
15		1.82	2.15
16		1.82	
17	1.57	1.84	
18	1.60	1.86	2.27
19	1.62		
20	1.60		
21	1.59	1.84	
22		1.86	
23		1.90	
24	1.61	1.89	
25	1.62	1.87	
26	1.59		
27	1.58		
28	1.59	1.87	
29		1.90	
30		1.91	
31	1.61	1.90	

Source: U.S. Department of Agriculture.

### THE ALLEGED BLOODBATH IN NORTH VIETNAM

Mr. HATFIELD. Mr. President, I ask unanimous consent that two articles by George Wilson on the alleged bloodbath in North Vietnam be printed in the RECORD. Also, that this consent be extended to a statistical fact sheet on the Indochina war.

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

[From the Washington Post, Sept. 12, 1972]

### CORNELL AUTHOR DISPUTES NORTH VIETNAMESE BLOODBATH (By George C. Wilson)

A charge by President Nixon and others that the North Vietnamese murdered up to 500,000 of their own people when they took over the country in the 1950s is a "myth," according to a study circulated yesterday by Cornell University.

The charges are dispatched in a 59-page essay by D. Gareth Porter, a 30-year-old research associate at Cornell's International Relations of East Asia project. Cornell's project office, in sending out the report, said it deserves "immediate, widespread public attention" because of Mr. Nixon's frequent references to the alleged bloodbath in North Vietnam.

"This bloodbath myth is the result of a deliberate propaganda campaign by the South Vietnamese and U.S. governments to discredit North Vietnam," Porter says in summarizing the paper he researched in South Vietnam and at Cornell. Porter has been a critic of the Vietnam war.

The prime source for President Nixon, author Bernard Fall and others in describing the alleged massacre during the North Vietnamese land reform from 1953 to 1956 is a book guilty of "gross misquotation" and "fraudulent documentation," Porter alleges.

The book Porter cites is entitled, "From Colonialism to Communism," by Hoang Van Chi. Chi's book—published in 1964—was financed and promoted by such U.S. agencies as the Central Intelligence Agency, according to Porter.

Chi, now a course chairman in Southeast Asia orientation at the State Department's Washington Training Center, was at Ft. Bragg, N.C., lecturing and could not be reached for comment yesterday.

The National Security Council cited Chi's book as one of President Nixon's sources for declaring on April 16, 1971, "I think of a half a million, by conservative estimates, in North Vietnam who were murdered or otherwise exterminated by the North Vietnamese after they took over from the South..."

The President added at that same news conference that "if the United States were to fall in Vietnam, if the Communists were to take over, the bloodbath that would follow would be a blot on this nation's history from which we would find it very difficult to return..."

Asked by Porter to document the President's "half a million" figure, the National Security Council quoted Chi as writing the following: "The guilt complex which haunted the peasants' minds after the massacre of about 5 per cent of the total population..."

The National Security Council added on its own that "5 per cent of the total population of North Vietnam at that time would be about 700,000."

"Mr. Chi offers no justification for this allegation" that 5 percent of the North Vietnamese population was murdered, asserts Porter, "but he suggests at one point that most of the deaths were those of children who starved 'owing to the isolation policy.'"

Charges Porter: "This is yet another of the many wholly unsubstantiated charges put forth by Mr. Chi, for there was no such policy of isolating families, even of those landlords sentenced for serious crimes during the land reform..."

"Yet it is mainly on the basis of Mr. Chi's totally unreliable account, the intention of which was plainly not historical accuracy but propaganda against North Vietnam," says Porter, "that the President of the United States himself has told the American people that 'a half a million' people were exterminated."

In contrast to CIA's description of Chi as a "former Vietminh cadre" who could thus



be expected to have firsthand knowledge of the land reform program, Porter asserts that Chi was never a party member before leaving the North for South Vietnam in 1955.

"Mr. Chi was himself a relatively wealthy landowner," Porter claims on the basis of an interview with Chi. Thus, he argues, Chi could not be expected to give an unbiased account of the land reform program.

Western authors like Fall, says Porter, suffered a "critical" shortcoming because they could not read Vietnamese and thus could not research the original documents the North Vietnamese used to communicate with their own cadre. Fall and others, therefore, had to rely on Saigon and U.S. government summaries of the North Vietnamese material or on authors like Chi. (Porter reads Vietnamese and said in an interview that this enabled him to study documents that went to North Vietnamese cadre from party leaders.)

In an attempt to show the danger relying on summaries and other secondary sources, Porter charges Chi distorted a North Vietnamese party (Laodong Party) slogan by saying it included the phrase, "liquidate the landlords." There was no such phrase, Porter asserts. Instead, he alleges, the slogan said: "Abolish the feudal regime of land ownership in a manner that is discriminating, methodical and under sound leadership."

He charges Chi also mistranslated Gen. Vo Nguyen Giap's speech of Oct. 29, 1956, on land reform. Giap, according to the Chi's translation, said the party "executed too many honest people" and came to regard torture as normal practice.

Comparing the Vietnamese original text of Giap's speech with the Chi and Porter's translations (which Porter said other scholars and Vietnamese corroborated), Porter alleges that "Mr. Chi's translation is one of his most flagrant abuses of documentary evidence."

Donald Brewster is the National Security Council staffer (on loan there from AID) who discussed the source of Mr. Nixon's blood-bath figures with Porter. Brewster told The Washington Post yesterday that real and literal meanings of Communist statements are sometimes two different things.

Brewster added that the sources he cited for Porter "are not the totality" of the material the White House relied upon. Also, said Brewster, it is the trend that is most important, not specific figures. In that sense, he said, the trend of Communist actions, such as North Vietnamese assassinations in Hue, shows fears of a bloodbath in South Vietnam are indeed well founded, just as President Nixon has stated.

Porter himself said in an interview that he has filed for conscientious objector status and would decline to serve in the military in the Vietnam war. He is on a year-long fellowship, \$5,000 for the academic year, in pursuit of his doctorate at Cornell's East Asia research center.

[From the Washington Post, Sept. 13, 1972]  
FIGURE ON NORTH VIETNAM'S KILLING "JUST A GUESS," AUTHOR SAYS

(By George C. Wilson)

"It was just a guess, an estimate that nobody could figure," said the author of a book the White House has cited in documenting President Nixon's charge that the North Vietnamese massacred "half a million" people while imposing land reform in the 1950s.

Hoang Van Chi, author of "From Colonialism to Communism," said in an interview yesterday that he arrived at a figure in that range by projecting countrywide the experience in his own North Vietnamese village of about 200 persons. He said about 10 people died there from Communist persecution, one from execution and the rest by such "other means" as imposed starvation.

He said he used that 5 per cent rate in

his village, plus what he learned from others in North Vietnam, as the basis for declaring in his 1964 book that there was a "massacre of about five per cent of the total population" in North Vietnam.

President Nixon's National Security Council, in listing Chi's book as one source for Mr. Nixon's massacre figures, said that 5 per cent of the North Vietnamese population when Chi made his estimate "would be about 700,000" people.

Mr. Nixon has cited the massacre figure of "half a million" in making the case for continued United States support of the South Vietnamese government. On April 16, 1971, he said: "I think of a half a million by conservative estimates in North Vietnam who were murdered or otherwise exterminated by the North Vietnamese after they took over from the South..."

More recently, on July 27, President Nixon said from 1954 to 1956 in the North Vietnamese Communists' "so-called land reform program 50,000 were murdered, assassinated." Mr. Nixon added that the Catholic Bishop of Danang told him in 1956 that "there were at least a half million who died in slave labor camps in North Vietnam."

D. Gareth Porter, a research associate at Cornell University's International Relations of East Asia Project, charged in a paper distributed by the university on Monday that "careful investigation" showed such blood-bath charges were "a myth." Chi's book was "the central piece" in "a deliberate propaganda campaign by the South Vietnamese and U.S. governments to discredit" the North Vietnamese government, Porter claimed.

Donald Brewster of the National Security Council staff said Chi's book was only one of several sources used it, making the "half a million" estimate. Porter claimed some of the other sources cited by the council appeared to be drawn from Chi's work.

Chi himself, a course chairman at the State Department's Washington Training Center and lecturer in Asian affairs, made these points yesterday in responding to Porter's attacks on his credentials and scholarship:

CIA sponsorship. Chi said he thanked the Congress for Cultural Freedom in the foreword to his book for its financial assistance but had no way of knowing back then that Central Intelligence Agency money went to the organization. "Porter tried to link me to the CIA," complained Chi.

"Wealthy" landowner charge. Porter charged that Chi could not be impartial in discussing land reform in North Vietnam because he was a "relatively wealthy landowner" before leaving there for the South in 1955. Chi said he had sold off the acreage he had inherited and was down to 2.7 acres in the North in 1953.

A man with that little land, said Chi, is not a wealthy landowner. Besides, he said, Communist Party members all the way up to and including Ho Chi Minh owned more land than he did in North Vietnam at the time of land reform.

"I'm for redistribution of land," said Chi, "but against the method that was applied" in North Vietnam. He said he was considered a revolutionary in the Vietminh resistance against the French but was not a formal member of any Communist Party.

Translations. Porter accused Chi of distorting North Vietnamese policy statements and slogans by inaccurately translating them into English for his book. Chi conceded he had not stuck to the literal translation in all cases because he was trying to impart the true meaning—the one that mattered. "I should have added a footnote" explaining that, Chi said.

His experience on the ground in North Vietnam influenced his translations, and, he argued, made them more meaningful to the reader trying to perceive what was really going on.

"I deplore the case of many scholars who try to understand communism by reading

documents," Chi said. "You cannot read books on communism and know it. You have to live under a communist regime to know it."

Declaring that his book was printed in both Vietnamese and English, Chi said Vietnamese who have read both versions would have complained if his translations were inaccurate. He said he had received no such complaints.

Porter in his paper charged Chi had mistranslated a basic Communist slogan in discussing the party's takeover of North Vietnam. "I report what I hear," said Chi, "not what they put in documents."

"I stick to my view," said Chi, "that land reform (in North Vietnam) was a pretext for a mass purge. I'm for land reform for South Vietnam, I left North Vietnam for the way land reform is practiced."

"Some of my family died from starvation," he said in discussing the persecution in North Vietnam during land reform. "I'm not very firm about the figure" of how many were purged "because it was only an estimate." Chi said since his book came out, a defector has estimated 300,000 North Vietnamese were purged during the land reform campaign.

#### A STATISTICAL FACT SHEET ON THE INDOCHINA WAR, AUGUST 11, 1972

##### War costs in Southeast Asia

[In millions]

Fiscal year	Budgeted	Incremental
1965	\$100	\$100
1966	5,800	6,000
1967	20,100	18,000
1968	26,500	23,000
1969	28,800	22,000
1970	23,050	17,000
1971	15,300	12,000
1972 <sup>1</sup>	13,000	10,000
1965-72	132,650	108,100

<sup>1</sup> Estimate by Cornell University Air War Study Group.

##### UNDER JOHNSON

Budgeted, \$66.9 billion (50.4%); incremental, \$58.1 billion.

##### UNDER NIXON

Budgeted, \$65.7 billion (49.6%); incremental, \$50.0 billion.

(NOTE.—Cost estimates for FY 73 range from \$8-10 billion, or \$22-28 million per day. The air war costs approximately \$15-20 million per day.)

Incremental costs include the expenses of ships and aircraft which the DoD says it would need and have to pay for even if there were no fighting.)

(Source: From *Impact of the Vietnam War*, Senate Foreign Relations Committee.)

#### MUNITIONS EXPENDED IN INDOCHINA

[Defense Department figures in tons]

Year	Air	Ground	Sea	Total
1965	315,000	590,177	5,000	1,107,177
1966	512,000	1,203,530	30,000	2,166,293
1967	932,763	1,484,403	50,500	2,966,557
1968	1,387,237	1,405,823	30,000	2,823,060
1969	977,446	1,181,534	13,000	2,171,980
1970	763,160	832,968	(1)	1,596,128
1971	504,879	308,842	(1)	812,721
1965-72	6,824,139	7,007,227	128,500	13,959,916

<sup>1</sup> Figures not available since Jan. 1, 1971.

<sup>2</sup> Through June 30.

<sup>3</sup> Through May 31.

Note: Munitions expended by administration:

	Under Johnson		Under Nixon	
	Amount	Percent	Amount	Percent
Air	3,191,417	46.8	3,632,722	53.2
Ground	3,278,110	46.8	3,729,167	53.2
Sea	85,500		43,000	
Total	6,555,027	47.4	7,404,889	52.6

## WOUNDED IN VIETNAM

[Defense Department figures]<sup>1</sup>

Year	United States	South Vietnam	3d countries
1960	0	2,788	0
1961	3	5,449	0
1962	78	7,195	0
1963	411	11,488	0
1964	1,039	17,017	0
1965	6,114	23,118	139
1966	30,093	20,974	1,591
1967	62,025	29,448	2,318
1968	92,820	70,696	1,997
1969	70,216	65,276	2,218
1970	30,643	71,852	1,830
1971	8,997	59,823	1,148
1972	866	40,449	428
1960-72	303,305	425,574	11,669

## Number wounded by Administration:

	Under Kennedy and Johnson	Under Nixon
United States	192,583	110,722
South Vietnam	188,174	237,400
Third Country	6,045	5,624
Total	386,802	353,746

<sup>1</sup>No figures on enemy available. DOD projects 1.5 wounded per death.<sup>2</sup>Through July 22.<sup>3</sup>Through May 31.

## DEATHS FROM HOSTILE ACTION

[Defense Department figures]

Year	United States	South Vietnam	3d country	Enemy	Total
1960	0	2,223	0	5,669	7,892
1961	11	4,004	0	12,133	16,148
1962	31	4,457	0	21,158	25,646
1963	78	5,665	0	20,575	26,318
1964	147	7,457	2	16,785	24,390
1965	1,369	11,243	31	35,436	48,079
1966	5,008	11,953	566	55,524	73,051
1967	9,387	12,716	1,105	88,104	111,303
1968	14,592	27,915	979	181,149	224,635
1969	9,414	21,833	866	156,954	189,067
1970	4,221	23,346	704	103,638	131,909
1971	1,380	22,069	525	98,094	122,068
1972	199	14,325	277	54,310	69,111
1960-72	45,828	169,206	5,054	849,529	1,089,617

## Number of deaths by Administration:

	Under Kennedy and Johnson	Under Nixon
United States	30,614	15,214
South Vietnam	87,633	81,573
3rd Country	2,682	2,372
Enemy	436,533	412,966
Total	577,462	512,155
Percent	52	48

<sup>1</sup>Through July 22.<sup>2</sup>Through May 31.

## U.S. deaths in nonhostile activities in South-east Asia

Year	Deaths
1961-2	23
1963	36
1964	48
1965	359
1966	1,045
1967	1,680
1968	1,919
1969	2,113
1970	1,844
1971	968
1972 <sup>1</sup>	205
1961-72	10,240

<sup>1</sup>Through July 22.

Under Kennedy and Johnson: 5,110 (49.9 percent).

Under Nixon: 5,130 (50.1 percent).

## American POW's and MIA's

[Defense Department figures]

Year	POW's	MIA's
1964	3	4
1965	74	54
1966	97	204
1967	179	226
1968	95	294
1969	13	176
1970	12	86
1971	11	79
1972 <sup>1</sup>	29	121
1964-72	513	1,244

<sup>1</sup>Through July 1.

Under Johnson: POW's, 448; MIA's, 782; total, 1,230 (70 percent).

Under Nixon: POW's, 65; MIA's 462; total, 527 (30 percent).

## CIVILIAN CASUALTIES (SENATE SUBCOMMITTEE ON REFUGEES FIGURES)

Year	South Vietnam			Cambodia	Laos
	Dead	Wounded	Total		
1965	25,000	75,000	100,000		
1966	50,000	100,000	150,000		
1967	60,000	115,000	175,000		
1968	100,000	200,000	300,000		
1969	60,000	140,000	200,000		

Year	South Vietnam			Cambodia	Laos
	Dead	Wounded	Total		
1970	30,000	95,000	125,000		
1971	25,000	75,000	100,000	Tens of thousands	Thousands per month
1972	50,000	100,000	150,000		Tens of thousands
1965-72	400,000	900,000	1,300,000	Tens of thousands	

## SOUTH VIETNAMESE CIVILIAN CASUALTIES

	Under Johnson		Under Nixon	
	Number	Percent	Number	Percent
Killed	235,000	58.7	165,000	41.3
Wounded	490,000	54.5	410,000	45.5
Total	725,000	55.8	575,000	44.2

<sup>1</sup>Through June 30.

## REFUGEES GENERATED IN SOUTHEAST ASIA (SENATE SUBCOMMITTEE ON REFUGEES FIGURES)

Year	South Vietnam	Cambodia	Laos
1964-66	2,400,000		
1967	435,000		
1968	1,410,000		
1969	590,000		
1970	400,000	+2,000,000	( <sup>1</sup> )
1971	150,000		
1972 (to July 31)	1,000,000		
1964-72	6,385,000	+2,000,000	1,000,000

<sup>1</sup>Recent rates: 200,000 to 300,000 per year.<sup>2</sup>From USAID statistics. Figure does not include subcommittee estimate of 2,000,000 refugees not officially registered in urban areas. Senator Kennedy on Aug. 3, 1971, reported over 8,000,000 refugees generated in Vietnam.

## Note: Refugees generated in Southeast Asia by administration:

	Under Johnson	Under Nixon
South Vietnam	4,245,000	2,140,000
Cambodia	0	2,000,000
Laos	400,000	600,000
Total	4,645,000	4,740,000
Percent	49.5	50.5

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. WIL-  
LIAMS). Is there further morning busi-  
ness? If not, morning business is con-  
cluded.

## SOCIAL SECURITY AMENDMENTS OF 1972

The PRESIDING OFFICER (Mr. WIL-  
LIAMS). Under the previous order, the  
Chair now lays before the Senate H.R. 1,  
the Social Security Amendments of 1972,  
which the clerk will state.

The legislative clerk read as follows:

H.R. 1, to amend the Social Security Act,  
to make improvements in the Medicare and  
Medicaid programs, to replace the existing  
Federal-State Public Assistance programs,  
and for other purposes.

The Senate resumed the consideration  
of the bill.

## AMENDMENT NO. 1614

## A FINAL CHANCE FOR WELFARE REFORM

Mr. RIBICOFF. Mr. President, Presi-  
dent Nixon can have welfare reform this



year if he wants it. The question facing the Senate and the country is whether the President will take the opportunity to match deeds with his words about the need to reform this country's welfare systems. Unfortunately, it is not clear whether the President really wants welfare reform.

In August of 1969 President Nixon went to the American people in a major televised address and said that "the present welfare system has failed us." At that time he proposed a new approach to public assistance embodied in the family assistance plan.

The President's initiative in 1969 had my support and the endorsement of others who thought welfare reform long overdue. As I noted then and in the intervening years, the President deserved great credit for focusing the attention of the country on this problem.

Two years ago, after the House had passed a modified version of FAP, the Senate adjourned before action could be completed on the bill. Today, 3 years after welfare reform was first introduced in Congress, and 1 year after it passed the House for a second time, the Senate is beginning debate again on welfare reform.

Over the past 3 years supporters of welfare reform have had their differences about specific provisions. After long study, I introduced 1 year ago a proposal that would have substantially improved the House-passed version of the President's proposal, H.R. 1.

My proposal was developed after lengthy consultation with Senators, Governors, State welfare administrators, welfare organizations and other public assistance experts. We believed that the proposal represented a reasonable and constructive approach to reforming the welfare system; 22 Senators, including 4 Republicans, and 15 Governors together with interested groups such as Common Cause, the AFL-CIO, the League of Women Voters all announced their support for the Ribicoff amendment.

While the President opposed my amendment, many of its provisions actually restored elements of the President's original legislation offered in 1969. This was the first indication that the President was having second thoughts about this commitment to welfare reform.

Developments during the months since the introduction of my proposal have made it clear that none of the approaches—neither the Finance Committee proposal, the Ribicoff amendment, nor the President's program contained in H.R. 1—can command a majority in the Senate. Therefore, in an attempt to work out a fair accommodation between the President's position and my own, my staff and I began a long series of negotiations with the administration several months ago. We finally reached agreement on a proposal containing all the principles we consider prerequisites for meaningful welfare reform.

The Secretaries of Health, Education, and Welfare and the Department of Labor urged the President to support this agreement.

On June 16 of this year, the President

took the Ribicoff-administration agreement under advisement. A group of 19 Republican Senators sent a letter to the President urging him to join with me in fashioning a "humane and decent compromise reform measure that would be acceptable to a majority of the Congress and to the administration." Recognizing the inadequacies of the Finance Committee proposal then being developed, this bloc of Senators stated that:

Without that compromise and a final effort now by the Administration and those members of both parties, certainly including Senator Ribicoff . . . we firmly believe welfare reform is almost certain to die.

The President rejected the Ribicoff-administration agreement as well as the concept of working with the Senate to fashion an acceptable welfare reform proposal. The President's position substantially diminished the possibility of enacting welfare reform this year.

Nonetheless, in the spirit of trying to reach a constructive solution to this problem, I am today introducing an amendment to the Finance Committee version of H.R. 1, striking the committee's welfare proposal—title IV—and substituting the Ribicoff-administration agreement. This is our last, best chance for action in this Congress.

If the Senate fails to act this year, it is unlikely that the Congress will consider welfare reform at all in the next Congress, after the years of fruitless effort already devoted to this subject. The tragedy of this failure will be more than a political one. It will be a human failure—a failure to help millions of Americans who subsist in poverty.

Most of these Americans do not vote. They do not speak up. They do not lobby in Washington. They lead lives of quiet desperation in city slums and rural wastelands throughout America.

These Americans want to work but have no jobs. Their children go hungry, shoeless, and cold. And all around them is the affluence that most of us know as America. For them the American dream is a nightmare.

In the middle of a presidential election, words often obscure deeds and rhetoric substitutes for action. But 25 million Americans have a right to expect more from their elected representatives. They have a right to expect the President to follow through on 3 years of speeches about the need for welfare reform. And they have a right to expect the Senate to meet the President halfway. I think the Ribicoff-administration agreement is the vehicle that will allow us to meet those expectations.

The details of this proposal are best viewed in the context of the inadequacies of our present welfare system and the failure of the Finance Committee to deal with that system in a realistic way.

#### INADEQUACIES OF THE PRESENT WELFARE SYSTEM

If there is agreement on nothing else, everyone can agree that our present welfare system is a total disaster. No one supports it and it supports no one adequately.

The current public assistance program, Aid to Families with Dependent Children—AFDC—is made up of 54 different

State and territorial programs. Each is administered by a separate jurisdiction under broad Federal guidelines. Including the county-administered programs, there are at least 1152 separate operating welfare systems. The efficiency of these units ranges from bad to worse.

Payments for a family of four are inadequate—ranging from \$60 a month in Mississippi to \$335 in Connecticut. Federal guidelines are so broad that there are as many different interpretations as there are interpreters. In effect neither the State nor the Federal Government has the last word on how the system should operate. No one has the last word.

If we had set out to devise an unworkable and undesirable welfare system, we could not have done a better job than to invent the present structure.

The present system provides no benefits when a father is present thereby encouraging family disintegration and desertion.

The present system destroys work incentives for families. Why work when you can have more money being on welfare? Why try to get off welfare when every dollar you earn is taxed away by a poorly devised welfare structure?

For those who can work, a multitude of training programs have been devised to cut the welfare rolls. But the rolls keep rising, poverty keeps increasing, and States and localities keep pouring more and more money into an open-ended program that promises relief for no one.

The welfare mess fails the taxpayer as well as the welfare recipient. Costs to the States are rapidly growing out of control. At the present rate the cost of the AFDC program will double every 3 years.

In calendar year 1971, 14.8 million people received assistance under the principal welfare programs—AFDC, Aid to the Aged and Aid to the Blind and Disabled. Of this total, 10.6 million people—7.7 million children and 2.9 million adults—received AFDC payments. This represented an increase of 10.3 percent over the preceding year.

In the same year welfare costs amounted to \$10.8 billion, of which \$6.2 billion was spent on AFDC. These costs were up 14.7 percent over the preceding year.

Despite the increase in costs, the beneficiaries of the welfare system were no better off. In fact, welfare payment cutbacks were taking place all over the country. Payments to recipients in almost half the States have been decreased in the last 2 years.

Other problems abound in the welfare system. Single people and childless couples are completely ineligible for AFDC, thus providing a great incentive to have children.

Men who work part-time are discouraged from seeking full-time employment because their families are eligible only when they work part-time. The "working poor"—that is, those who work full-time but still live in poverty—are not helped at all. And yet 40 percent of the poor in this country live in families headed by a full-time worker.

INADEQUACIES OF THE FINANCE COMMITTEE  
PROPOSAL

The Finance Committee proposal offers more of the same workfare programs which have failed in the past.

The program approved by the Senate Finance Committee represents a long step backward on the road to welfare reform.

The Finance Committee proposal retains the existing, widely discredited State AFDC programs for mothers with young children, and adds on top of it another program for families with an overlapping jumble of wage subsidies, social security tax rebates, work disincentives, and subpoverty wage programs.

Rather than coordinate and improve the operation of our welfare program, the committee proposal compounds the lack of coordination by scattering new programs throughout the Federal Government. The new "workfare" programs would be administered by the Departments of Health, Education, and Welfare, Treasury, and a new Federal administration in addition to the 1,152 administrative units at the State and local level which already handle the AFDC program.

The committee's proposals supposedly increase work incentives but the combined effect of the disparate array of income supplements, tax rates, and job programs is to discourage people from working. Welfare recipients will be in a continuing state of confusion about how to relate to all the offices and programs involved.

Even more importantly, the committee bill does nothing to improve the level of benefits AFDC recipients receive or to move in the direction of nationally uniform eligibility standards and payment levels.

The costs of the committee proposal would exceed those of H.R. 1 by over \$4 billion and would cover some 30 million people. Yet much of the money for the program would not be concentrated on the poorest of the poor. Instead, large amounts would go to those earning relatively more money. Administrative costs would also be increased since records would have to be maintained and transferred between many different Federal, State and local agencies.

A more detailed analysis of the committee proposal illustrates the confusion and inequities inherent in the plan.

## WAGE SUBSIDY

A wage subsidy would be paid by the newly created Work Administration equalling three-fourths of the difference between a low wage in private industry and the minimum wage. The committee report assumes that the Federal minimum wage is \$2. Thus it uses the figure \$1.50 when referring to three-fourths of the minimum. But since the bill itself speaks in terms of three-fourths of the minimum wage—presently \$1.60—I will assume that present law is in effect. Thus if a worker is making \$1.20 per hour, the wage subsidy would be 30 cents an hour—three-fourths of the difference between \$1.20 and \$1.60. Such a subsidy would encourage employers to pay low wages since they could expect the Federal Government to pick up the costs of

higher wages. In addition to this wage depressant effect, workers would be better off only if they worked longer hours. Nothing would be done to upgrade hourly wages.

This Nation should avoid a policy of encouraging workers to work for sub-poverty wages. Raising wage levels would be wiser. Furthermore, recipients would not be automatically eligible for the wage subsidy. They would have to apply to the local employment service—agencies which have consistently fallen down on the job of providing jobs and services to the poor.

The wage subsidy would only apply to jobs paying between \$1.20 and \$1.60 per hour. Thus, the most impoverished workers—those in jobs which pay less than \$1.20—would not be aided. This group, comprising well over half a million individuals, is in dire need of assistance.

## 10 PERCENT PAYMENT

Participants referred to private sector jobs would receive an additional subsidy of 10 percent of wages covered by social security. This payment, made by the Internal Revenue Service, would only apply to the base hourly wage, not to the wage subsidy portion of hourly income. This payment would be phased out as income rises above the poverty line at a 25-percent rate, thus dampening any incentives to move above the poverty line.

Such a proposal rewards a family with \$4,000 of earnings twice as much as a family with \$2,000 and thus provides the least to those with the greatest need.

Administratively this proposal would involve the keeping of a huge volume of records and the maintenance and transfer of records between IRS, the Work Administration, and perhaps other agencies. Millions of tax records would become a part of the welfare maze.

While I share the view of the committee that it is desirable to relieve the poor of the burden of paying social security taxes and I commend our chairman for this concept—I have publicly supported a social security rebate to impoverished working Americans—I cannot accept the committee proposal since it is part and parcel of an unworkable and inequitable overall plan.

The legislation I have developed would provide relief from both social security and income taxes through the earnings disregard feature. That is, in determining what is income for the purposes of computing the welfare payment, my proposal disregards the first \$720 of income, 40 percent of additional income, and amounts paid for social security and income taxes.

## WORK ADMINISTRATION

While the vast majority of welfare recipients are unemployable, the Finance Committee proposal concentrates heavily on the small minority who are employable. The main structure of the program for families with an employable individual is the Federal Work Administration.

The Work Administration would attempt to provide job placement, job development, employability plans and manpower training. All employable adults registering for welfare would be re-

quired to become employees of the Work Administration as a condition of receiving assistance. The Work Administration would attempt to place registrants in private jobs at the minimum wage or "subsidized" public or private jobs at less than the minimum wage. The 10 percent supplement would be provided for those taking private jobs and for the nonsubsidy portion of subsidized public or private jobs.

Those not so placed in "regular" jobs would become direct employees of the Work Administration at \$1.20 an hour, far less than either the poverty line or the Federal minimum wage. These employees would receive no wage subsidy or 10 percent supplement. In fact, the Work Administration employees would be in limbo between Federal and private employment—ineligible for social security, unemployment compensation or workmen's compensation.

These direct Work Administration employees would be required to perform "useful work which can contribute to the betterment of the community." For mothers with younger children, training to improve the quality of life—improve homemaking, beautifying apartments, acquiring consumer skills—would be provided. The Work Administration would also provide temporary employment with reimbursement to the Work Administration. In effect, the Federal Government would be maintaining a sub-poverty wage manpower pool at the disposal of the business community.

The concepts embodied in the Work Administration are confused and often erroneous. While the basic idea of making the Federal Government the employer of last resort is a sound one, the downgrading of public service jobs relative to private sector employment is unfortunate. The emphasis on providing "incentives" for workers to move into "regular" private employment by paying Work Administration employees only \$1.20 an hour is misplaced at best.

A major problem that I find with the committee's proposal is that the private sector does not have sufficient jobs. In fact, over 5 million Americans are unemployed. Thus, even with extraordinary motivation, a Work Administration employee cannot escape his \$1.20 an hour job if there are no other jobs. He is doomed to remain at a menial \$1.20 an hour salary—\$1,500 below a poverty level wage on an annual basis. And the Work Administration, by paying only \$1 an hour for those in manpower training, is discouraging rather than encouraging participants to upgrade their skills and increase their income.

Rather than discouraging public service employment we should be fostering it. It has been estimated that State and local government could utilize as many as 4 million people in public service activities of all kinds—conservation, education, health, consumer protection, recreation, sanitation, criminal justice, child care. It should be obvious to all that our inner cities are decaying, our air and water getting dirtier, and our public services becoming increasingly unable to meet the challenge of providing us with the manner of existence we as Americans



desire. Public service jobs should provide workers with at least a poverty-level wage. In this way we can both fight poverty and improve our communities.

#### ASSISTANCE TO UNEMPLOYABLE ADULTS

Under the committee bill those unable to work would continue to participate in the widely discredited AFDC system. Generally each State would decide the level of assistance it will provide. But Federal financial participation in the program would be changed from the present matching formula to a bloc grant approach. By putting a ceiling on Federal aid, the committee bill will discourage the States from raising welfare payments. The bloc grant approach would allow only low benefit States to raise their benefit levels. Under the committee bill a State's grant for 1973 would equal the 1972 Federal share, plus an additional amount equal to as much as one-half of the 1972 State's share. But less than one-half the State share would be provided if that amount were sufficient

to bring family income up to a level of \$1,600 for a family of two, \$2,000 for three, or \$2,400 for four alternatively, a State could opt for 110 percent of the 1972 Federal share. In future years the bloc grants would be reduced under the assumption that the committee's workfare program is reducing the welfare rolls. Given the past failure of welfare-workfare programs it appears that the reduced size of the payments will mean only smaller and smaller assistance payments to families in need rather than stable payments to a shrinking welfare population.

#### THE RIBICOFF-ADMINISTRATION AGREEMENT

The new agreement which I introduce today as a substitute for title IV of H.R. 1 incorporates much that has been learned from the past 3 years of analysis and debate about welfare reform. This amendment retains the basic elements of the original family assistance plan as it applies to those who cannot work but improves the benefit levels, pro-

tecs current recipients against benefit cutbacks, contains the procedural safeguards of the original Ribicoff amendment, and provides the States with significant fiscal relief.

Today's amendment also contains a pilot program for the new concept of providing assistance to the working poor and those who can work but are unemployed. This will give the administration and the Congress the opportunity to assess the full impact of this program.

Even with the full implementation of the working poor program, this amendment will only cost \$600 million more than the costs of H.R. 1 as it passed the House and \$3.2 billion less than the unwieldy structure established by the Finance Committee proposal.

Mr. President, I ask unanimous consent to have printed in the RECORD a table which illustrates the costs of the various proposals for fiscal year 1975.

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

#### FULL-YEAR COSTS, PAYMENTS AND SERVICES: 1ST FISCAL YEAR

[In billions of dollars]

	Current law	H.R. 1	Ribicoff-administration agreement	Finance Committee bill		Current law	H.R. 1	Ribicoff-administration agreement	Finance Committee bill
Payments to families.....	5.3	6.2	7.2	16.7	New employment service.....	0.1	0.1	0.1	0.1
Payments to adults.....	2.4	4.6	4.6	4.2	Administration.....	0.6	1.1	1.1	1.3
Payments for food stamps.....	2.9	.2	.1	1.8	Support services.....				.7
Held-harmless; fiscal relief.....		1.1	.8						
Subtotal: Payments.....	10.6	12.1	12.7	12.7	Subtotal: Related and support activities.....	1.5	3.4	3.8	6.9
Child care.....	.6	.9	.9	.8	Impact on other programs.....		-.1	-.1	-.1
Training.....	.3	.5	.5						
Public jobs.....		.8	1.2	4.1	Grand total.....	12.1	15.4	16.4	19.5

Includes: wage subsidy, 1.9; 10 percent rebate, 1.1; residual AFDC, 3.7; total, 6.7.

Mr. RIBICOFF. Mr. President, the Ribicoff-administration agreement consists of two facets: Aid to those unable to work; and aid to the working poor including a preliminary pilot program of this concept.

#### ASSISTANCE FOR THOSE WHO CANNOT WORK

This category includes children under 16, mothers with children under age 6, the elderly, ill or incapacitated, or their caretakers, caretakers of a child where the father or other adult relative in the home is working or registered for training, the caretaker of a child where suitable day care is unavailable, and unemployed, male-headed families for whom jobs are unavailable.

#### PAYMENT LEVEL

Those unable to work will be assured a basic Federal payment to a family of four of \$2,600. The payment will increase as the cost of living rises.

#### MAINTENANCE OF BENEFITS

In those States where payment levels exceed \$2,600, States would be required to make supplemental payments to assure that no recipient receives a smaller payment than he or she receives under the present law. To alleviate the harmful effects of State welfare cutbacks of the last few years, the States would be required to supplement up to the higher of their January 1971 level or any higher previous or subsequent level.

#### STATE FISCAL RELIEF

Under the provisions of my amendment, every State would receive substantial fiscal relief. Under present law States receive matching funds from the Federal Government ranging from 50 to 83 percent of a State's costs. Under my proposal the Federal Government will pay 100 percent of the first \$2,600 of cost.

In addition, while my amendment requires a State with a higher payment level to make supplements, the States would be "held harmless" from additional costs once their payments reached the levels for calendar year 1971.

Total savings to State and local governments in the first fiscal year will amount to \$2.8 billion compared to \$2.4 billion under H.R. 1 and \$2.3 billion under the committee proposal. Fiscal relief would also be provided on an emergency interim basis. The States would receive \$1 billion in fiscal relief in the interval before the new welfare program takes effect.

#### UNIFORM STANDARDS AND PROCEDURES

National, uniform benefit levels, eligibility rules and Federal administration would be established.

Procedures of the original Ribicoff amendment to assure fairness, including right to counsel, written opinions in welfare adjudication, elimination of punitive and cumbersome reporting and checking procedures are also included as are pro-

tection of employee rights, elimination of State residency requirements and determination of eligibility based on current need.

#### CHILD CARE

The proposal I introduce today provides \$1.5 billion for the creation of child-care services and \$100 million for the construction of child-care facilities to assist working mothers.

Mothers with children under age 6 are exempt from the work requirements. Mothers with children over age 6 would register for work only if adequate day care were available and close to their place of residence or employment. Adequate day care is defined to mean child care services no less comprehensive than those provided for by the 1968 Federal interagency day care requirements.

#### ASSISTANCE TO THOSE ABLE TO WORK: A PILOT PROGRAM

The most innovative portion of our welfare reform proposal is the opportunities for families—OFF—program. It would provide income supplements to those people who work but still have low incomes to insure that it is always financially more profitable to work than simply receive welfare. Such a proposal would also remove the incentive for fathers to leave their families.

In addition, one of the basic tenets of this proposal is that all those who are able to work should be required to do

so. Every able-bodied applicant who applies for welfare, including those already on welfare, would have to register for employment or training with the Department of Labor. The only exemption from this requirement would be for those responsible for the care of aged, ill or incapacitated family members or children under age 6. Failure to report for work or training would result in a loss of benefits unless the recipient could show that jobs or day care were unavailable.

Those deemed employable would immediately be referred to suitable employment paying at least the Federal minimum wage. If no jobs were available the Department of Labor would develop employability plans and provide the necessary job training. In addition, in recognition of the fact that the private job market does not have sufficient jobs available for all those able to work, my proposal creates 300,000 meaningful public service jobs in the first year of the program.

Because of the innovative nature of the OFF program, my amendment would require that aid to the working poor be tried out on a limited basis to test out its structure and theories. It is time to try out on a pilot basis any new major social program before committing the resources of the Federal Government to total implementation.

We need to know more about the effect of various earnings disregards on those who work as well as the effect of OFF on work habits and families. We also need to study the possibility of covering single people and childless couples under the OFF program and to develop appropriate administrative procedures.

Upon completion of the pilot programs and an evaluation of its results, the full OFF program would be implemented unless either House of Congress objected within 60 days.

Full implementation of the OFF program would insure that those able to work would always find it more profitable to do so rather than to rely solely on public assistance.

All of us can find parts of this program we would change or vary to some extent. However, I firmly believe that this entire proposal makes a significant step forward in our fight to eliminate poverty in this country and I urge the Senate to adopt it.

I ask unanimous consent that the following tables showing State payment levels under present law be printed in the RECORD.

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

#### STATE PAYMENT LEVELS UNDER PRESENT LAW

The following States have payment levels above the \$2,600 level (27 States plus D.C.):

Alaska	\$3,600
California	3,360
Colorado	2,820
Connecticut	4,020
District of Columbia	2,934
Hawaii	3,216
Idaho	2,892
Illinois	3,276
Iowa	2,916
Kansas	3,348
Massachusetts	3,816
Michigan	3,696

Minnesota	\$3,888
Nebraska	2,712
New Hampshire	3,528
New Jersey	3,888
New York	3,756
North Dakota	3,600
Oregon	2,688
Pennsylvania	3,612
Rhode Island	3,060
South Dakota	3,240
Utah	2,688
Vermont	3,828
Virginia	3,132
Washington	3,288
Wisconsin	3,372
Wyoming	2,724

The following States have payments levels below the \$2,600 level (23 States):

Alabama	\$972
Arizona	2,076
Arkansas	1,272
Delaware	1,896
Florida	1,608
Georgia	1,788
Indiana	2,100
Kentucky	2,316
Louisiana	1,248
Maine	2,016
Maryland	2,400
Mississippi	720
Missouri	1,560
Montana	2,472
Nevada	2,112
New Mexico	2,148
North Carolina	2,064
Ohio	2,400
Oklahoma	2,268
South Carolina	1,248
Tennessee	1,548
Texas	1,776
West Virginia	1,656

Mr. RIBICOFF. Mr. President, under my proposal all States with payment levels below \$2,600 a year for a family of four would have their entire welfare costs assumed by the Federal Government. For those States with benefit levels above \$2,600, the Federal Government would pay the first \$2,600 and hold the States harmless for any welfare expenses in excess of their calendar 1971 expenses.

Mr. LONG. Mr. President, the Senator has very ably stated his views on this subject. I think it deserves the attention of all of us. In due course I shall respond to the Senator's statement. I would like to read it and then explain basically why, as one Senator, and I think as one of a majority of the Committee on Finance, I believe that what we recommended is a far better answer than what the Senator is suggesting with regard to this problem.

The Senator, I believe, plans to offer his amendment some time next week and we will be discussing it well before we vote on it.

Mr. RIBICOFF. Mr. President, will the Senator yield so I may respond?

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, it becomes apparent that we have reached a time to make a decision one way or the other. We have been involved with this matter for 3 years.

Perhaps the distinguished Senator from Louisiana, for whom I have the highest respect, has been involved in a piece of legislation that had more problems and headaches than this, but I would say that in my experience in various segments of public life I have never been involved in a piece of legislation as controversial, which is more diverse,

and contains as many emotional, philosophical, economic, and social problems as this piece of legislation.

We have been up and down with this bill. It has had a checkered history. As the history of legislation is written, I think the distinguished chairman and I and every member of the Finance Committee can look back at a missed opportunity.

When this legislation first came to us, it was as controversial then as it is now, and the controversies have not been eliminated. We tried hard in the Finance Committee, with all the diverse thinking in that committee, to come to some solution. And in the committee, in the late fall of 1969, we had reached unanimity and an understanding that we would pilot out this type of program on a 2-year basis. The distinguished chairman, I, Senator Williams of Delaware, and every member of the committee was willing to pilot this out.

We were willing at that time to give the administration whatever it wanted, up to \$500 million, to pilot out the various proposals that were in the committee—and there were many constructive ideas, some of them contained in the Senator's proposal, some in my proposal, some in the administration's proposal—to try them in diverse communities—throughout America, in rural areas, suburbs, and big cities—to see whether this program would work.

At that time the administration said it had to have all or nothing.

The irony of it is that 3 years later we are still on the bill. The pilot program could have been completed. If the pilot program were successful, it would have sailed through the Senate in a breeze. If the pilot program proved worthless, the program could have been altered or jettisoned. Now we find ourselves, 6 months after the pilot program would have been finished, arguing this major piece of legislation. What a lost opportunity.

During the course of this time, as the Senator knows, I found myself in a lonely position. I was isolated. I had no allies in the Finance Committee. The allies I thought I had in the administration constantly looked the other way. I tried to get commitments from the administration. They were not forthcoming. I found myself in the ironical position of having to sit by in the Finance Committee and watch while H.R. 1, the President's own proposal, was presented to the Finance Committee and not a single member of the President's party in the Finance Committee voted for the President's proposal.

The irony of it is that if those members of the Finance Committee were men who were consistently independent from the administration, I could understand it, but if there were ever a group of loyalists in this body to the President of the United States, they could be found in the Finance Committee. I would say that if one searched the records as we vote in this body, he could not find a group that has more consistently followed the administration's line. And yet H.R. 1 suddenly became an orphan, and I found myself, as a Democrat, fighting for the



administration proposal, opposing the proposal of the man I nominated as the Democratic nominee for the Presidency.

Now I see an opportunity, as the time for the election campaign comes to a close, to take welfare out of the political arena, where it does not belong. It is sad and tragic that in this great Nation there are 25 million Americans who are poor. And it is even more tragic that these impoverished citizens have no spokesman.

The President of the United States has the duty to be the moral leader of this country. The President of this country has a moral obligation to speak up for those who do not have voices. And yet the President of the United States continually runs away from his own child—the orphaned welfare reform bill.

I would say the most innovative idea of the President of the United States in his 4 years in office was the family assistance plan. I approved of that program and admired him for it, but I must say, after 3 years, I have misgivings as to whether he meant it or wanted it. There is no question that Pat Moynihan, who was his assistant, brought it out as his idea, and I can imagine the conversation, when he was discussing it with the President. He must have said, "Mr. President, you have an opportunity to go down in history as a President who will plow new ground, new thoughts, and new ideas to alleviate one of the great social and economic problems of this Nation. Here is your opportunity. The country calls you conservative or reactionary. You be the leader. You do what no other President has dared to do."

I can imagine the President leaning back in his chair and saying, "You know, they have always kicked President Nixon around. Now I am going to show I am a leader for social justice in this Nation." He went forward and presented his proposal. I remember praising him wholeheartedly when this proposal was put forward.

But as the months went by, his thinking became withdrawn. It became confused. It became contradictory. He started to step back, because he suddenly realized that one of the popular issues in this country was the development of and the continuing of the myth that there are 25 million Americans who are just a bunch of no-good bums. It is very easy to kick around people for whom no one will cast a word—25 million people living in poverty, 25 million people who cannot speak for themselves.

What a lost opportunity there was for the President of the United States. He went to Moscow—and I commend him for it. He went to Peking—and I commend him for it. But I would like to know what the President of the United States is doing for the poor and the dispossessed of the United States. Here is an opportunity, President Nixon, in the closing days of this Congress, which you blame for inaction. You said time and time again that welfare reform is No. 1 on your agenda.

If the President of the United States really means it, let the President of the United States today, wherever he is, say he supports this proposal. This proposal

is a brainchild that came from his administration, and my staff and I worked on it, with Secretary Richardson, Secretary Hodgson, and they recommended it and it went down to the White House. His adviser, Mr. Erlichmann, said, "Thumbs down. Let us make welfare another football to be kicked around in an election campaign."

So I call upon the President of the United States today, wherever he is: Are you for welfare reform, Mr. Nixon? If you are, say so. If you are not, say so, too. But it is time for the President to be heard. That is the message I send from the Senate floor to the President of the United States today.

Mr. LONG. Mr. President, the Senator from Louisiana, when he first read the press reports of the proposed family assistance plan, was very enthusiastic about the proposal. In that respect I suppose that my history has been somewhat like that of Governor Hearnes of Missouri, who came before the Finance Committee representing the Governors' Conference. He said, "If you read the press reports on this family assistance proposal, you would be for it. If you read the bill, you would be against it." And I regret to say that this is the way it worked out with the Senator from Louisiana.

After I first read the press reports, I was happy to have had an opportunity to discuss it with the President. I said, "Mr. President, I have read about the family assistance plan in the press. I think it is a good idea. There is one thing wrong about it, and that is that you are proposing a guarantee of \$2,400 for every family for starters. You would like to see it higher, but because, after all, the Federal Government has to think about money problems as everybody else must, you will start at \$2,400 and hope to make it more later on."

I said, "That all sounds fine to me, on one condition. I think you ought to be paying them this \$2,400 to do something useful, that you should not be paying it to them to do nothing."

It seemed to me at that point as though we really had very little in disagreement.

In the early days when the so-called family assistance plan was proposed—and the Senator's suggestion is, to say the least, a first cousin to it—we found that the opposition was not coming from the Senator from Louisiana; it was coming from persons like former Senator John Williams of Delaware who were conservative Republicans, who probably had had a chance to study it and think about it more than this Senator had, because, after all, like most Democrats, I had had no prior information about what the administration was thinking about, as did the ranking Republican member of the committee at that time.

When I first heard about the proposal, I was much more inclined to be favorable to it than after I had studied it and had been exposed to the arguments, the shortcomings, and the problems with the plan proposed.

As time went by and we discussed and studied problems with our existing welfare programs, the more we thought about it the more we concluded that under the existing welfare programs, in

altogether too many cases, we are paying out money encouraging people to do the wrong things—that we did not intend it that way, but that was how it was working out.

We found that the welfare program made it to the cash advantage of a man not to marry the mother of his children, not to live with his family and assume the burden of supporting that family.

It is that sort of undesired effect of this kind of program that can discourage marriage between people who have children, that can encourage family break-up, that can give the welfare programs a bad name despite their intent of helping people.

If the family assistance plan was going to move in the other direction and reward people for doing the sort of things society values, it would have found strong support from the Senator from Louisiana, and I am sure from a majority of the Committee on Finance. It certainly would have found some support on the Republican side of the aisle. But when we analyzed it and found that more and more, it was going to be a guaranteed income for doing nothing, and it was going to work out in such a fashion that it would discourage people from doing the right thing and encourage them to do the wrong thing, this Senator as well as a majority on the committee concluded that while we were willing to spend the amount of money the President had recommended—and we have tried to confine ourselves to something that would cost about the same amount of money—we thought the money ought to be spent in terms of encouraging people to take a job and encouraging people to acknowledge their own children and assume the responsibility of supporting them. We thought we ought to spend it in ways that would encourage mothers to seek support from the fathers of their children, rather than encourage the mother to cooperate with the father in denying the paternity of his own children.

It is this sort of problem, which unfortunately is a part of the present system, and which has caused the system to gain a name which is not too savory today, it is this kind of thing that would be multiplied by the family assistance program, and that is what caused the Committee on Finance to choose to move in another direction instead.

Let us see how some people would make out under this family assistance program. New York has, I suppose, as nearly what one would call a family assistance program as any State at this time. In terms of payment levels, it is even more liberal than the family assistance program would be. Their welfare program has virtually bankrupted New York State. It might have helped elect a Governor up there, and it might have helped elect a mayor of the city of New York, but it has virtually bankrupted New York State, and brought about a taxpayer revolt and a revolt against the welfare system, which one can understand when he realizes that the people who are paying for all this fiercely resent seeing their money spent on things that bring about all the wrong sort of results.

Having let their welfare program get completely out of hand, New York sent people down to advocate to us that we take their welfare problem off their hands, and that the Federal Government take the whole thing over and save New York from the results of that State's own folly.

We do not think we ought to do it that way, Mr. President. It is our view—and I am satisfied that this is the view of the average man on the street—that we should provide adequately to care for people who are aged. We do not have any real argument about that. The committee decision was overwhelmingly that we should provide a very generous level of benefits to the aged, the disabled, and the blind; and I do not think there will be much argument about that. Those are expensive programs, but they do tremendous amounts for people, and in that area there is no real argument worthy of the name, because I am satisfied that the Senate and the House of Representatives also will be willing to go along with a proposal that provides that people who have done the best they could with what they had to work with would be assured of a level of income which would more or less lift them out of poverty. We are willing to provide for those who are unable to work, and we are willing to provide adequately for children.

Where we come to a difference of opinion is where we look at this situation where a program encourages fathers to deny the paternity of their own children and a program that makes welfare more attractive than work, and tends to make work, by comparison, offer very little reward indeed.

We can demonstrate situations where a person has a larger income working half-time than he can make full-time. We can demonstrate how it is very much to a couple's cash advantage for the couple just to decline to marry, to live together without the formal arrangement of marriage, because to do so would cause them to lose their welfare entitlement.

We have seen cases where families receive far more than anyone anticipated because the father is living with a family that is his but for which he acknowledges no legal responsibility.

There have been cases where people were able to get on welfare two and more times.

When we have a program which is in that bad a shape, we have got to correct its deficiencies, not just double the number of welfare recipients and call it reform. We have to try to correct what is wrong with it.

In his statement, the Senator from Connecticut made reference to the fact that very few of these people on welfare could be expected to work. On that matter I have a difference of opinion. More than half of the mothers whose children are of school age in this country do work and bring home income to help support the family. Mr. President, that 50 percent-plus figure includes wives where there is a working father in the home.

There is a higher percentage of wives in middle income families working to

supplement the family income than there is of wives in lower income families.

It is simple enough to explain this—that is why those are middle-income families. Those wives are making a contribution to supplement the family income, and that is why it is a middle-income family.

But it is suggested by those in the Department of HEW, and the Senator's speech indicates that he agrees, that out of all these people on welfare, only about 1 or 2 percent could be expected to work to help earn their keep or to do something for society in return for what they are getting from society. That causes me to ask why.

We are perfectly content to put the family on welfare and not ask them to do anything if the mother can be classified as disabled. But if the mothers we are talking about, those with schoolage children, are almost all fully able to work, mentally competent, and sound of body, then why is it that only 1 or 2 percent of mothers who apply for public welfare assistance can be called employable, when more than 50 percent of the mothers with schoolage children in this country in fact choose to work? They prefer to work in order to increase the family income.

Why is it to be said, then, that only about 1 or 2 percent of the mothers of families who prefer to live on the family's welfare could be called employable? What makes them so different from their sisters who choose to work? It is very difficult to understand. Those of us who represent the majority on the Committee on Finance do not understand it.

It has been argued that we ought to do everything that we can to help low-income working persons with families. So we suggest in effect to return to them not only the social security tax that is being collected from them but also return most of what is being collected from the employer in social security taxes. We propose to do this on the theory that it makes sense to relieve low-income persons of taxes before starting to offer them new benefits.

This, Mr. President, might be considered as the equivalent of a refund of a heavy tax burden to a poor family. But we find the Secretary of Health, Education, and Welfare and his cohorts in the Department down there protesting about the refund of this social security tax to the poor. He said the committee plan is an administrative monstrosity. Why would he be complaining? He is not the one who has to collect the tax. He is not the one who would have to refund it. It presents no problem at all in his Department. The people who would have to do this are not complaining about it being an administrative monstrosity. They have not said anything like that. They have not made it known to those on the committee staff with whom we have worked in putting together the technical aspects of this language.

So far as I have been able to determine up to this point, the people who would return this billion dollars of taxes to the poor, from whom it has been collected, find it no particular administrative prob-

lem, no more than it is to handle any other tax credit, tax rebate, or tax refund provision of a similar amount of money suggested by Congress or by one of the committees.

Now why would the Secretary of Health, Education, and Welfare be so worried about this proposal, when his Department does not have to do any of the work? I assume it is only because in the Department of Health, Education, and Welfare they are anxious to pay out a similar amount of money, but in ways that are not work-related. They prefer to pay a reward for doing nothing, a reward for denying the paternity of one's own child, a reward for not having married the mother of that child. They seem to be outraged to see someone pay the money to the poor in a way that is work-related, because their thinking just does not run in those channels.

Then we propose to pay supplement to low-income people who are making less than the minimum wage.

Why would the Department of Health, Education, and Welfare be upset about that? It would not be their problem. Somebody else would take care of it. When one wants to design a program to say money should be paid out in ways that encourage people to work, where they get more money the more they work, it does not fit in with HEW's proposal.

Mr. President, I am not one who thinks in disparaging terms of people who are poor, doing the best they can; who, through no fault of their own, find their income very low. We want to help those people. We have a bill before us that seeks to help people who meet that description. It would pay out \$14 billion of additional benefits. This is in addition to the \$8 billion of increased social security benefits for which most of us voted, and for which I voted in the committee and on the floor. Together the two bills add up to a total overall increase in income maintenance funds and aid to the poor of \$22 billion. The taxpayers are going to have to pay for that—\$22 billion of additional funds paid to the aged, the little children, the sick, the disabled.

What is the big difference between those of us who advocate the committee bill and those who take the approach suggested by the Department of Health, Education, and Welfare, which has been in its incubation stage down there for a great number of years? What is the big difference in point of view? It is just the difference between those who think all the problems of this country can be solved just by giving somebody money—the theory that people are poor because they do not have money; therefore, give them money, and that ends all poverty, and those of us who say, we must exercise great care in the way we give people money so as not to do a great disservice to them as well as a disservice to their country. We will make dependent people out of independent people. We will rob them of their self-sufficiency, pride, and independence.

That is the difference in philosophy between those of us who say that the



benefits paid to poor persons capable of working should be paid in a work-related fashion, where the more they work the more they get, rather than doing it the other way around, as the family assistance plan would propose, that is, the less they work the more they would get. We should respond to the natural desire of a father to improve the conditions of his children and accept responsibility for them.

It is a question of approach. Those who speak for a majority on the committee are unwilling to pay more money to aggravate the problems the welfare system already has by having the Government guarantee everyone a certain minimal amount of income even though it might undermine what are their strengths today.

That sort of approach, Mr. President, we on the majority of the committee do not think is in the national interest or in the interest of the proposed beneficiaries.

That is why we say, let us do everything that can be done to give financial advantage to a poor man to help him go to work. Let us do everything that can be justified by any reasonable stretch of the imagination that will encourage a man to admit the paternity of his children and to accept the responsibility for his children. Let us do everything that can be done to encourage the formation of families rather than to spend money in ways which will encourage the family to break up. Let us do everything that can be done to encourage an employer to hire a poor person who has children to support, even if that means giving him preference over a single person who does not have that responsibility.

Those are the things that we should do that make for the right answer.

Admittedly, what we have proposed in the committee has several facets to it. I make no apology for the fact that we have proposed to subsidize the low-income working persons, to give them a tax advantage to supplement their income, and to give the employer an advantage if he will hire them and provide training programs for them. Any reasonable thing that the mind of man would propose, this Senator would favor to help the low-income working persons to improve their condition and work their way out of poverty.

I thought that was what we were trying to do around here. The last thing on earth we want to do is to spend the hard-earned tax dollars of the American people to pay people to turn down honest employment which, I regret to say, has altogether too often been the way the existing program worked, and the way we think the family assistance plan and all the variations of that program would work. That is why some of us on that committee have moved away from that approach rather than toward it.

It is interesting to note that practically all the President's declarations on the subject have been in favor of the work ethic. Every time the Senator from Louisiana has discussed this program with the President, everything he has had to say—and I say this without exception—

has indicated his belief in the work ethic. He is just as firm, just as determined, and just as sincere about that as he was with his Labor Day speech this year. He was never said anything to conflict with that.

It only leads me to conclude that when it is said that if we are for the President we must vote for the family assistance plan the way it came down here, it was not the President of the United States that brought up this thing, this scheme for a negative income tax under which the Government pays you the most if you do nothing at all.

This idea of the negative income tax was proposed long before President Nixon ran for President and won that job. That is a thought that someone believed would solve all problems, that if we work and make money, we pay an income tax on what we make, but if we do not work then the Government will pay us for what we do not make. This means the Government pays us for not working.

The family assistance plan is a mere variation of the negative income tax which now goes by the name of guaranteed income. I refer to it as a guaranteed income for not working. Everyone, of course, gets an income for working. But if we pass the Ribicoff amendment centering around the family assistance plan, it will be a guaranteed income for doing absolutely nothing. That is what we do not want to agree to.

I think that helps to explain why we have not heard any outrage or explosion. No one—that is, the conservative, or moderate, or even the liberal Republicans on the Finance Committee—seems to have had their arms twisted out of joint by doing what their consciences dictated. The probabilities are that if the President had been in that same committee room, hearing the same arguments, listening to the same discussions, and the same witnesses, and the same evidence day after day and week after week, I can say with complete confidence that the President would have voted the same way as the Republicans on the committee voted with regard to this problem. He would have voted consistent with his declarations, even though it might have occasioned to some little degree the lifting of eyebrows for someone to show that this does not seem to meet with exactly the fine points of the family assistance plan.

In the last analysis, Senators are not elected to represent the Department of Health, Education, and Welfare. They are not elected to represent the President of the United States. They are elected to represent the people who sent them here. Their duty and responsibility is to represent the people and report back to them. If a Senator finds it disappointing that Members of the Republican side of the aisle have not bowed down to the party lash, let it be said that those men are well aware of the basis upon which this Nation was formed.

A Senator does not represent the President of the United States. He comes down here to represent the people, to represent his own conscience and to vote his conviction of what he thinks is good

for the entire United States, as well as for his particular State. Those convictions are reflected in the bill we have here.

I am pleased to say, Mr. President, that the people who came before the committee who advocated that we enthrone the work ethic like this bill. They approve of it. They think that this is the way we should go about it. I regret that the chamber of commerce people have some reservations about it at this time. They are concerned about the costs, but they are equally concerned about the cost of any proposal of any nature. When they see one where the overall cost in a bill will be \$14 billion, they know that it must be paid for by taxes which will be levied on them to pay for. I can well understand their concern. But for those of us who think of it as a program to help the poor and those of us who know the harm that has been done to the poor under the current welfare program do not want to see that continue as it has in the past.

We think we have proposed the best answer that the Senators on this committee could work out to this problem.

I do want to express my disappointment that the administration—and I do not blame the President about this because this would be the Department of Health, Education, and Welfare, Secretary Richardson in particular, as well as his advisers there—did not see fit 2 years ago to take us up on the proposition that was proposed to them, when it was proposed to them, and was opposed by the strongest proponents of Secretary Richardson's proposal, that we provide him with whatever it took to give it a fair test.

I, for one, wanted to see us test the kind of thing that we have in the committee amendment as well, so that we could judge from the tests how both of them were going.

The Secretary, I think, thought that if he held out long enough, he could obtain some sort of arrangement whereby he could conduct some tests, and having done that, he could put into effect by his own volition, without anyone having the power to keep it from happening, the family assistance plan. That could not be agreed upon.

In view of the fact that that type of assurance could not be given to the Secretary of Health, Education, and Welfare, he told us that he did not want any tests. So there was no test in that bill.

Now, here we have before us almost a thousand pages of legislation and at least half of it could have been enacted and would have been enacted 2 years ago if the Secretary of Health, Education, and Welfare was willing to say that all these good things in the bill, that everybody could agree should become law, should be enacted at that time.

I could not persuade him or the President of the United States or those who spoke for the administration to use their influence to persuade Chairman Mills to go to conference with us and act favorably on the bill that, at that time, would have provided about \$7 billion of additional benefits under the social security and welfare programs, including medi-

care and medicaid. I am convinced at this point that one of the principal reasons that Chairman MILLS did not meet with us in the conference was that the administration did not want him to do that and they were encouraging him to do just the opposite, not to go to conference and save the social security increases as leverage to force the Finance Committee to bend its knee to the family assistance plan.

If this was their plan, it did not succeed. It is very unfortunate that all of these good proposals which are in this bill and do not have one whisper of opposition have been held up for two long years because of the adamant determination and dogged insistence of those down at the Department of Health, Education, and Welfare that nothing should be done to help the poor, nothing should be done to help the aged, nothing should be done to help the blind, nothing should be done to help the disabled, and nothing should be done to help those on medicare and those on medicaid—that all the provisions to help them should be held hostage to the family assistance plan.

That is what has happened for the last 2 years. And they have had their way. However, I should think that when we have a showdown, it will be fairly clear that they should have taken advantage of this opportunity that we offered them 2 years ago under which they could have had all of the money they wanted to go and try their welfare assistance plan, providing they would experiment with some workfare proposals as well as with some nonworkfare proposals and experiment with things to reward those who are working while they experiment with the negative income tax proposals, or guaranteed income proposals, so that they can prove to themselves and to everyone else that they would work.

I for one proposed to them—

Why don't you try this idea in the District of Columbia where everyone can see how it would work?

When I proposed that, the representative of the department told me that that was the last place in the world they would try it, in the District of Columbia where everyone could see what happened. They did not want it tried and demonstrated unless they could have the power to put it into effect so that it would become law and so that we could not pass a resolution, either in both Houses or in one House at a minimum, after they had experimented with this so that we could prevent it from becoming the law of the land.

Those of us who tried to cooperate with them found that they were too determined, too adamant, and too unreasonable and that the program lacked merit and therefore could not be sold to the Congress. So, we tried to cooperate with them to the greatest extent we could 2 years ago and in years prior to that. I said to them, and also said on the Senate floor, that from that point forward, when the House refused to go to conference with us 2 years ago, because the Department of Health, Education, and Welfare did not want a bill that would provide \$7 billion to assist the poor and the disabled and the sick of this

country because they wanted to keep all of those good things as hostage for the family assistance plan, that as far as I was concerned I wanted it clearly understood that starting in the following year, I felt no commitment to this proposal whatever, and I did not expect to support it thereafter.

So, we will have the opportunity to vote on it, Mr. President, and that I welcome. We will also have an opportunity to vote to provide \$14 billion of assistance to the poor, the sick, the aged, and the little children of this Nation in a way that we think is calculated to do them the most good.

Mr. President, as the manager of the bill, it does not upset me one bit if a Senator might want to add some additional provisions in here that would help people where we think it might benefit them.

However, I propose to resist—and I am sure that the Senator in charge of this bill on the minority side, the Senator from Utah (Mr. BENNETT), as well as the others on the Finance Committee—will resist strenuously efforts to spend more money in ways that we think will do more harm than good.

And we would hope very much, Mr. President, that the Senate, having heard the arguments, would study them and give us an answer in the fashion that the Senate feels most advances the public interest.

Mr. BENNETT. Mr. President, I am sorry I was not here to hear the entire statement made by the chairman of the committee, but I heard enough to be very much impressed with all he had to say, and I am very grateful for his leadership in saying it.

As a member of the Republican Party and the group of Republican Senators on the Committee on Finance that more or less supplied the basis for the majority which reported the workfare approach in title IV of this bill, I am glad we have the support, understanding, and enthusiastic efforts of the chairman, because without him we never would have been able to face up to what I think is the fundamental problem the United States faces today, the question of welfare.

I am leaving out the aged, blind, and the disabled. The committee has tried to be very generous to them and to raise their income in such a way that they would be free as far as possible from any stigma of being dependent on welfare. But we all feel that those people who are getting welfare, who are physically and mentally able to contribute something to their own support and the support of their families, should have the opportunity to make that contribution rather than that we should simply shuffle the present pattern around and provide a new pattern under which more and more people could move into the situation, which the chairman so adequately and emphatically described, where they are not expected to make a single effort in their own support.

A great deal has been made about the family assistance plan. It came to us from the Department of Health, Education, and Welfare. It has been approved twice on the House side, where their op-

portunity to examine it is not as great as the opportunity we have on this side.

The chairman has clearly expressed his interpretation of the attitude of the President as he has felt it in conference. I have had the same experience. I feel that the President, both in private discussions and in his public statements, is anxious to find some kind of program under which people can be encouraged, almost required to make a contribution to their own support if they are capable of doing it, and if their personal problems can be solved on a reasonable basis.

For instance, women with children of school age are going to need some kind of provision for child care. There may be other conditions that have to be handled. But it seems to me, to quote the oldest cliché in legislation or in politics, we are at a kind of crossroads in this situation. After all the effort that has been made, if we go forward on the same old path of financial support without personal responsibility, it is going to be a long time before there will be another opportunity to face up to the problem, and if the welfare rolls increase at the rate they have been increasing, the burden will be so heavy it may be impossible to lift it in the ways we believe it can be lifted now.

Fundamentally we are talking about the problem of single parent-headed families whose children, under the present circumstances, are on the program known as aid to dependent children. Ninety-two percent of them are women; the other 8 percent are men. There is a great emotional feeling that we should not require the mother of children to leave the home to earn a living. It is interesting, and I made it clear yesterday and I will repeat for the RECORD today, that one-half of the women in America with children of school age are already voluntarily working. So we are not putting a special burden only on the women who are now dependent on welfare; we are not asking them to do some strange thing that no other women in similar circumstances are willing to do. We are simply trying to make it possible for them to make the same contribution that one-half of the mothers in the United States have chosen voluntarily to make.

In a case of women not on welfare, it is probably to increase the family income, to get a few luxuries or benefits the family could not afford otherwise, or perhaps it is necessary to help the husband carry a burden which for some reason or other he cannot carry himself. But it is done, and it is accepted.

Therefore, in suggesting a way by which these women now on welfare can find the kind of employment that will enable them to contribute to the support of their children, I do not think we are doing a terrible or unusual thing.

The family assistance plan, as it came from the Department of Health, Education, and Welfare, is another in a series of proposals which come to a certain point and then stop without getting to the point where there is a practical solution.

The family assistance plan, in effect, states that women under certain circum-



stances will be required to register for work—I repeat, required to register for work. In other words, they would fill out a form, they go to an office, and having done that, they are then qualified to sit home as they have been doing under the previous plan.

I do not know what added virtue there is in saying that a woman must register for work over the fact it is said she has no responsible work. We have had a lot of programs, WIN has been one, where we tried to develop programs for people who wanted to work without any job at the end.

We have felt that we made an important step but we stopped short of the practical solution which depends on either an incentive or requirement for work, and the responsibility to provide a job. That is what we have done in our version of title IV of this bill.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. BENNETT. I am happy to yield to the distinguished chairman of the committee.

Mr. LONG. We have tried down through the years with the work incentive program to provide training for people and to require that they accept training, and that they again register to work, and we have had the frustrating experience that only a small percentage of those people found jobs through that program.

So in this bill we have something that really challenges the sincerity of those people who talk about registering, calling that a work requirement. We provide the job. It is fine to talk about registering for work and then saying that the job is not suitable, it is too easy, it is demeaning; or if the person does not want the job, he goes there with a very poor appearance, bloodshot eyes and breath that would knock someone down, hoping he would not be hired in the first instance, and if he is hired, to proceed to conduct himself with such a disdainful and abrasive attitude toward that fellow's employees that they do not keep the job for a day.

We have seen how easy it is for people to get past the work requirement without taking a job, which is why we say we will provide a job.

If you are going to pay somebody, why not pay them the amount of money you were going to pay them on welfare anyway and ask them to do some simple little thing for their own betterment or the betterment of their community?

Mr. BENNETT. Mr. President, I agree with the chairman of the committee. It is my feeling that this bill not only has a requirement for work and provides a job, but it has provisions in it which also open the way so that the person involved can find a kind of job in which he will be happy and make the transition from welfare to workfare.

I have had enough experience to realize that this is probably the toughest psychological decision that a person who has been on welfare for some time has to make. Welfare, with all its faults, is security. If he does not make the social worker angry, if he does what he is told,

if he lives within the limits, then the money will keep coming in, even though those limits are not the best things for her or her children. But when that person steps over the line and moves into a position where he or she has to accept responsibility for his own support, then he accepts a little risk. He accepts the risk that he has to put out in order to succeed at the job. He has to meet the requirements. He has to meet the standards. It is this movement from security to risk that is hard to do.

Mr. LONG. And then, of course, if a person has failed to do the job satisfactorily and loses his job, he is off welfare for a while, until he can try to get back on again.

Mr. BENNETT. Our bill has been written to minimize that risk, as far as we can minimize it. Under our bill, a person in the program who is given a job or takes a job and, for some reason or another that can be defended, the job is not satisfactory, he comes back immediately onto the program and is considered to be an employee of the Government—he is not on welfare—and the Government goes to work to try to find him another job. We have tried to minimize the risk.

The Senator was talking about the fact that because they had to so register, they could never find a job that was suitable. I have told this story a number of times in committee, but I would like to share it with the Senate. About 10 years ago I was in Germany. This was before the Iron Curtain went down in Berlin. There were several thousand persons a day coming across from East Germany to West Germany. The West German Government had a real problem in finding housing and caring for these people and getting them jobs. In the process they had developed a transition system.

They had a housing system into which these people were put immediately, and then, as fast as they could find them jobs, the people were moved out of that housing into housing where they paid something, and so on.

Since I had been in the Housing Committee in the Senate, I was interested in that type of housing. We went into a room where there was a family, I think a father and a mother and three or four children. They had been in West Germany for quite awhile, but they had never made the transition from the first step into the second step. I asked the man who was with me, my interpreter, to ask the man why he could not move to a job. He said, "They have no job that is suitable for him." I said, "What kind of job did you do in East Germany?" He said, "I was employed as a laboratory assistant to a professor who taught beekeeping. There are no professors in West Germany teaching beekeeping. Therefore, I am entitled to wait here until somebody finds that kind of job for me."

It is just that kind of ridiculous situation that can be set up under the family assistance plan. That is the kind of pattern that has existed under the previous program.

I went to work when I was young, and I have worked all my life, and I am still at it. I do not think work has damaged me. I do not think work is demeaning. I

do not think when we make it possible for these women to contribute to the support of their children we are tearing them down either morally or economically or socially.

Mr. President, I think I have made my point, which is that the Republicans on the committee certainly support the bill as it came out.

The chairman is right in saying that we have helped develop it and support it. We believe that we are proceeding in the spirit of the statements of the President. There may be some details in our approach that could be criticized, but I do not think the spirit or attitude can be criticized, and I will join with the chairman, and I am sure my other Republican committee members, too, in defending title IV of this bill against all attempts to emasculate it and take out of it any responsibility to work on the part of people who are going to benefit from the payments.

Now I yield the floor.

Mr. PERCY. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. PERCY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title I of the bill, add the following new section:

On page 18, line 4, strike out "AND THE EARNINGS TEST".

Beginning on page 30, line 23, strike out all through page 33; line 10.

#### STUDY OF EARNINGS TEST

Sec. —. (a) The Secretary shall conduct, either directly or by way of grant or contract, a full and complete study of the matter of earnings of individuals entitled to monthly insurance benefits under section 202 of the Social Security Act with a view to determining the feasibility of the elimination or extensive revision of those provisions of title II of such Act which provide for deductions from such benefits on account of earnings. Such study shall give special attention to (A) the extent to which life expectancy is increasing, and the resultant need of individuals to extend the period of their working life; (B) the extent to which individuals entitled to monthly insurance benefits under such section 202 are not eligible for benefits under private pension plans, and the resultant need for individuals to continue work after retirement age; and (C) the desirability of relating any deductions from benefits under such section on account of earnings to the annual income needs of the individuals entitled to such benefits.

(b) The Secretary shall complete the study authorized by subsection (a) and shall submit to the Congress, not later than January 1, 1974, a full and complete report on such study and the findings resulting therefrom, together with such recommendations for the elimination or revision of the provisions of title II of the Social Security Act relating to deductions from benefits on account of earnings as the Secretary deems appropriate.

Mr. PERCY. Mr. President, first, I would like to make a comment on H.R. 1 and the Senate committee's work in this area. I wish to express my deep appreciation for the dedication of the Senate Finance Committee in once again addressing a tremendous problem. We have differences of opinion on many

phases of the problem, but we all agree on one thing—something has to be done. The present system is not working. I think the Senate Finance Committee, both the able chairman of the committee and our ranking Republican member, are due great credit for bringing this matter to a head and bringing to us this bill now so that we have time to deliberate on and debate it.

The reason why I am calling up my amendment is simply that the time is here; let us get down to business and bring such refinements, improvements, or changes that we can get—in terms of groundwork toward eliminating the retirement test—and do it as expeditiously as possible. For that reason, I commend the distinguished majority leader (Mr. MANSFIELD) for presenting to the Senate an amendment which raised the amount of money a social security recipient can earn without losing benefits, from \$1,680 to \$3,000. As a cosponsor of this amendment and a longtime advocate of a liberalization in the retirement test, I was most pleased with the overwhelming margin by which the Senate approved this proposal.

In December of 1970, I offered a floor amendment to the Social Security Amendments of 1970 to raise the earnings limitation from \$1,680 to \$2,400. My amendment passed the Senate, but unfortunately died later when the bill failed to go to conference. I, therefore, reintroduced a two-step revised version of this amendment during the 92d Congress. The revised version sought to raise the earnings limitation to \$2,400 upon enactment of H.R. 1, and a year later, to \$3,000. In the meantime, my proposal called upon the Department of Health, Education, and Welfare to conduct a study on the feasibility of eliminating the retirement test entirely, and to report back to Congress on January 1, 1974, with specific recommendations for revising the retirement test.

The Senate acted yesterday not only to raise the earnings limitation from \$1,680 to \$3,000, but it also defeated an amendment to eliminate the retirement test entirely, offered by the junior senator from Arizona (Mr. GOLDWATER). As the record of yesterday's debate indicates, there is considerable support for eliminating the retirement test altogether, but the primary obstacle is the high cost involved.

The Social Security Administration estimates the cost at \$2.2 billion the first year. The Senate Finance Committee says the cost might be as high as \$2.5 billion the first year. Furthermore, the committee maintains that only about 80,000 people would benefit from elimination of the test.

It is hard for me to accept without question either of these arguments. With respect to the cost figures of \$2.2 to \$2.5 billion, it seems to me that there must be certain offsetting factors. For one thing, allowing social security recipients to work without any penalty could mean increased social security revenues derived from the taxes they would pay into the trust fund as well as into the general treasury. For another, allowing people over age 65 to keep all their earnings

might mean a decrease in Federal welfare expenditures—particularly after enactment of H.R. 1 welfare reform, as many social security recipients also receive welfare.

With respect to the estimate that only about 800,000 people would be affected, I am convinced that the number is much higher. Within only a few days, one of my constituents, on her own, collected over 5,000 signatures on a petition urging that the retirement test be abolished. My own mail runs more heavily on this issue than any other, and this has been true over an extended period of several years.

All this notwithstanding, I believe the Congress does need more complete and more accurate information than it now has on the cost of eliminating the retirement test and the number of people affected. In addition, I believe the entire concept of the retirement test should be reevaluated in light of private pension plan deficiencies, and the resultant need for individuals to continue work after retirement. A further factor to consider is the extent to which life expectancy is increasing, and the consequent need and/or desire of individuals to extend the period of their working life.

I have long felt that the whole philosophy of the retirement test is wrong, that it is wrong to penalize people for working—particularly when they need to supplement a meager retirement income. For many people who could never afford to invest in stocks and bonds during their working years, or whose savings were wiped out by prolonged and catastrophic illnesses in their families, working after may be the only method available to them to acquire more than a poverty-level income.

But it is clear that eliminating the retirement test immediately would mean a radical and perhaps costly departure from the present program. If we are to take such a step, we clearly need a more accurate estimate of the cost involved—including offsetting factors—and of the number of people affected. To give the hard, cost-analysis data that we need, I propose an amendment which would mandate the Secretary of Health, Education, and Welfare to conduct an in-depth review of the retirement test, giving special attention to the above two factors—cost and number of people affected—as well as to inquire into such questions as:

First, the extent to which life expectancy is increasing, and the resultant need of individuals to extend the period of their working life;

Second, the extent to which individuals are not eligible for benefits under private pension plans, and resultant need for individuals to continue work after retirement age; and

Third, the desirability of relating the retirement test to the annual income needs of individuals over age 65.

My amendment requires that the Secretary report back to Congress by January 1, 1974, with specific recommendations on the feasibility and desirability of eliminating the retirement test altogether.

Mr. President, I urge the adoption of

my amendment as a preliminary step necessary to enable us to eliminate the retirement test completely.

Mr. BENNETT. Mr. President, the suggestion embodied in the amendment of the Senator from Illinois has been around a long time. Every time it has been considered, we come up against the question of cost. We also come up against what is to me an interesting problem: we think in terms, generally, of the man who is retired and then goes out and gets another job. If we eliminate the retirement test, we start to pay social security at age 65 and the man need not retire; he can stay on his job.

The average age at which people claim social security retirement benefits is not 65; it is 68. If that does not change, and we completely eliminate the retirement test, we are going to pay social security, on an average, for 3 years for all employees while they continue to work at the same jobs, in addition to affording the opportunity people will have who have retired to work at any job they please.

I am sure the Senator from Illinois knows that some years ago the committee provided that privilege at age 72; so what we are talking about now is really what we are going to do about people between the ages of 65 and 72.

I agree with the Senator from Illinois that it probably would be helpful for the committee and for Congress as a whole, as well as for the administration, if we could settle once and for all on what real costs are involved, the money and the number of people, and, if we could have a study on the sociological effects of a situation which makes it possible for a man to know that at 65 he can quit work and if he can persuade his employer to continue him on the job, he automatically gets social security. It ceases, then, to be social security and becomes a guaranteed annuity at the age of 65, with no other requirements.

But under the circumstances and since this question has been raised and the figures have been challenged, representing the judgment of the committee and with their specific approval, I am prepared to say to the Senator that we will be happy to accept the amendment, take it to conference, and see what happens to it.

Therefore, Mr. President, I move that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PERCY. Mr. President, I again wish to express my deep appreciation to the committee and to its very able ranking minority member. The basic thrust of this amendment is simply to give us the hard, accurate cost analysis in order to provide the groundwork for eliminating the retirement test.

It is my understanding that the advisory council on social security will be convening shortly, and I think this issue would be a very good issue for that Council to take up.

Mr. BENNETT. I thank the Senator.

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



The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. 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. PERCY. Mr. President, I ask unanimous consent that either of two members of my staff, Mrs. Julia Bloch or Mrs. Constance Beaumont, be permitted to be present in the chamber during the remainder of the debate on H.R. 1.

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

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### U.S. PARTICIPATION IN THE INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 984.

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the joint resolution (H.J. Res. 984) to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULBRIGHT. 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. FULBRIGHT, Mr. SPARKMAN, and Mr. AIKEN conferees on the part of the Senate.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BAYH) laid before the Senate a message from the President of the United States submitting the nomination of Adm. Charles K. Duncan, U.S. Navy, for appointment to the grade of admiral on the retired list, which was

referred to the Committee on Armed Services.

#### RECESS UNTIL 1:20 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1:20 p.m. today.

The motion was agreed to; and at 12:50 p.m. the Senate took a recess until 1:20 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

#### TAX BENEFITS IN THE RUSSIAN GRAIN SALE

Mr. HARRY F. BYRD, JR. Mr. President, an official of the Treasury Department has indicated that grain exporters may be granted indefinite deferment of the Federal taxes on one-half their profits from exports to Russia.

According to Tax Analysts and Advocates of Washington, Robert J. Patrick, Jr., deputy international tax counsel of the Treasury Department, suggested in a September 20 speech before the World Trade Institute in New York that a request from the grain exporters for such favored tax treatment may well be accepted.

The grain deal which the United States is carrying out with the Soviet Union already has cost the taxpayers and consumers of the United States millions of dollars. If special tax treatment is granted to the exporters, another \$100 million or so in revenues will be lost to the Treasury.

Authority for the writing off of taxes on the grain export profits apparently would be rooted in the law which created the Domestic International Sales Corporation.

As a member of the Committee on Finance, which passed upon that legislation, I say that I do not believe the committee had in mind the granting of special tax privileges in any such situation as the subsidized grain sale to Russia.

In fact, the legislation specifically grants authority to Treasury to deny DISC tax benefits to profits made on sales "accomplished by a subsidy granted by the United States." It seems clear to me that special tax benefits should not accrue to those who make substantial profits on sales subsidized by the taxpayers.

I am writing to the Secretary of the Treasury, asking that a prompt decision be made as to whether half the taxes on grain sale profits in the deal with Russia will be deferred indefinitely. It is important that the Congress be advised before adjournment. If the decision is made to grant tax benefits to the exporters in this deal, then many Members of Congress may wish to consider legislation to block such favored treatment.

The whole thrust of the DISC legislation was to slow down the drain of American funds and manufacturing skills to other countries.

The Secretary of the Treasury at the time of the testimony on DISC, John Connally, stated to the Finance Committee:

The DISC proposal is obviously designed to induce companies to continue manufacturing in the United States for sale abroad; thus keeping jobs at home, rather than exporting their manufacturing activities and know-how to foreign countries.

In the Russian grain deal, there is no element of manufacturing skills or activities involved. To apply DISC benefits to this sale would be a distortion of the purpose of the law.

More than that, it would add to the already heavy burden being borne by the taxpayers of the United States as a result of this deal with Russia, which saved the Russians \$100 million.

The more I see of this deal, the less I like it.

In addition to the loss to the taxpayers, I am concerned about allegations of mismanagement and improper conduct in connection with the grain sale. I hope these charges will be thoroughly investigated.

There is something in this deal for everyone except the American taxpayer.

I think the grain sale to Russia probably is the most expensive international trade agreement of modern times.

Let us look at the course of events.

Agreement was reached between the United States and Soviet Governments on July 8. The United States advanced Russia \$500 million in credit in exchange for that country's agreement to purchase \$750 million worth of grain over a 3-year period.

The Secretary of Agriculture stated that the bulk of the exports would be feed grains such as corn. But later it turned out that Soviet interest centered on wheat.

On September 9, Secretary Butz disclosed that Russian purchases of U.S. wheat alone would reach 400 million bushels in this year. That is one-fourth of our entire crop. His estimate of total sales to Russia by the United States was \$1 billion for 1972.

For 24 years, the U.S. Government had paid exporters the difference between the world price of wheat and the domestic price. From late 1970 until this summer, this subsidy was based on a world price of \$1.63 a bushel. Russia was permitted to buy at this price.

But because of the large sales to Russia, the world price of wheat immediately soared. On August 25 the base price for subsidy was adjusted to \$2.25 a bushel.

In making this change, the Government made a special provision for sales made on August 24, or for those made earlier and not yet reported to the Government. For these, there was a special subsidy of 47 cents a bushel. This represented the difference between the domestic price as of that date, \$2.10, and the old base price of \$1.63.

Exporters sold 280 million bushels at the higher subsidy level, and that cost the taxpayers \$131.6 million.

Obviously, this has been a costly deal—costly to the hard-pressed U.S. taxpayer.

If the Government adds a new subsidy—and that is what special tax treatment would be, a new subsidy—I believe the confidence of the people in the Government will justifiably be shaken.

There is no justification in law or morality for tax relief in the grain deal. I shall oppose it strenuously.

(At this point Mr. STEVENSON assumed the chair.)

#### TIME LIMITATION AGREEMENT ON FOREIGN ASSISTANCE ACT OF 1973 (H.R. 16705)

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following request with the distinguished Republican leader and with the Senator from Wisconsin (Mr. PROXMIER), the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) and with other Senators.

Mr. President, I ask unanimous consent that at such time as H.R. 16705, an act making appropriations for foreign assistance, is called up and made the pending question before the Senate, there be a time limitation thereon of 1 hour, to be equally divided between Hawaii (Mr. INOUE) and the Senator from Hawaii (Mr. FONG); that time on any amendment, with the exception of any end the war amendment—of which I know of none—be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill (Mr. INOUE); that time on any amendment to an amendment be limited to 20 minutes, to be equally divided between the mover of such and the mover of the amendment in the first degree, except in any instance in which the mover of the amendment in the first degree favors such, in which instance the time in opposition thereto would be under the control of the Republican leader or his designee; that time on any debatable motion or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill favors such, in which instance the time in opposition thereto be under the control of the Republican leader or his designee.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the agreement which was just entered with respect to the foreign assistance bill be in the usual form.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS 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 bills and joint resolution:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes;

H.R. 3808. An act to increase the size and weight limits on military mail and for other purposes;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 7946. An act for the relief of Jerry L. Chancellor;

H.R. 10012. An act for the relief of David J. Foster;

H.R. 10363. An act for the relief of Herbert Improbe;

H.R. 12099. An Act for the relief of Sara B. Garner;

H.R. 15376. An Act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such Act, and for other purposes; and

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

#### SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicaid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

Mr. PELL. I ask unanimous consent that Richard Smith, of the staff of the Committee on Labor and Public Welfare, be accorded the privilege of the floor during the consideration of my amendment.

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

Mr. PELL. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment reads as follows:

On page 268, line 11, insert the following: EYEGLASSES, DENTURES, HEARING AIDS AND PODIATRIC SERVICES

Sec. 215A. (a) Section 1861(s)(8) of the Social Security Act is amended by striking out "(other than dental)".

(b) Section 1862(a) of such Act is amended—

(1) in clause (7) thereof, by striking out "eyeglasses or eye examinations for the purpose of prescribing, fitting, or changing eye-

glasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, hearing aids or examinations therefor,"; and

(2) by inserting "or" at the end of clause (10), and striking out clauses (12) and (13) thereof.

(c) Section 1861(s) of such Act is further amended—

(1) by striking out "and" where it appears at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof"; and

(3) by adding at the end thereof the following:

"(10) eyeglasses and eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, and hearing aids and examinations therefor."

Mr. PELL. Mr. President, this amendment is very much along the lines of one I offered last March, due to changes in the bill, it is offered as a new amendment.

This amendment specifically provides that eyeglasses, dentures, hearing aids, and podiatric services, or foot care, is available under medicare to our older citizens. All it really does is make sure that some of the compelling needs of our older citizens who are covered, theoretically, by medicare but find their expenses mounting, are met.

The need of our older citizens for these services is intense. I know this from personal observation. As a member of the Special Committee on the Aging, I have conducted hearings in Rhode Island, in Providence and in Woonsocket, my own city of Newport. Also from my travels around the State and Nation, I have become conscious of the acute needs of our older citizens for these additional medical services.

When a citizen who needs to buy eyeglasses but has a fixed allowance, that purchase becomes a major expenditure. To buy glasses may mean having to do without food for a week or 2 weeks. We must recognize that the older citizens, those living on a fixed income are affected by inflation—our cruelest tax—more than any other citizens. It is our oldest citizens who often have to eat dog food and cat food because meat is too expensive.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PELL. Our studies have indicated that many of our oldest citizens have no teeth. Indeed there are many Americans over the age of 55 who do not have teeth. Under the present law they have to make a choice between continuing without teeth or getting dentures and not having the food on which to use those teeth, a hideous and terrible choice.

Due to a need for hearing aids, many of our older citizens do not enjoy more of the amenities of life. They cannot hear what is going on, around them. Nor can they hear what comes out of the television receiver as well as see what the picture shows.

I have included in my podiatric services, or foot care, which is one of the unsung vital medical necessities, a lack of



which cripples many of our older citizens.

Mr. President, I think the needs of our oldest citizens are particularly acute at this time. As Americans, we are very conscious of the general community, of the people who are reasonably well, have jobs, move around, and are seen in public. However the sick, the poor, and the old are tucked away in little corners, little hovels, little rooms, scarcely perceptible—really perceptible only to those of us who go after them and see them; no matter whether it be priests after their souls, caseworkers after their cases, or those trying to do something about their problems. We go and see those people. The general community is not aware of the degree of misery that is extant in the United States today affecting the poor, the sick, and the old.

I think that we as a nation have an obligation to try to make it a little more possible that the golden years of our citizens are really golden, and not tinsel years, and that they have the amenities which all of us in this room take for granted, eyeglasses, hearing aids, and teeth. We do not realize that for many of our older citizens these are luxuries they cannot afford. These items are not included under medicare. I believe they should be.

This is an amendment which I have had before the Senate for 6 months in one form or another, and I hope it will secure the support of this body.

Mr. LONG. Mr. President, this amendment would cost the Government \$3,700 million a year. If we could afford it, and if the taxpayers were willing to pay for it—and that is something that we have to trust to the conscience and judgment of every Senator—it would be nice to provide people with free eyeglasses, free hearing aids, and free dentures. But we are taxing the taxpayers right now, Mr. President, more than \$80 billion annually for income maintenance arrangements, the way it is now, if medicare and medicare veterans pensions are included.

The bill before the Senate is a most generous bill as far as the aged are concerned. It increases the benefits for the aged far beyond anything that the administration recommended—so much so that this could well be regarded as a budget-busting bill the way it is now.

The bill before us proposes that those who are on social security, if they have had 30 years of covered employment—and anyone who has only social security to rely upon for the future will have that 30 years of employment, unless he has additional pensions as well as social security from other employment—are assured \$200 a month minimum. We provide in this bill a supplemental security income supplement which would supplement the \$50 of assured social security income to persons with any social security benefits with an additional \$130, to guarantee that person \$180. Even if a person never had been associated with the social security program, and had no pension of any nature, he would be guaranteed at least \$130 a month.

We can assume that he would use some of that money to provide eyeglasses for himself, if he needed them, or a hearing aid, or dentures.

I should point out that for people over 65, eyeglasses almost fall into the category of a hat or a pair of shoes, because most people over 40 need an adjustment for vision.

While, of course, eyeglasses are something they ought to have, just as food or housing or clothes, it is something they can provide for themselves; and they can judge in terms of priority as to whether they ought to spend the additional money to buy a new suit of clothes or to buy a pair of eyeglasses.

This amendment does not propose the tax to pay for it, but the taxpayers will have to pay for it. It comes out of their hide, in any event.

So, although we would like to do many things for people—this item does not claim a higher priority than many other things which would be nice to do for people, if we had \$3.5 billion to spend.

So I hope that the amendment will not be agreed to. I applaud the Senator for his good intentions and his desire to help the aged, but there has to be some stopping point where we decide it is about as much as the taxpayers can pay for now.

We have already passed an \$8 billion across-the-board social security benefit increase. This bill provides another \$14 billion in social security related and public welfare items for the aged as well as for the poor in the family category, and we have added another \$600 million by raising the earnings limitation with the Mansfield amendment yesterday. So this bill, when taken together with the social security across-the-board increase which was spun off from it, results in a total increase of expenditures in this area of almost \$23 billion in just 1 year.

About this time, someone is going to start saying, "How about the taxpayer? Should not someone come to his aid?" I think that, in conscience, we ought to start thinking about the taxpayer, because he would have to pay \$3.7 billion more for something of this sort, and somebody will have to collect the taxes. You cannot get all this money out of the rich. There are not that many of them. We would have to tax middle-income and low-income people to pay for the things called for in this category.

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

Mr. LONG. I yield.

Mr. BENNETT. If this is to be a social security benefit, theoretically, we should raise the social security tax. The Senator from Louisiana and I already are hearing from people back home who like the 20-percent increase they are going to get; but the workers are very disturbed to find that the average worker will have \$200 a year added to his tax.

If favored by a payroll tax this proposal would increase the tax. We have raised the tax from 5.2 percent of payroll to 6 percent of payroll in this bill. This proposal would force us to increase the tax further, to about 6.4 percent.

The committee has always prided itself on including the necessary tax changes to finance the benefits we have put into the bill. I do not think the Senate is ready to add to the tax in order to satisfy this particular need, which is

more limited than the Senator from Rhode Island would seem to think.

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

Mr. LONG. I yield.

Mr. CURTIS. I am sure that we all listened with interest when the distinguished Senator from Rhode Island talked about the aged people who are in need of the benefits that his amendment would provide. Since this is a social security bill—these benefits are provided for as a matter of right—these added benefits would be paid to all aged people. We would be imposing a tax upon all workers to give these added benefits to all people over 65, not limited to the group that the distinguished Senator was talking about—to wit, those who are in need and who must go without these things or cut down their food budget or something of that nature.

Certainly, if aged people are suffering because of the lack of the things provided in the Senator's amendment, society should take care of them; but it does not follow that the whole social security system should be enlarged and the tax increased to give those things to all aged people, including those who can afford them. We are at a point at which there cannot be any increase in benefits without an immediate increase in taxes.

Not too long ago, we had a reserve in the social security fund that would carry it on for 3 years. Then it became less and less. Now there is sufficient money in the reserve to send out the checks to those on the rolls for about a year. But with the action of some weeks ago on the raise in benefits, the reserve is going to go down to less than a year—about 9 months, which is getting rather close.

So any proposal to raise benefits of any kind, in reality, is a proposal to increase the tax on taxpayers, who are already very much overburdened.

Twenty-two million Americans who pay a social security tax do not make even enough money to pay a Federal income tax. This, in reality, is a proposal to tax the poor, or at least the lower income, in their working years in order to pay a benefit to everybody over 65, including the well-to-do and the wealthy. I think the need should be met, but I do not think it should be met in the manner the Senator proposes, because it would have to be paid to everybody.

Mr. LONG. I point out that this amendment would provide these benefits under social security or medicare. Under the medicare program, many States do; and all States can, if they wish, provide these benefits. They can provide the eyeglasses and the dentures and a hearing aid, under medicare. That is need-related.

Compared to the other needs we have, I would have to insist we have many things that would claim a higher priority than this, when we are talking about providing something under social security for a person who presumably has assets and does not qualify for public welfare.

We voted yesterday to say that every older person on social security can have \$3,000 a year of income without reducing

his social security check at all. Why should we provide the benefits in this amendment to people not in need at all to the tune of \$3,700,000,000, while as yet we do not feel that we can afford to provide catastrophic health insurance?

We have 5,000 good citizens a year who need kidney transplants, yet because they cannot afford a kidney transplant, which costs about \$8,000, many die. They have to die because they cannot pay for the health care and they have not reached 65 for medicare to take care of them. So we have many good people in their productive years who will die because they cannot afford to pay for health care and we have not been able to provide for it. I am not pressing for a catastrophic health insurance amendment at this time because of the great cost of this bill the way it stands at this point. When we are proceeding in this manner, considering lower priority benefits I say that we are putting the cart before the horse. Other benefits take a higher priority.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. BENNETT. I think the Senator could use me as exhibit A. I am a social security recipient because I have passed the age to be a social security beneficiary and the benefits come to me automatically whether I work or not. I have a very nice pair of glasses. Under the Senator's amendment, I could charge these glasses to the social security system.

Mr. PASTORE. Mr. President, will my colleague yield to me?

Mr. PELL. I am happy to yield to my senior colleague.

Mr. PASTORE. Mr. President, I realize that there are some economic difficulties involved in this amendment and I believe my junior colleague is conscious of that fact. But there is a human element to be considered that I do not believe can be easily disregarded.

Things have changed in this world. There was a time when a son or daughter felt it their obligation to take care of their parents when they became old.

Today, the fashion is that the son and daughter have worries of their own. We establish our own little house with our charming wife and two or three little babies. We find in many instances where one mother and one father have taken care of 10 children, but 100 children do not seem to be able to take care of one father or one mother these days.

That is what is happening in our society today. Sadly enough, that is the result of the evolution of our attitudes. It exists not only in this country, not only in this district, but throughout the entire world.

What we are talking about here is the little old man, not some millionaire out in Utah who does not need the money to buy glasses. As a matter of fact, anyone who has got more than half a million dollars in the bank and wants to charge his eyeglasses to the Government should be ashamed of himself. We are not talking about him, although there may be a handful of those people around.

I say, quite frankly, that is not the question before the Senate this afternoon.

What we are talking about here is the little old lady who cannot see without glasses. She cannot read the newspapers because she cannot buy the glasses. We are also thinking about the little old man who cannot hear because he does not have a hearing aid. He cannot buy the hearing aid because he does not have the money. No one seems to be worrying about that.

We can say to the little man or the little old lady, "You can get your glasses or your hearing aid by going on social welfare, declare yourself to be a pauper and put yourself on the relief rolls." Yes, but if it does not come out of the right pocket it will come out of the left pocket, but the money must somehow, come out. But these aged citizens have got to lose their dignity as human beings to put themselves on relief.

That is what has been happening, and let us face it.

Now we are saying "But the worker has to pay." Well, I have never had anyone complain to me too much about that, because he realizes that, somehow, it is doing some good in his community, dignifying human life in his community. It may be his father. It may be his mother. I do not think he begrudges the fact that he might have to pay a tenth of one percent more in social security. Maybe we will come to that. I realize that it gets to a point of no return.

But I am saying, we are not in here now pleading as bleeding hearts today. This is a humanistic amendment. I repeat, I know it will cost \$3 billion. But on June 30 last, the President of the United States asked for \$3 billion for Vietnam. Somehow the money comes up. The money we pour into Vietnam, according to the administration, does not do anything to inflation, but when we vote for \$1.6 billion more than he asked for in HEW for the people, they say that is inflationary. When we want to buy eyeglasses for the elderly poor, that is inflationary. When we want to buy a hearing aid for this little old man that cannot hear and he cannot buy a hearing aid because he does not have the money, they say that is inflationary. All we are saying, this is not a punishment of the workers of America—and they are not complaining. The people who seem to complain are the well to do, who resist these things—all I am saying is that one of the tragedies of our time, in such a beautiful society like the United States of America, where we have over 205 million people, so many ride around in big black limousines, smoking big cigars, with a radio in the car and a telephone in the back, and on the street corner, as the car goes by, there are some people who do not know where their next meal is coming from. It is a pity.

Today, the New York Times wrote an editorial endorsing Senator McGOVERN for the Presidency of the United States. I wish everyone would read it. I hope that everyone will read it, about what this man is trying to do. He may have been born 30 years before his time. I do not know. Maybe some of his ideas, according to our present-day concepts, are far-fetched and far-reaching. I do not know. I am telling you, Mr. President, if

we want to bring back morality in our society, if we want to bring back stability in this society, if we want to make America work, we had better listen once again to those eloquent words of John F. Kennedy when he said:

If a free society cannot take care of the many who are poor, how can it save the few who are rich?

That is it today.

Who can save the few that are rich? I say to those of you who are rich: Beware.

Mr. LONG. Mr. President, we are not debating here about what we should do for the poor. The poor already benefit from medicare. Under medicare we provide for those poor who need eyeglasses, dentures, and hearing aids that the amendment refers to.

We are talking about people who are not sufficiently poor to be eligible for benefits under a public welfare program.

Just this year, we provided for a 20-percent across-the-board increase for the same beneficiaries in terms of cash social security benefits. If they want to buy eyeglasses, then they can use some of that 20 percent and buy them with that.

Mr. President, in this bill we have more than \$3 billion additional benefits for aged, blind, and disabled people whom we will lift out of poverty, not calling it welfare as the President suggested in his Miami convention speech, but calling it a supplemental security income. It will be liberal. Aged people can get, if they have any social security income coming to them at all, \$180. Those with 30 years of social security coverage, no matter how low their wages might be, get \$200.

All of that puts them above the established poverty level as defined today, and we expect to keep them out of poverty.

If we want to provide more for these aged people 65 and over, would it not make a lot better sense just to give them more cash, just give them the money and let them decide for themselves. If they want to spend it on eyeglasses or if they want to spend it on dentures or if they want to spend it on hearing aids, let them do it. I will say with all the confidence of one who has been through this fight before, they will get a lot better buy if we give them the cash, than if we say, "All right, you get free eyeglasses. Go down and get your free eyeglasses."

We found when we put medicare into effect, that it cost much more than anybody estimated. I was predicting this back at that time, for a very simple reason. We have people asking for the service who really would not be asking for it if they had to pay for it themselves. And they just came in droves, once the Government was going to pay for it. And then when they came to ask for services they would have not asked for, they asked for more than they would have asked for in the first instance, if the Government was not going to pay for it. They would go to the hospital and stay, where they would not have gone, and when they are there, in any event, they would stay a lot longer than they would have stayed if they were paying for it themselves.



Also, with eyeglasses—it is always nice to have an extra pair around some place, three or four pairs, so if you have one pair in the house and one pair some place else, in case you misplace one, you have one pair to get along with; so you have a surplus of them and you need not have the inconvenience of looking for them.

Mr. President, we get into all of these problems if we are going to provide these things for people and they get no cash advantage for not claiming them. We would have been far better off if we had said, "Let us provide an additional 5 percent benefit across-the-board for all aged people." We could do that at less cost than this amendment. We could provide almost a 10-percent increase for all beneficiaries under the old age and survivors insurance program, a 10-percent across-the-board increase for them for what it would cost us to provide eyeglasses, dentures, and hearing aids to people who are able to pay for them. And we are not talking about people who are unable to pay, who are eligible for medicaid. We are talking about people who are able to pay for a number of things we provide for here. We provide generous benefits in the bill. We provide more than \$3 billion of additional benefits for the aged in the welfare sections of the bill alone. We are not calling it welfare any more, because they will be well off enough that we should not talk of it as welfare. The means test is so liberal that we cannot regard it as a means test any more. This provides about \$2½ billion beyond anything the administration recommended, and this administration was not niggardly in suggesting some assistance themselves. So, with all of those benefits, we are going to heap on top of it something that would cost \$3.7 billion, something that would have a tax increase connected with it and something that claims a lower priority compared to other things that people of the country need more.

If I had to give one example, I would give the example I referred to. There are people in this country dying today who have not reached the age of 65. They are working people who have worked for everything that they have. They come down with kidney trouble and need dialysis treatment or need a kidney transplant and they cannot afford it. To put something like eyeglasses ahead of a catastrophic illness program, for example, makes no sense at all.

For that reason, Mr. President, I hope that the Senate would not add this measure to the bill.

I think that there comes a time when we ought to have some small pity for the taxpayer. And I think that there are other things which claim a higher priority than this amendment.

Mr. PELL. Mr. President, all the words spoken here are correct. It is an expensive amendment. It is a question of priorities. There are some people who are of the age of 65 and can afford the benefits I provide for. They will be able to receive these amenities without paying for them, just as they can now receive social security benefits and still work if they are over the age of 72, just as they can receive social security benefits and earn

a certain amount if they are over 65, and just as they can receive medicare benefits. I agree the tax is very high now and would favor amending the whole concept under which funds for social security are raised. I would get away from the present regressive system which hits the middle- and low-income man the hardest.

I would like to see the emphasis put the other way. In any event, I think that both sides have expressed their views. I would suggest that we vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) and the Senator from Ohio (Mr. TAFT) are absent on official business to attend the Interparliamentary Union meetings.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 36, nays 42, as follows:

## [No. 479 Leg.]

## YEAS—36

Aiken  
Anderson  
Bible  
Brooke  
Burdick  
Cannon  
Case  
Church  
Cook  
Eagleton  
Gravel  
Hartke

Hatfield  
Hughes  
Humphrey  
Inouye  
Jackson  
Javits  
Magnuson  
Mansfield  
Mathias  
McClellan  
Mondale  
Montoya

Moss  
Muskie  
Nelson  
Pastore  
Pearson  
Pell  
Ribicoff  
Saxbe  
Schweiker  
Smith  
Stevens  
Williams

## NAYS—42

Allen  
Bayh  
Beall  
Bellmon  
Bennett  
Bentsen

Byrd,  
Harry F., Jr.  
Byrd, Robert C.  
Chiles  
Cotton  
Cranston

Curtis  
Dole  
Eastland  
Ervin  
Fannin  
Fong

Fulbright  
Gambrell  
Gurney  
Hart  
Hollings  
Hruska  
Jordan, Idaho  
Kennedy  
Long

Miller  
Packwood  
Percy  
Proxmire  
Randolph  
Roth  
Scott  
Spong  
Stennis

Stevenson  
Symington  
Talmadge  
Thurmond  
Tunney  
Weicker  
Young

## NOT VOTING—22

Allott  
Baker  
Boggs  
Brock  
Buckley  
Cooper  
Dominick  
Edwards

Goldwater  
Griffin  
Hansen  
Harris  
Jordan, N.C.  
McGee  
McGovern  
McIntyre

Metcalfe  
Mundt  
Sparkman  
Stafford  
Taft  
Tower

So Mr. PELL's amendment was rejected.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the amendment was defeated.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROTH. Mr. President, a number of Senators have asked me about my intention to offer an amendment to provide for the testing of H.R. 1. I think it is appropriate for me to speak to that point at this time. We are currently having the amendment drafted, and I am hopeful I will be able to have it offered no later than Monday of next week.

As Senators know, last March 22 I introduced an amendment—No. 1077—to H.R. 1, then pending before the Finance Committee. The measure called for a 2-year pilot test of both the workfare and family assistance portions of H.R. 1, as passed by the House June 22, 1971. I was joined in this amendment by seven other Senators who felt, as I did, that the Congress should carefully evaluate the trial results of these programs before enacting more permanent legislation.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order.

Mr. ROBERT C. BYRD. There are too many conversations going around along the wall of the Chamber.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Since that time, the Finance Committee has reported out a very different bill. It seems to me, Mr. President, that this latter measure is equally deserving of a carefully designed and conducted test, along with the House version of title IV. Each speaks in a different way to the sadly deteriorating current patchwork of welfare programs.

Therefore, it is my intention next week to introduce an amendment which will call for a test of these proposals, in different localities. I hope in this way to persuade the Senate to authorize and then weigh actual field results, rather than rely on predictive data alone.

Mr. President, as a second-term Congressman in 1970, I urged that such a pilot test of family assistance—as described in H.R. 16311—be enacted. Perhaps if it had, we could be working toward a nationwide solution of the welfare problem today.

I will try to elaborate on the terms of

my proposal Monday, when it is introduced, but needless to say, I will be delighted to discuss the measure now with any of my colleagues, in order to benefit from comments they may have.

Mr. MOSS. Mr. President, I ask unanimous consent that my staff assistant, Mr. Val Halamandaris, be permitted to be on the floor during the debate on the pending measure.

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

Mr. LONG. Mr. President, I am going to suggest the absence of a quorum in a moment or two, unless a Senator cares to offer an amendment, because I understand there are a number of amendments that will be offered.

I would like to suggest to Senators who have in mind offering amendments to prepare them and to send them to the desk, today if possible, or as soon as they can, so we can have the amendments printed and know what they are.

We have been working on this matter for a long time, Mr. President, and Senators who want to offer amendments really should have come before the committee and made their suggestions known to us so the committee could consider them. I know that Senators have the privilege of waiting until a Senate committee reports a bill, and then offer amendments on the floor. Every Senator has that right, but I would think Senators would be asking a great deal of the Senate to ask it to consider amendments to a bill that is this long a bill, particularly when they send unprinted amendments to the desk, that have not been suggested to the committee, as occurs from time to time. I hope Senators will get their amendments printed and give Senators an opportunity to look at them, and give our committee a chance to study them, and give our staffs time to analyze them, and have them available as soon as possible.

We on the committee are ready to proceed and to vote on any amendments Senators want to offer, but at this moment there is no one ready to move ahead with his proposal. I do know there are Senators who want to offer amendments and not be foreclosed of that right. Therefore, Mr. President, reluctantly 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. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE PALMBY AFFAIR

Mr. BENTSEN. Mr. President, I rise to discuss another side of the grain trade agreement between the United States and the Soviet Union; it is an ugly side and the handling of it so far only serves to further undermine the confidence of Americans in their Government.

I certainly favor efforts to expand international trade, such as the recent United States-Soviet grain sale agree-

ment. In the long run all of us in America stand to benefit from such expansion, if, indeed, violations of the basic rules of propriety and public trust in the handling of this agreement have not already jeopardized future efforts to expand.

It is, it seems to me, time to speak out clearly on this matter of former Assistant Secretary of Agriculture Clarence D. Palmby.

It is time that we called a spade a spade. It is time that we recognize that this Government employee, this public servant, this man hired to work for the interest of the farmers, appears to have put his own interests above those of his employer—the people of the United States; he appears to have abused the normal, accepted standards of competence and public morality.

It is time that this matter be decided, one way or the other, so that if there is any guilt the guilty can be punished; and, if there is not, all the insinuations and rumors surrounding this case can be laid to rest.

If we expect Americans to maintain any confidence in their Government, we must resolve the questions of conflict of interest, raised by the recent actions of executives such as Clarence D. Palmby and their shuttling back and forth between high offices in the Agriculture Department and the grain companies.

Mr. President, the appearance at this stage is that a conflict of interest clearly exists. I do not know whether a specific crime was committed but I do know that the appearance is strong enough, that Mr. Palmby was involved in a conflict of interest in his dealings with the U.S. Department of Agriculture and the Soviet Union and Continental Grain Co., that the U.S. Department of Justice should immediately convene a special grand jury and examine this matter thoroughly.

Mr. President, I hold in my hand a manual printed for the Agriculture Department by the U.S. Government Printing Office. Dated 1971, it is titled "Appendix 1, Employee Responsibilities and Conduct."

Now this manual, Mr. President, states the law of the land regarding the conduct of employees of the Department of Agriculture. It is made available to all employees of the Department. And in section 0.735-14, this manual describes the responsibilities of these employees insofar as conflict of interest is concerned. Subsection (a) (7) clearly prohibits any Government official from participating in a matter in which a firm with which he is negotiating a job has a financial interest.

Now that, on the surface at any rate, seems plain enough. And the evidence in this case indicates that Mr. Palmby was negotiating with Continental Grain Co. for a job at the same time that he was negotiating a trade agreement with the Soviet Union—on behalf of the U.S. Government—and that Mr. Palmby went to work for this grain company, which later sold a large amount of grain to Russia as a result of the agreement which he helped negotiate. And on the surface, Mr. President, it would appear that Mr. Palmby

is in violation of Federal statutes; to be specific, title 18, section 208 of the United States Code.

Now, as we all know, things are not always what they seem. There is every possibility that, in this case, for reasons not made public, Mr. Palmby has conducted himself with propriety. However, because of the secrecy surrounding many aspects of this trade, because of the failure of the Department of Agriculture to be as communicative with grain producers and the public, as with the grain traders and the Russians, we simply do not know. But every bit of public evidence points directly to a conflict of interest. And it is just this kind of situation that erodes public confidence in our Government.

Allow me, Mr. President, to briefly review the chronology of events in this case.

In early March, Mr. Palmby says, the president of Continental Grain Co. approached him regarding employment with that firm in New York.

In early April, Mr. Palmby signed a contract to purchase a cooperative apartment in New York, explaining that he had decided to leave Government employment in Washington and move to New York whether he accepted the offer from Continental Grain or not. This contract was signed by the seller on April 5, 1972. Who did Mr. Palmby give as references when he bought this apartment? Why, those officials of Continental Grain, the company that had talked to him about coming to work.

Mr. President, are we to believe that the sellers of that \$100,000 apartment did not demand some word regarding Mr. Palmby's employment? Are we to believe that the sellers did not seek some assurance that Mr. Palmby would be able to afford this expensive dwelling?

Then, on April 8-14, 1972, Agriculture Secretary Butz and Mr. Palmby headed a U.S. mission that conducted preliminary grain negotiations with Soviet officials in Russia. Negotiations broke down at this time, although Mr. Palmby has said that he traveled to Russian wheat fields during the trip. However, he has explained that his knowledge of wheat farming is limited and he was not able to determine the crippling effect of a drought on the Russian wheat harvest during that tour.

On the 9th of May, Mr. President, Mr. Palmby—in his capacity as Assistant Secretary of Agriculture—met with the Soviet Deputy Minister of Foreign Trade in Washington to discuss the grain trade.

On May 11, Mr. Palmby decided to accept a job with Continental Grain and, the next day, he reports that he informally notified his superior, the Secretary of Agriculture, of his decision to resign.

On May 23, he formally submitted his letter of resignation, and on June 7 he left the Department of Agriculture to go to work for Continental the next day.

On July 2, as a vice president of Continental Grain, Mr. Palmby met with Soviet officials in Washington, but he denies that he discussed the United States-Soviet grain negotiations. According to what he has said, he only took visitors to lunch and on a tour of Wash-



ington. Are we really expected to be so gullible? Mr. President, 3 days later, Continental and the Soviet Union entered into a contract for the sale of 4 million tons of wheat.

And I point out here, Mr. President, that this contract was signed on July 5, a full 3 days before the first public announcement that the United States and Russia had entered into an agreement for the sale of grain. And, I further note that, although the public announcement said only that Russia would buy at least \$200 million worth of wheat before July 31, 1973, the deal with Continental—signed 3 days earlier—had already exceeded that amount by some \$30 million.

And I am also constrained to note, Mr. President, that in this period—just a few days before the Agriculture Department announced this sale—this same Agriculture Department was advising our Nation's farmers that exports would be up only slightly.

On July 1, the USDA forecast, on which many farmers depend when deciding how to sell their wheat, said that domestic food use for wheat was down, the crop was the third largest on record and exports were up slightly.

And this Department of Agriculture forecast, Mr. President, would be taken as a clear signal by the farmers who had already harvested their wheat by this time that they should go ahead and sell; that they would gain nothing by holding their crops.

The Agriculture Department has said it did not know at the time, of the unexpectedly large size of the sale to Russia, Mr. President. The Department has said sale negotiations between Russia and the grain traders are secret and the Department had no knowledge, even though the Department would be called on to subsidize these sales. I maintain the Department should have known about these sales they would subsidize.

Mr. President, can these grain dealers reasonably ask for both secrecy and subsidy?

Mr. President, I do not believe there is any need to go further. This chronology of publicly-known facts—most of them agreed to by Mr. Palmby—has raised in my mind and in the minds of many other Americans a serious question as to whether an illegal conflict of interest situation exists here. It has raised a serious question as to whether Mr. Palmby upheld the expected standards of public morality that we rightfully demand of our public servants.

And, Mr. President, the only way we will be able to determine whether a conflict does, in fact, exist is to conduct an immediate, thorough grand jury probe of this whole messy affair.

As I said in the beginning, Mr. President, I have no desire to endanger efforts to expand our international trade, but I fear that violations of the basic rules of propriety in handling this Russian sale may have already seriously undermined them. Certainly, confidence in our USDA public officials has been undermined.

I feel compelled to speak out on this subject. The myriad investigations into ramifications of the grain agreement seem bogged down, going nowhere. And,

without a prompt investigation by a body of grand jurors, this matter might well drag on—undecided—for years.

We cannot allow that. It would be detrimental both to our trade with foreign countries and to the interests of justice.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. STUCKEY, Mr. ECKHARDT, Mr. SPRINGER, Mr. BROYHILL of North Carolina, and Mr. WARE were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. BRADEMAs, Mrs. MINK, Mr. QUIE, and Mr. HANSEN of Idaho were appointed managers on the part of the House at the conference.

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes.

H.R. 6797. An act 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.

H.R. 7742. An act 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.

H.R. 8694. An act 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.

H.R. 10858. An act 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.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, September 28, 1972, he presented to the President of the United States the following enrolled bill:

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes.

#### SOCIAL SECURITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (H.R. 1) to amend the Social Security Act, to make improvements in the medicare and medicare aid programs, to replace the existing Federal-State public assistance programs, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now set aside the pending measure and return to the consideration of the unfinished business.

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

#### CONSUMER PROTECTION ORGANIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. MUSKIE. Mr. President, emotions have a way of blurring facts. That, Mr. President, is what seems to be happening to the legislation before us to establish a Consumer Protection Agency to represent consumer views before Government agencies and to conduct research into consumer affairs and complaints.

My mail reflects the strong fears this bill has aroused in people who do not appear to have been fully informed about its provisions. I have even had one letter from a constituent who thinks the legislation represents "a dangerous threat to the continued existence of our Nation."

Now that is plain rhetoric at overkill. To say that the Government cannot act to protect shippers from danger and fraud—and that, centrally, is what the new agency will seek to do—without undermining the foundations of free enterprise is like predicting that a building will collapse because a cracked windowpane is removed. I do not believe that American business practices are so devious or corrupt that they cannot stand the light of day.

I do believe that Government efforts to protect the public from unsafe, unhealthy, and unfairly priced goods and services need to be strengthened. Exposing the few who seek to take advantage of gullible or ignorant customers can only restore faith in the many whose conduct of business is beyond reproach.

From the amount of panic-stricken correspondence I have received from reputable companies, one is tempted to conclude that their behavior may be less than guiltless. In fact, however, I believe such opposition to the bill comes from a fundamental misunderstanding of the powers of the proposed agency.

Let us look at those powers and the very significant limits placed on them by the Committee on Government Operations during some 30 exhaustive hours of executive session consideration.

First of all, the agency has no independent subpoena powers. If it decides to intervene as a party in another agency's proceedings—and it cannot do so without a specific determination "that such intervention is necessary to represent adequately the interests of consumers"—then it can "request the Federal agency to issue, and the Federal agency shall issue, such orders as are appropriate under the agency's rules of practice and procedure . . . for the summoning of witnesses, copying of documents, papers, and records, production of books and papers and submission of information in writing, unless the agency determines that the request is not relevant to the matter at issue, is unnecessarily burdensome, or would unduly interfere with the conduct of the agency or proceedings."

Now that language is perfectly clear. The Consumer Protection Agency cannot intervene vindictively or frivolously. When it does intervene, and only then, it can get as much information about a matter under consideration as any other party to the proceeding. And it can only have access to that information if the host agency feels its requests are not obstructive.

What about its powers to obtain information about activities that are not the subject of proceedings before another agency? First of all, let us set the record straight. The Consumer Protection Agency will not have subpoena powers in this area.

What the bill in section 207, subsection (b)(1) gives the Agency is the right "to the extent required by the health or safety of consumers or to discover consumer frauds" to obtain information from people "engaged in a trade, business, or industry which substantially affects interstate commerce and whose ac-

tivities—may substantially affect the interests of consumers."

The Agency must formulate specific questions. It cannot go on fishing expeditions. And it cannot harass the neighborhood pharmacist or auto mechanic. Nor, in addressing itself to major business concerns, does it have the sweeping powers ascribed to it by those who have not, apparently, carefully read the legislation.

Section 207, subsection (b)(1) continues:

Nothing in this paragraph shall be construed to authorize the inspection or copying of documents, papers, books or records or to compel the attendance of any person. Nor shall anything in this subsection require the disclosure of information which would violate any relationship privileged according to law.

If the Agency's search for information is resisted, the Agency must respond by "carrying the burden of proving in court that such order is for information that substantially affects the health or safety of consumers or is necessary in the discovery of consumer fraud, is not unnecessarily or excessively burdensome—and is relevant to the purposes for which the information is sought."

The Agency cannot put business in double jeopardy by seeking such information "in connection with—intervention in any pending agency proceeding" and cannot require the data if it is already available from another agency or is a matter of public record.

And, last, the release of information has been carefully circumscribed to prevent damage to business through unwarranted disclosure of trade secrets or other confidential matters. Section 208(d) says also:

Where the release of information is likely to cause substantial injury to the reputation or good will of a person or company, or its products or services, the Administrator shall notify such person or company of the information to be released and afford an opportunity for comment or injunctive relief, unless immediate release is necessary to protect the health or safety of the public.

Mr. President, the Committee on Government Operations went through this bill with a fine toothcomb and untangled a number of its original snarls. We have produced a sound and responsible bill. It may, at last, put the men and women who buy food, clothing, motor vehicles, drugs, appliances, and housing on a better footing with the men and women who make and sell such goods and services and with the men and women who already attempt to regulate some of those transactions.

We have not created an arbitrary bureaucratic monster. We hope we are giving a voice to that famous silent majority.

For the first 3 years of the Agency's life we have authorized an average operating budget of only \$20 million a year. That is far less than America spends each year to promote new cars or new deodorants or new breakfast foods.

We must evaluate priorities rationally. We must not give in to ignorance and

fear. One of our priorities is to redress the balance between the shopper and the giant producer and between the citizen and his remote government. The bill takes an important initiative toward that goal. I commend those who have worked so hard to bring it before the Senate, and I urge its speedy enactment.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS TO BE CONSIDERED AS HAVING BEEN READ

Mr. ERVIN. Mr. President, in view of the fact that a petition for cloture has been filed, I ask unanimous consent that all amendments which are presented to the desk prior to the vote on cloture be considered as having been read for all purposes under rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I will not object—I think the Senator made it clear, but I was distracted momentarily. Did the Senator ask that the amendments be considered as having been read so as to meet the reading requirements?

Mr. ERVIN. Yes. In other words, my request is that all amendments which are presented before the cloture vote is actually taken shall be considered as having been read for the purpose of satisfying the requirements of rule XXII.

Mr. ROBERT C. BYRD. For the purpose of satisfying the reading requirements.

Mr. ERVIN. Yes.

Mr. ROBERT C. BYRD. So as not to touch the requirements concerning germaneness.

Mr. ERVIN. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

#### SAFE DRINKING WATER ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1100, S. 3994; and that the unfinished business remain in a temporarily laid-aside status until S. 3994 is disposed of, or until the close of business today, whichever is the earlier.

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

The bill will be stated by title.

The legislative clerk read as follows:

Bill (S. 3994) to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may pro-



ceed for 2 minutes, without the time being charged against either side.

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

#### ORDER FOR CONSIDERATION OF H.R. 16705, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of S. 3994 today, the Senate proceed to the consideration of H.R. 16705, the bill making appropriations for foreign assistance; and that S. 3970, the unfinished business, be temporarily laid aside and remain in a temporarily laid aside status until the disposition of H.R. 16705, or until the close of business today, whichever is the earlier.

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

#### SAFE DRINKING WATER ACT OF 1972

The Senate continued with the consideration of the bill (S. 3994) to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW AND 9 A.M. ON SATURDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today and tomorrow, it stand in adjournment until the hour of 9 a.m. tomorrow and 9 a.m. on Saturday, respectively.

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

#### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 5 minutes, without the time being charged against either side on the bill.

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

#### FOREIGN ASSISTANCE ACT OF 1972

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16029.

The PRESIDING OFFICER (Mr. BELLMON) 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. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULBRIGHT. 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 (Mr. BELLMON) appointed Mr. FULBRIGHT, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, and Mr. CASE conferees on the part of the Senate.

#### REDS TAP U.S. CAMBODIAN AID

Mr. FULBRIGHT. Mr. President, on Tuesday the Senate approved the Scott amendment adding \$370 million to the foreign military aid bill. The adoption of this amendment boosted the spending levels in the bill for grant military aid, supporting assistance and military credit sales to a total of \$1.7 billion, or twice the amount appropriated by Congress in 1970.

I opposed the Scott amendment and in explaining my opposition to it on Monday, I inserted in the RECORD a number of articles about the military aid program—all leading to the conclusion that this program bears little, if any, relationship to the purposes for which it was originally established.

I regret that a majority of Senators refused to accept this conclusion despite the overwhelming evidence in support of it.

Mr. President, as additional evidence on this matter, I ask unanimous consent to have printed in the RECORD a report which appeared in the Evening Star and Daily News of September 27 entitled "Reds Tap U.S. Cambodian Aid."

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

#### REDS TAP U.S. CAMBODIAN AID

(By Henry S. Bradsher)

PHNOM PENH, CAMBODIA.—American aid to Cambodia is paying for supplies which go

to the Communists, apparently with the acquiescence of the Cambodian government.

The supplies for the North Vietnamese army and Khmer Rouge (Red Cambodian) guerrillas include medicine, salt, condensed milk and other items, according to private sources close to the trade.

A high government official confirmed this and added fishhooks as another example of items being imported into Cambodia with U.S. money to satisfy a Communist need.

Various sources agree that the Cambodian government has shown little interest in where aid imports go, so long as it collects import duties.

#### IMPORTED LEGALLY

But some sources added that it was doubtful whether the government had the administrative machinery to prevent such smuggling to its enemies, even if it wanted to.

The goods are imported legally into Cambodia with funds from the U.S. Agency for International Development. Local payment is made in riels, the weak Cambodian currency. Local merchants, then buy them and ship them into the provinces.

#### SALT AN ESSENTIAL

Salt is essential for the diet of Communist soldiers. Condensed milk is valued as an energy food, trade sources said.

The ability to get such items and medicine locally relieves the North Vietnamese supply route down the Ho Chi Minh trail by a little. Communist forces control extensive rice-growing areas of Cambodia, so trail shipments can concentrate on weapons and ammunition.

Before the ouster of Prince Norodom Sihanouk 2½ years ago, which touched off the war in Cambodia, the Communists were importing hundreds of tons of arms and ammunition through this country for use in South Vietnam.

There is no suggestion that is developing again. The indirect supplying of Communist forces now seems to be more a matter of government inefficiency and corruption.

The importing with U.S. money of more medicines and other goods than the government-controlled part of Cambodia needs, so that the Communists can be supplied too, adds to factors which caused criticism in Congress of the AID program here.

The program was started in 1970 to enable Cambodia to obtain essential imports which it could no longer pay for itself as a result of wartime disruption.

#### FOREIGN EXCHANGE

In a liberalization of economic controls a year ago, however, foreign exchange from the U.S. funds became available for general imports. The American Embassy supported this to help keep the economic situation normal.

Television sets and home air conditioners began to arrive along with essentials for wartime survival.

One prominent businessman here says business is now better than ever, because the people have more to spend.

The government has pumped money into the economy through soldiers' wages and other results of deficit financing have been indirectly supported by the U.S. aid and by Japan and a few other countries.

The businessman said, "Practically everything that comes in now is paid for by the United States."

Aside from imports that go to the Communists, some are smuggled to South Vietnam and Thailand, sources said. These include things as large as refrigerators.

Phnom Penh appears prosperous. Part of the reason is the large number of cars, a noticeable high proportion of them air-conditioned Mercedes sedans.

Mr. FULBRIGHT. Mr. President, as we have come to expect in reports on the aid program, this one, too, begins on a dismal note:

American aid to Cambodia is paying for supplies which go to the Communists, apparently with the acquiescence of the Cambodian government.

Specifically, the article identifies medicine, salt, and condensed milk as items paid for by the United States but ending up in the hands of Communist forces in Cambodia. The Cambodians, on the other hand, are apparently more interested in keeping their hands on U.S.-financed air conditioners and television sets.

Mr. President, this report is just one more indication that the aid program has something in it for everyone—everyone except the American taxpayer. He is the loser and there is no relief in sight, judging by the Senate's recent action.

#### SAFE DRINKING WATER ACT OF 1972

The Senate continued with the consideration of the bill (S. 3994) to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

Mr. SPONG. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side on the bill.

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

The legislative clerk proceeded to call the roll.

Mr. SPONG. 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. SPONG. Mr. President, as the Senate begins to consider what I believe to be one of the more important consumer and environmental measures of the 92d Congress, credit must be given to the authors of the original legislation which has resulted in the bill now before us. I refer to the distinguished chairman of the Committee on Commerce, Senator MAGNUSON; the distinguished chairman of the Subcommittee on the Environment, Senator HART; and the equally distinguished chairman of the Subcommittee on Labor and Public Welfare, Senator KENNEDY. Credit must also be given to Senator CORTON, the ranking minority member of the Committee on Commerce and to Senator STEVENS whose workmanship has contributed immensely to the development of this legislation.

The Safe Drinking Water Act, S. 3994, would establish a program within the Environmental Protection Agency to regulate drinking water. Currently, the regulation of public drinking water systems is primarily a State responsibility, with the Federal Government exercising jurisdiction only over drinking water aboard interstate carriers under the authority of the Public Health Service Act. EPA authority does not extend to the water supply systems themselves that serve interstate carriers, nor does it extend to any of the other 40,000 systems that exist in the United States.

Like other essential services, the supply of adequate amounts of high quality drinking water has come to be a service in this country which is not only hoped for, but demanded. Yet, despite our demands the track record has not been good.

In 1970, what is now the Division of Water Supply Programs of the Environmental Protection Agency completed a study of 969 drinking water systems in the United States. Extrapolated to the country as a whole, that study revealed that approximately 8-million people in this country are served water that is potentially dangerous in that it fails to meet the mandatory standards set by the Federal Government with respect to interstate carrier systems. While all classes of systems showed some problems, larger problems seem to exist with smaller systems serving smaller communities.

That study also showed that 79 percent of the systems checked had no sanitary survey by regulatory officials in the year preceding the survey, with only 64 percent having had a sanitary survey in the preceding 3 years; 90 percent failed to meet the biological surveillance criteria of the current drinking water standards for interstate carriers, with 85 percent failing to take the minimum number of samples over a given period of time.

During the 10-year period from 1961 to 1970, there were at least 128 known outbreaks of disease or poisoning attributable to drinking water. Most of these outbreaks were a result of drinking water from a system not controlled by a municipality, but rather from private systems serving, for example, restaurants, campgrounds, gas stations, hospitals, and State institutions. Some of these outbreaks were very serious indeed. For example, 18,000 people were affected by salmonella poisoning in Riverside, Calif., in 1965. Three people died. Thirty percent of the people in Angola, N.Y., suffered gastroenteritis from contaminated drinking water in 1968. In 1969, 60 percent of the Holy Cross football team was infected by infectious hepatitis as a result of a faulty water supply system.

S. 3994 would require EPA to establish minimum Federal drinking water standards prescribing maximum limits for contaminants as well as standards for the operation and maintenance of drinking water systems and surveillance, monitoring, site selection, and construction standards for public water systems to assure safe dependable drinking water. The amendment also would require EPA to establish recommended standards to assure esthetically adequate drinking water.

The States would be primarily responsible for enforcing the standards with Federal enforcement if the States fail to act. Direct Federal enforcement would also be authorized in cases of imminent hazard.

A National Drinking Water Council would be established to advise EPA on scientific and engineering matters.

The Administrator would be required to conduct and promote research on the

problems of water supply, to give technical advice to the States and the water supply utilities, and to offer grant assistance in the training of personnel for water supply occupations. EPA would also be required to conduct a rural water survey within 2 years after enactment and to report back to Congress through the President on the results of that study and to give any recommendations that might be necessary for additional legislative authority. EPA would also be authorized to make grants for special study and demonstration projects with respect to water supply technology.

S. 3994 also contains an authorization for grants to the States to defray the cost of State programs. A primary conclusion of EPA's community water supply study is that the States are unable to do a proper job of regulating the water supply utilities. That study concluded that the States should be spending approximately three times the amount of money they currently spend. The program grants section of the bill would provide the financial help to bring State programs up to par.

Finally, S. 3994 contains a provision that authorizes citizens to bring injunctive suits against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties. The citizens suit provision is virtually identical to that contained in the Clean Air Amendments of 1970, the Federal Water Pollution Control Act amendments, and the Senate-passed Toxic Substances Control Act.

The problems of drinking water supply were summed up by Dr. J. H. Lehr, executive director of the National Water Well Association at hearings on legislation before the Subcommittee on the Environment:

Overconfidence or apathy seems to pervade the public's attitude with respect to drinking water. Common daily experience plus a current myth about the future, falsely implies that the quality, safety, and adequacy of our municipal water supply systems are above reproach. Perhaps the myth can be stated as follows: "Everyone knows we have launched a massive water pollution control effort and that water borne disease outbreaks are a thing of the past."

This statement is simply not true and the dangers of this misinformation are illustrated by the epidemic at Riverside, California in 1965 which affected 18,000 people, the 30% gastroenteritis attack rate in Angola, New York, in 1968 due to a failure in the disinfection system, and the 60% infectious hepatitis attack rate which affected the Holy Cross football team in 1969 as a result of ineffective cross connection control procedures.

The recent discovery of critical amounts of mercury in our water supply as a result of industrial waste disposal is more conclusive evidence of the existence of very current water hygiene.

Mr. President, the time is now to get a drinking water supply program off the ground. Without the authority that this legislation will grant, the Environmental Protection Agency, the States, and the consuming public will be forced to wait perhaps another year or longer before the Congress will have the opportunity to act again. I submit that we now have an opportunity to restore this Nation's confidence in our drinking water supplies and that we ought to take ad-



vantage of that opportunity. I urge the passage of the legislation.

Mr. STEVENS. Mr. President, I am pleased to rise in support of S. 3994, the Safe Drinking Water Act of 1972.

This proposal fills a wide chasm in the authority of the environmental protection agency to adequately protect the environment of this Nation, specifically the authority to insure sufficient supplies of pure and esthetically adequate drinking water for our population.

During the hearings on this proposal on March 20 of this year, Robert W. Fri, Deputy Administrator of EPA, testified that a 1970 study by HEW indicated that approximately 8 million Americans—5.4 percent of the population—are served water that is potentially dangerous. He went on to say that these problems often arise due to the fact that—

Individual systems contain structural or operational defects . . . they are manned by improperly trained personnel, and because many state and local control programs are inadequate.

For these reasons, S. 3994 was unanimously approved by the Senate Committee on Commerce, even though this Senator and others expressed reservations about certain aspects of the legislation specifically related to the implementation of the programs established in the bill. These reservations are outlined in supplemental views in the committee report.

Mr. President, there can be no argument that every American has a right to safe, fresh, thirst-quenching drinking water—water that is free of contaminants which may cause severe disease and even death. It is equally certain that States and localities need Federal assistance in providing safe drinking water to their citizens. EPA now possesses sufficient expertise and technical capabilities to aid State and local governments in developing effective and realistic water control programs, which can assure an adequate supply of safe drinking water to every American.

S. 3994 requires EPA to set national drinking water standards related to contaminants and to the operation maintenance surveillance and monitoring of public water supply systems. It also authorizes EPA to make grants to the States in order to help meet the costs of the development and implementation of State programs. The legislation will also serve to promote advancement in water supply technology to improve the caliber of water supply facilities personnel and to conduct a survey of rural water supply systems with the purpose of bringing all water supply systems up to an acceptable level of operation.

Finally there are sufficient provisions in this bill to guarantee implementation and enforcement of national drinking water standards set by EPA with primary enforcement responsibility at the State level and Federal backup authority in cases of imminent hazard.

Mr. President this legislation represents a great step forward in an area which has heretofore been largely ignored at the Federal level. We have a golden opportunity to attack a problem before it reaches the crisis stage and to insure for years to come that this

basic environmental problem—the provision and preservation of safe fresh drinking water—will be effectively and expeditiously resolved.

I therefore most strongly urge the adoption of S. 3994 the Safe Drinking Water Act of 1972.

Under the definition of "municipality" in section 3(4) of the act the term includes Indian tribes and authorized Indian tribal organizations having jurisdiction over water supplies. Generally the term "Indian tribes" and "Indian tribal organizations" also include Alaska Native villages. Do these terms in section 3(4) also include Alaskan Eskimo Aleut and Indian villages with jurisdiction over water supplies?

Mr. SPONG. My answer would be "Yes." My interpretation is that the terms "Indian tribes" and "Indian tribal organizations" include Alaska Native villages with jurisdiction over water supplies.

Mr. STEVENS. I am indebted to the Senator for his clarification.

Mr. President, I have an amendment at the desk and I call it up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated as follows:

On page 19, between lines 13 and 14, insert the following: "No State shall receive less than 1 per centum of the annual appropriation for grants under this section, provided that the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection, and provided further, that such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands."

Mr. STEVENS. Mr. President, this amendment adds on page 19, line 13 of the bill, a new sentence:

No state shall receive less than one percent of the annual appropriation for grants under this section, provided that the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection, and provides further, that such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

I am introducing this amendment on behalf of myself, the distinguished senior Senator from New Hampshire (Mr. COTTON), and the distinguished Senator from Kentucky (Mr. COOK). Also, I request that the following Senators be added as additional cosponsors: the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), and the Senator from West Virginia (Mr. RANDOLPH).

This amendment will provide a floor for all States, the District of Columbia, and Puerto Rico, in the amount of at least 1 percent of the appropriations authorized under section 11 for State drinking water supply program grants, unless the Administrator of EPA publishes a regulation under the procedures of section 12 that the State, the District of Columbia, or Puerto Rico has not met the three criteria of subsection 11(b). This is but one of several different types of grants authorized under the act. Under section 11(a), \$8 million is authorized for fiscal year 1973; \$15 million is auth-

orized for fiscal year 1974; and \$21.3 million is authorized for fiscal year 1975. In addition, the committee staff estimates that \$22.7 million will be needed for fiscal year 1976; and \$23.7 million for fiscal year 1977.

Subsection 11(b) provides for three bases upon which the payments may be made: First, population; second, financial need; third, the extent of the actual or potential water supply problem. Under section 11, a maximum payment of two-thirds of the cost of any State program is set. In addition, the State programs must be approved by the Administrator of EPA. These special categorical grants are a wise alternative to general revenue sharing. However, because these three criteria are subjective, it is possible that certain States may suffer because of the wide discretion vested in EPA. Because of the problems of the large cities, localities which need literally billions of dollars for safe water programs, other areas of the United States with much smaller populations but often with much more severe supply problems, may well find themselves without the necessary funds under this section. Areas of rural America particularly may find themselves hard put to finance the administration of necessary water treatment programs. In addition, because of population shifts and small population bases, these problems may be greatly increased. Federal funds must assist these States to meet the costs they cannot meet themselves. Because many small rural communities lack industry and a necessary tax base, these areas have a greater need for Federal funds for water treatment programs. Such areas should not suffer under this highly important provision. In committee, the Senator from New Hampshire (Mr. COTTON) the Senator from Kentucky (Mr. COOK), and I supported an amendment on this subject. This amendment we are offering today will insure that small States without numerically large populations, but with significant water and health problems, will be able to receive Federal funding. We strongly believe that this amendment, which is not unique, is needed in section 11. The Senate has ample precedence for the adoption of such a provision. For example, only last April, in S. 3507, the coastal zone management bill, the Senate approved a provision in section 305 (e) setting a 1-percent floor for all State grants.

I am extremely pleased the manager of this bill, the Senator from Virginia (Mr. SPONG), has agreed to the adoption of this amendment. It will insure that hundreds of small communities will be able to benefit from this important act.

As the Senator from Virginia will recall, we discussed an amendment of this type in committee. It is my understanding that that amendment has been modified to give the Administrator discretion to reduce the percentage in accordance with the criteria specified in the subsection and this does not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

I believe this is an equitable solution to the problem we discussed in committee. I hope the manager of the bill will

be able to accept the amendment as now modified.

Mr. SPONG. Mr. President, the subject matter of this amendment was discussed in committee and it resulted in the additional views filed by the Senator from Alaska and others in the committee report to the bill.

The approach has been modified and so modified I am pleased to support the amendment of the Senator from Alaska.

The Senator from Alaska has expressed concern that the smaller States would not receive their fair share of the program grant money authorized by the legislation. I am sympathetic to the Senator's concern. At the same time it should be recognized that the EPA possesses special knowledge with regard to the problems of the States and is in a better position to judge those needs than we are.

As the amendment of the Senator specifies that the Administrator may reduce the 1 percent minimum, the expertise of the agency can still be utilized to distribute the funds according to need.

At the same time, the amendment would establish the policy of Congress that the minimum should not be less than 1 percent unless the Administrator can justify the change by regulations. The amendment is a welcome addition to the bill and should protect the interests of the small and large States alike.

I urge adoption of the amendment of the Senator from Alaska.

Mr. STEVENS. Mr. President, again I am grateful to the Senator from Virginia. I would again urge adoption of my amendment.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. STEVENS. I yield back my time.

Mr. SPONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.  
Mr. STEVENS. Mr. President, I am grateful for the opportunity to have participated with the Senator from Virginia in the consideration of this bill. I think it will fill a pressing need. It has particular applicability to my State, which has so many villages spread throughout the State that have problems in maintaining the adequacy of pure water.

I hope the bill is adopted.  
May I ask if the Senator from Virginia intends to ask for the yeas and nays on the bill on final passage?

Mr. SPONG. I do not.  
Mr. STEVENS. I have no desire to do so, either. I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPONG. Mr. President, the floor manager is prepared to yield back the remainder of his time under the bill.

Mr. BROOKE. Mr. President, is the bill open to further amendment?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BROOKE. Mr. President, I have an amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amend-

ment, offered by Mr. BROOKE for himself and Mr. CRANSTON, as follows:

At the end of the bill, add a new section as follows:

Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina, may be used only for the purpose of withdrawing all United States ground, naval and air forces and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos and Cambodia shall be carried out within four months after the date of enactment of this Act: Provided that there is a release within the four-month period of all American prisoners of war held by the Government of North Vietnam and forces allied with such government, and an accounting of all Americans missing in action who have been held by or known to such Government or such forces.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BELLMON. 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. BELLMON. Mr. President—

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator has no time. The Senator from Massachusetts has the floor on his amendment. Thirty minutes are allotted to the Senator from Massachusetts and 30 minutes to the Senator from Virginia.

Mr. BROOKE. Mr. President, I am pleased to yield 5 minutes to the Senator from Oklahoma.

Mr. BELLMON. I wonder if the Senator from Virginia would yield for a question.

Mr. SPONG. Mr. President, the Senator from Virginia will be pleased to yield for a question. May I ask what the parliamentary situation is?

The PRESIDING OFFICER. The parliamentary situation is that the Senator from Massachusetts yielded the Senator from Oklahoma 5 minutes on his amendment.

Mr. BELLMON. I wish to thank the Senator from Massachusetts.

Mr. President, if the Senator from Virginia would respond, I would like to raise a question about the language in line 21, on page 6. The bill states—

The level of the quality of drinking water, the attainment, and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water.

That causes me some concern, because in parts of the arid West the only water available is apt to be high in mineral content, and perhaps not esthetically adequate to those who are not used to this type of water. I wonder if this language is intended to mean that waters in those conditions would not be approved for human consumption.

Mr. SPONG. The subcommittee as a whole was concerned about the very question the Senator from Oklahoma has

raised. I quote the following language from page 23 of the committee report:

The Administrator must consider the difficulties that may arise in different areas of the country to achieve aesthetically adequate drinking water. Thus, the standards could vary according to geographic area depending upon what can reasonably be achieved. The committee recognizes that a given contaminant may be of public health significance at one level and of aesthetic significance at a lower level. For example, the presence of copper in drinking water at low levels is primarily of aesthetic concern. However, as the levels of copper rise, adverse physiological effects might become evident. Thus it may be preferable to specify that a given limit has aesthetic significance rather than to specify a given contaminant as being of aesthetic significance. EPA would be expected to take these factors into account in prescribing both national primary and secondary drinking water standards.

Mr. BELLMON. I wonder if the distinguished Senator from Virginia, the principal author of the bill, feels that it is necessary to have the phrase "aesthetically adequate" in this language? It seems to me we are giving a tremendous amount of authority to a Federal bureaucrat who might not like the taste of the water, so that he could shut down a business, or perhaps even cause a whole community to be without water.

Mr. SPONG. Is the Senator from Oklahoma suggesting that we drop the entire line out of the bill?

Mr. BELLMON. I would suggest the elimination of subparagraph (a) of subsection (2) on page 6.

Mr. SPONG. I will give consideration to that request, pending the completion of action on the pending amendment, but I would say that these are only recommended standards and are not enforceable by the Administrator. But I will have to look this over and confer further with the Senator from Oklahoma.

Mr. BELLMON. I thank the distinguished Senator.

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

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROOKE. 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. BROOKE. Mr. President, I ask unanimous consent that the germaneness agreement be deleted.

Mr. ERVIN. Mr. President, I could not quite understand the Senator.

Mr. BROOKE. I ask that the unanimous-consent request be amended to delete the nongermaneness provision of the agreement on this bill.

Mr. AIKEN. Mr. President, I object.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.



Mr. AIKEN. Mr. President, I maintain this is not germane.

Mr. SPONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPONG. Will the Chair state for the benefit of the Senate the agreement with regard to germaneness insofar as the bill presently before the Senate is concerned?

The PRESIDING OFFICER (Mr. BELLMON). The agreement reads as follows:

Provided further, that no amendment that is not germane to the provisions of the said bill shall be received.

Mr. AIKEN. Mr. President, this amendment is completely out of order at this time.

The PRESIDING OFFICER. Objection to the amendment has been heard. The Senator from Virginia has the floor.

Mr. SPONG. Mr. President, I would be pleased to yield to the Senator from Vermont if he wishes to make a motion with regard to the pending amendment.

Mr. AIKEN. Mr. President, I do not like to do this, but I am so disgusted with the efforts, the apparent political efforts being made on this floor from time to time to discredit the President, to even discredit the United States that I can only do what I am doing now, and that is to object to these continued efforts to discredit our President and our country.

That is all I have to say. I insist that this is a thoroughly nongermane amendment which has been offered, and I understand that the Chair has so ruled.

Mr. BROOKE. I yield myself such time as I have remaining.

Mr. President, I regret the unfortunate words of the distinguished dean of the Senate with respect to the amendment which was offered to the present bill. The Senate has operated according to nongermaneness since the beginning of this session. Apparently there was an agreement with regard to this particular bill prohibiting nongermane amendments, which was not known at the time the amendment was offered.

When the majority leader suggested to the Senator that the germaneness rule applied to this bill, the Senator did what is his right as a U.S. Senator—namely, asked unanimous consent to have the provision of germaneness removed. There was objection, and so be it.

But I am distressed that anyone would take the floor of the U.S. Senate and say that the offering of this amendment is politically motivated. The Senate has passed this amendment time and time again, as is its right. I serve notice on the Senate that I reserve the right to offer this amendment to any appropriate legislation. The amendment has been adopted in the past, and I hope it will be adopted again.

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

Mr. BROOKE. Mr. President, the remarks of the Senator from Vermont were directed to every U.S. Senator who has voted for this amendment. At one time, 50 Senators, half of the U.S. Senate, voted

for it. For my colleagues, and for myself, I regret that the statement was made and that it be retracted.

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

Mr. BROOKE. I yield.

Mr. CRANSTON. I would simply like to state that in my efforts to bring about an end to the Vietnam war, discrediting or crediting a President of the United States is a totally irrelevant factor.

I sought to bring about an end to this war, through what I could do, when Lyndon Johnson, a Democrat, a fellow Democrat, was President. I continue to do so when Richard Nixon, a Republican, is President. The effort of the Senator from Massachusetts, a member of the President's own party and a supporter of the President, makes plain that there is nothing partisan and nothing political about this.

There are many people in the Senate and in this country who feel very deeply that our country is being destroyed and injured terribly within by what we are doing in this war. We know that American lives are being lost. We know that American money is being wasted. We know that Asian lives are being lost and that Asian money is being wasted.

We believe that it is essential to bring about an end to our participation in this war, and we are seeking to do it by legitimate means within the power of Senators.

We believe that, if the Senate was able at any time to have a vote when all Senators would be present, the record makes clear that we would win on this issue. The vote the other day, one of the last 14 votes on this issue, which happened to have been lost by those seeking to end the war, was not representative. If all Senators are present, and we are seeking a vote when many more are present, we will win on this issue.

Our only purpose is to serve what we believe to be the needs of the country, to which we have deep and abiding loyalty.

Mr. BROOKE. I thank my distinguished colleague from California.

It was my original intention to attach this amendment to the foreign-aid appropriations bill, which is next to be considered by the Senate. There was a question of a point of order, however. It was suggested that the amendment might be legislation on an appropriation bill. Therefore, I offered the amendment to the present bill. I know the amendment is not germane to this bill. It has nothing to do with pure water. But the Senate has not operated on the germaneness rule in the past. In this instance, there was a unanimous-consent agreement of which I did not know.

Forty-two Members of this body voted for this amendment the other day, and, of the 42, eight were Republicans, all of whom staunchly support the President. In the past, as many as 50 Members of this body have voted for the amendment, including 11 members of the President's party. There is no attempt on our part to embarrass the President of the United States, to criticize the President of the United States. Those Republican Senators are now campaigning very vigor-

ously for the reelection of President Richard Nixon.

For a Senator to stand on the floor of the Senate and say that this amendment is political and is meant to embarrass the President or in any way to help Hanoi is an unfortunate and regrettable statement, and again I ask that the Senator reconsider the statement and retract it.

Mr. AIKEN. Mr. President, I am voicing my own opinion.

The PRESIDING OFFICER. The time is controlled. Who yields time?

Mr. BROOKE. I will yield the Senator time, if I have it.

Mr. SPONG. I yield the Senator 3 minutes.

Mr. AIKEN. Mr. President, no one has worked harder during the last few years than I have to bring this war to an end; and all the time I was working, most of the people who now condemn the President and say our country is wrong never lifted a finger or raised their voices to help me.

I expressed my own opinion that these are political motives—and not very high-grade political motives—when they seek to condemn the President and our country at a time when it looks as though we might soon be able to extricate ourselves from the Southeast Asia situation. I do not have a high regard for those who devote so much energy toward discrediting the present administration in its efforts to restore peace throughout the world.

I know that President Nixon has made many mistakes. He will probably make more. Other Presidents have made mistakes, too. But I think this is no time to condemn him, to condemn his efforts to bring the war to an end, to condemn his efforts to expand the economic trade of the United States.

I do not raise wheat, but I cannot stand here without recognizing the efforts which are being made to destroy the wheat trade with Russia. I think it is good for us to expand our economic industry on an international basis. I certainly regret that there are those who feel that they have to repeatedly make efforts—heaven knows who they are hoping to please by it—to discredit our President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BROOKE. Mr. President, I certainly do not want to prolong this debate, if in fact it is a debate—

The PRESIDING OFFICER. The Chair sustains the point of order of the Senator from Vermont that the amendment is not germane.

The bill is open to further amendment.

Mr. BROOKE. Mr. President, how much time do I have remaining?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator may have not to exceed 5 minutes.

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

Mr. BROOKE. Mr. President, as I said, I do not want to prolong this debate, if in fact it is a debate.

I have the greatest admiration and respect for Senator GEORGE AIKEN, who, as he has said, certainly has worked

vallantly to bring peace to this country and to Vietnam.

I think that the Senator certainly misunderstands the intent of this amendment, because there is nothing in the amendment which condemns President Richard Nixon—or any President, for that matter. The amendment has to do only with the extrication of our forces from Indochina, conditioned upon the return of American prisoners of war and an accounting of our missing in action. There is no condemnation of the President involved here. In every instance, we have commended the President for what he has said.

I know that the distinguished Senator from Vermont strongly supports the President. I applaud him for it. I agree with him. I strongly support the President in what he has done with regard to the Soviet Union and China, and even what he has done so far in Southeast Asia. But that does not deprive the Congress of the United States of its constitutional responsibility to act in this particular area of war and peace.

I am not going to reargue the matter. As I said, I do not want to debate it. I have great esteem and affection for Senator AIKEN, and I regret that this debate had to take place.

On the other hand, Mr. President, I want to serve notice that I reserve the right to offer this amendment to any bill before this body, when it will not be subject to a point of order for the remainder of this Congress. And if the war is not over and I am back here next year, I will offer it then and continue to do so until such time as Congress has acted on this important issue, or until such time as the war is over.

I thank the Chair and I thank the distinguished majority leader for yielding me this time.

Mr. AIKEN. Mr. President, will the majority leader yield me 1 minute?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to yield the remainder of the 5 minutes to the Senator from Vermont (Mr. AIKEN).

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

Mr. AIKEN. Mr. President, I am not speaking exclusively or particularly about a Member of this Senate or of Congress. There are many other people throughout the United States that I would include and they are working tooth and nail against the President and his plans for peace and an expanded economy.

As to the proposed amendment, which calls for an end to the war within 4 months provided all American prisoners are released, like all the amendments previously offered, including one which I offered myself, and which was approved by the administration, 3 or 4 weeks ago. This amendment cannot be effective without first having an agreement with Hanoi.

If we have an agreement with Hanoi, we do not need this amendment, or any other amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BELLMON. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, line 17, strike "specify" and insert in lieu thereof "recommend".

On page 9, strike lines 22 through 25 and on page 10 strike lines 1 through 6 and renumber the remaining subsection.

The PRESIDING OFFICER. Would the Senator from Oklahoma ask unanimous consent that the amendments be considered en bloc?

Mr. BELLMON. Yes, Mr. President, I make such request.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. BELLMON. The purpose of this amendment is to clarify language relating to the phrase "esthetically adequate." My intention, by offering this amendment, is to make the administrator's decisions recommendations only and, by the amendment, also to relieve those affected by his findings of the notification procedures and change the law so that those would not apply.

This matter has been discussed with the distinguished Senator from Virginia (Mr. SPONG), and I would appreciate his reaction to this amendment.

Mr. SPONG. Mr. President, the Senator from Oklahoma and I have conferred subsequent to the colloquy we had earlier in the afternoon.

This amendment is acceptable to the floor manager of the bill and I ask for its adoption.

Mr. President, I yield back the remainder of my time.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPONG. Mr. President, on behalf of the distinguished Senator from Michigan and the distinguished Senator from Washington, I ask unanimous consent to have their statements on the bill printed in the RECORD at this point.

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

#### STATEMENT BY SENATOR HART

To my knowledge, the Safe Drinking Water Act represents the first attempt in the Senate to deal specifically with the problems of drinking water supply. While the Public Health Service Act contains the general au-

thority to protect against communicable disease, history has shown this authority to be far too narrow to focus to achieve the type of protection expected by consumers of their drinking water.

As the Environmental Protection Agency's current authority extends only to assuring the quality of water aboard interstate carriers, the control of the water systems serving those carriers is exercised only through the force of publicity without any direct regulatory clout. In addition, EPA can only reach 665 public water systems out of approximately 40,000 that exist in the United States today. Studies by the Environmental Protection Agency have not only indicated severe problems of drinking water contamination, but have also shown that the ability of state regulatory officials to adequately monitor drinking water is clearly deficient. While Congress has often been accused of using shotgun approach where a rifle is needed, it seems that without this legislation, we are left to solve drinking water problems at the Federal level by threatening to throw a non-existent rock.

While I have some misgivings about the level of funds authorized to be appropriated by the legislation, it is my view that the proposed legislation represents an excellent point of departure for a Federal drinking water program. At the same time, it is incumbent upon the Congress, and this Senator in particular, to keep a close watch over the progress of the program to see if the authorizations contained in the legislation will indeed do the job.

Special praise for the development of this legislation must go to the junior Senator from Virginia. While Senator Magnuson, Senator Kennedy and I joined in introducing the initial legislation, it is Senator Spong who picked up the ball, chaired the hearings on the legislation and guided the legislation to its present state. Without his efforts, it is fair to say that this bill might have died a quiet death. Senator Spong not only deserves the praise of this body but the praise of consumers who will benefit by his efforts.

#### STATEMENT BY SENATOR MAGNUSON

S. 3994, the Safe Drinking Water Act of 1972, is truly landmark legislation. While many bills receive that label, few can meet the test as easily as S. 3994. In considering this legislation, the Senate has for the first time focused on a consumer and environmental issue which has for the most part escaped public attention. Most of us, I am sure, operate under the mistaken assumption that if water comes out of the tap, it must be good. Our confidence has not been justified, as was amply illustrated by witness after witness at the hearings of the Subcommittee on the Environment.

Should this bill become law, a good deal of responsibility will be placed not only on the Environmental Protection Agency, but on each of the States as well. One of the more important responsibilities of EPA under the legislation is to perform research and provide technical service and training of personnel to the States and the water supply utilities. While functions of this nature rarely make headlines, it is my view that these features represent one of the more important provisions of the bill. The hearings of the Subcommittee on the Environment revealed that the state of the art with respect to water supply problems is at a very primitive state. A good example is the controversy over whether viruses are present in drinking water and whether they can be controlled. Presently, approximately 8 weeks are required to perform the analytical tests for the presence of virus, and even these results do not have the type of validity that scientists strive for.

In addition, studies by the Environmental Protection Agency have shown their water



supply treatment plants are operated largely by improperly trained personnel. A prime function of the EPA under the legislation would be to provide the necessary training to water supply system operators.

For these functions to be effective, laboratory and training facilities must be close enough to the States and utilities in order that they might receive the benefits of this provision of the bill. Presently, the Pacific Northwest is without such a facility, and any benefits that the State of Washington and other Northwest States receive must come through EPA's main research offices in Cincinnati. The situation has proved unworkable in the past, and the need for a laboratory will become even more acute when this legislation becomes law.

The Congress authorized the construction of a water quality lab in Manchester, Wash., in fiscal year 1967. While those funds are still available, the lab has yet to be built. Through the cooperation of the other members of the Appropriations Committee, we were successful in inserting some rather strong language in EPA's appropriation legislation directing that that laboratory be built. As the Environmental Protection Agency has now agreed to program funds for construction, it appears that the lab may become a reality. I can only reiterate my strong personal feelings that the laboratory should be built without further delay.

As a sponsor of the original legislation which has resulted in the bill now before us, I want to commend the Senator from Virginia for his diligent work on this bill. As with other matters of environmental and consumer concern, Senator Spong has again exhibited a capacity for untiring workmanship. I wish also to express my admiration and appreciation for the ranking minority member of the Committee on Commerce, Senator Cotton. His leadership was invaluable to the committee in the development of this legislation as was that of the junior Senator from Alaska, Senator Stevens.

Special tribute should also go to Steven Lathrop, an intern from Cornell with the Committee on Commerce during the summer of 1971. Mr. Lathrop first brought the problems of drinking water supply to our attention. Thanks should also go to Mike Brownlie and John Yarmouth of the committee staff, who worked so diligently on the legislation.

The time is now for this legislation and I am extremely pleased that the Senate will now act on such an important measure.

**MR. KENNEDY.** Mr. President, I welcome this opportunity to express my support for S. 3994, the Safe Drinking Water Act of 1972. This measure is vitally important to the health of millions of Americans because it provides safeguards against the invasion of contaminants in the supplies of our drinking water systems.

Most people feel assured that our sources of water are almost limitless and wholly safe. But, public confidence in the safety of adequate drinking water is not completely warranted because the instances of assaults on the water systems of our cities indicate that we must guard against the dangers of bad water.

As designed by its authors, this bill establishes programs for the Environmental Protection Agency to regulate the procedures and standards affecting our Nation's drinking water systems.

Federal involvement with water programs is currently limited to control of contaminants in water supplied through interstate carriers. However, concern for Federal participation in the maintenance

of adequate drinking water supplies increased because of serious lapses in the safety of several municipal water systems.

Over 18,000 people were affected by a 1965 epidemic in Riverside, Calif., a failure in the disinfection system in Angola, N.Y., precipitated a 30-percent gastroenteritis attack rate in 1968 and 60 percent of the 1969 Holy Cross football team suffered from infectious hepatitis as a result of ineffective water control procedures.

More recently, attention has been turned to reports of critical quantities of mercury and other metallic deposits in water supplies. Last January, officials from the Massachusetts Department of Health informed me that evidence of high lead deposits appeared in the drinking water of a sample of Boston homes. Though the deposits of lead that authorities discovered were minimal, considerable interest has mounted over this issue because even small amounts of lead over long periods of time may result in a build-up of lead in nerve and bone tissue that would eventually be dangerous. It has been nearly 3 years since I introduced legislation in the Senate to combat the hazards of lead-based paint poisoning. The tragic consequences of excess blood lead levels caused by this insidious disease are well known to medical authorities. Children are particularly susceptible to lead poisoning.

Medical records suggest that lead in paint presents the most critical threat to young children. But I share the concern of Massachusetts health authorities like Dr. Dorothy Worth who believe "we must minimize all possible environmental exposures to lead from air, paint, food, and water." The cumulative lead burden is known to be vitally important in affecting the health of our Nation's children. I am gratified to know that the provisions of this measure will adequately deal with the problems caused by the seepage of lead into our drinking water systems.

In addition to my concern about the problem of lead in water, I am seriously interested in the other provisions of this legislation that are designed to safeguard our Nation's water systems.

The Environmental Protection Agency disclosed in testimony before the Senate Commerce Subcommittee on the Environment that disease-producing viruses had been found in the drinking water of two Massachusetts cities—Lawrence and Billerica. I ask unanimous consent that my statement of March 21 and the texts of my letters to William D. Ruckelshaus, Administrator of the Environmental Protection Agency, and the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare, be included in the RECORD at this point.

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

STATEMENT OF SENATOR EDWARD M. KENNEDY  
REGARDING EPA ANNOUNCEMENT OF VIRUS  
IN DRINKING WATER

The citizens of Massachusetts, and indeed, people all over the United States were shocked to learn yesterday from EPA testi-

mony before a Senate Committee that drinking water in two cities in Massachusetts are contaminated with disease-producing viruses. While the testimony suggests that there is no need for panic, I fully share the concern of these citizens that immediate action must be taken:

1. to assure that drinking water is regularly checked to meet health standards;
2. that information on the quality of the water is released immediately to the public; and,

3. that in areas found to have contaminated water, immediate action is taken to protect the health of the consumers.

It is little consolation that the water-treatment systems in Lawrence and Billerica, Massachusetts, are of higher quality than most. Surely, residents in other cities throughout Massachusetts and the rest of the country must be concerned that their treatment systems are not adequate to meet health standards. Today those who drink a glass of water may wonder if it has been adequately tested, and if so, whether the results of the test are unknown outside of government agencies.

The Environmental Protection Agency over the last two years has been working to develop a reliable method for detection of virus particles in drinking water. We applaud this goal and the breakthrough in their recent tests. However, we must assure that these scientific advances are employed immediately to assure that all drinking water is regularly tested and that the test results are regularly made public. It is unrealistic to assume that the health and safety of our citizens must rely on questioning of governmental agencies during Congressional hearings.

First, I have asked, today, that William S. Ruckelshaus, Director of EPA take immediate steps to institute a regular, uniform and timely investigation of all drinking water with an assurance that the results are released to the public. (The text of that request is attached.) Secondly, I have asked Elliot Richardson, Secretary of Health, Education and Welfare to cooperate with state and local health and safety agencies to establish a temporary emergency uncontaminated water supply to those areas of Massachusetts directly affected by the announcement of contaminated water. There is no more basic concern for our citizens than health. I have asked the Secretary to assure that the concern of those citizens be allayed by providing a water supply tested for health which may include the regular water supply or a special emergency supply. (The text of that request is attached.)

I look forward to immediate responses from those Federal Governmental agencies, and I want to assure the people of Massachusetts that my offices are available to provide a cooperative effort by federal, state and local officials during this period of concern for all our citizens.

MARCH 21, 1972.

MR. WILLIAM D. RUCKELSHAUS,  
Administrator, Environmental Protection  
Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: As a result of the testimony yesterday of EPA representatives before the Senate Commerce Subcommittee on Environment, I am requesting that immediate action be taken to assure a clean, safe, and healthy drinking water supply for the citizens of Massachusetts.

The residents of Lawrence and Billerica, Massachusetts, are concerned today that the only water supply available to them does not meet minimum health standards. The EPA has made a significant technological advance in virus detection methods. We must assure that these advances immediately become a part of a comprehensive, regular, uniform and timely method of water inspection. I

also request that the results of these investigations are made available immediately to the consumers.

I appreciate the difficulties involved in developing a comprehensive program of water supply testing and I applaud the EPA for its efforts to date. But I fully share the concern of our citizens that the water they drink has not been adequately tested or that test results have been circulated only among governmental officials.

I ask your immediate attention to this situation in Billerica and Lawrence, Massachusetts, and I offer you my complete cooperation in working toward a safe, tested water supply.

I look forward to hearing from you.

Sincerely,

EDWARD M. KENNEDY.

MARCH 21, 1972.

HON. ELLIOT L. RICHARDSON,  
Department of Health, Education, and Welfare,  
Washington, D.C.

DEAR MR. SECRETARY: Yesterday testimony before the Senate Commerce Subcommittee on Environment revealed that the water supply in two Massachusetts cities are contaminated with disease-producing viruses. I know that you share my deep concern that immediate action be taken to provide the residents of Billerica and Lawrence, Massachusetts, with a water supply which meets minimum health standards.

Immediate steps should be instituted by the Department of Health, Education, and Welfare to assure that this water supply is thoroughly tested for safety, and if minimum health requirements are not met that an emergency water supply be provided to these cities. Surely, there can be no more important step for government officials during this time, than the immediate implementation of measures to assure an adequate and clean supply of drinking water.

I am more than happy to work with your office in any way to assure that a joint cooperative effort between federal, state and local officials during this period of great concern for the citizens of Massachusetts.

I look forward to hearing from you.

Sincerely,

EDWARD M. KENNEDY.

ENVIRONMENTAL PROTECTION AGENCY,  
Washington, D.C., April 5, 1972.

HON. EDWARD M. KENNEDY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of March 21, 1972, requesting that we give our attention to assuring a safe water supply for the citizens of Massachusetts.

The Environmental Protection Agency, as part of its drinking water program, has made significant progress in the development and application of methods that are sufficiently sensitive to isolate and identify the quantities of virus likely to be present in finished drinking water. To test these methods, a study was made of three cities, including Lawrence and Billerica, Massachusetts.

It must be emphasized that the water supply systems of Lawrence and Billerica are very good and efficient systems. Indeed, they were chosen for the study because the high quality of their drinking water made possible a very stringent test of the sensitivity of the detection methodology. As we indicated in our March 20, 1972 testimony before the Senate Commerce Subcommittee on the Environment, we share your concern for a safe drinking water supply, not only for the people of Massachusetts, but for all our Nation's citizens. In that testimony, we noted that many of the Nation's water supply systems are subject to potential problems because they contain structural or operational

defects; because they are manned by improperly trained personnel; and because many State and local control programs are inadequate. The water supply systems of Lawrence and Billerica are definitely not in this unfortunate group. The residents of these communities continue to receive a water supply that is of a high quality in terms of present day health standards. Such standards impose mandatory limits on levels of contaminants such as coliform bacteria, arsenic, barium, cadmium, chromium, cyanide, lead, fluoride, selenium, and silver which can clearly affect the health of the user. None of these mandatory limits have been exceeded in the supply system of Lawrence and Billerica and there has not been any unusual level of disease or other ill health effects observed in these areas.

Even if the water supply of these communities should be found to be unsafe, we would be limited under present law as to action we could take to remedy the situation. Our authority to enforce National standards currently extends to the protection of the interstate traveler, not to the protection of the local citizen. Under the Public Health Service Act, the Environmental Protection Agency is authorized to prevent interstate carriers from utilizing drinking water from community supply systems which have not complied with our required standards. We have no authority with regard to the use of such drinking water by the local residents. The regulatory gap will exist until the Senate and the House of Representatives act on the currently pending drinking water legislation which will make National drinking water standards applicable to all community water supply systems and enforceable for the protection of all individuals using the water from such systems.

We are, however, immediately doing all that we possibly can within our authority with regard to the drinking water supply of Billerica and Lawrence. I have instructed our Regional Office for Region I, which includes the State of Massachusetts, to conduct a series of tests on the water supply systems of Billerica and Lawrence to assure that existing water hygiene technology is fully applied and to confirm that the citizens of Billerica and Lawrence are indeed receiving safe supplies of drinking water. I am also directing that our experimentation into virology be continued. Standards for viruses in drinking water have not been established because of the lack of knowledge as to what amounts of virus particles in such water can cause disease. As a result of the initial three cities study, we are proceeding to redesign the virus study so that we can attempt to determine what levels of viruses in drinking water might have a potentially dangerous effect on human health. On the basis of this determination, we will then be able to promulgate standards imposing limits on viruses in drinking water supplies.

We are in the process of preparing a report on our research in the area of virology and water hygiene and will make this immediately available upon completion. Your interest in the problems of safe drinking water is appreciated. Please advise me if I may be of any further assistance.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,  
Administrator.

Mr. KENNEDY. Mr. President, we were assured that the discovery of viruses represented a scientific breakthrough; that there was no cause for alarm. But it is very clear that this was a final warning signal that congressional action is imperative and Federal participation is crucial if the quality of our drinking water is to meet minimum health and safety standards.

The legislation we are considering today calls for minimum national drinking water standards, a meaningful national research and development program, and financial and technical assistance to State and local governments for planning, training, and the development of new methods of water treatment. The committee has also included a most important provision calling for adequate, uniform, and timely publication of water quality information to the public.

Mr. President, over the years, water pollution control efforts, that is the regulation of pollutants on raw, untreated water in our rivers and lakes have amassed tremendous support and Federal funding. Over a billion dollars has been spent on these sources of about 50 percent of our drinking water. But where is the concern for the other half of the problem—effective treatment of this raw water supply before it reaches our taps. If all our efforts at water pollution abatement were effective today, the problems of water treatment would still be with us. It is not only the chemical components of industrial wastes which must concern us, there are also problems of bacteria and virus factors which deserve our immediate attention.

We have heard before the history of our successes and our failures in water quality control in this country. Our early and effective efforts to provide clean drinking water were a great success, accounting in some part for the unconcerned reaction of many of our citizens that the water they drink now may be of inferior quality. Water treatment methods effectively wiped out typhoid and dysentery from water borne sources as long ago as the 1930's. But our record since then has been less than effective. Research has been less than adequate on disease-producing contaminants in our water supplies and the inadequacy of our water treatment facilities and methods have become apparent.

While our population has grown larger, our water sources have grown smaller and dirtier. Our technology has put us on the moon, but no new type of effective water treatment facility has been developed. And, while we have endlessly researched new and better televisions and washing machines and vacuum sweepers, no new method of treatment to eliminate viruses from drinking water has been advanced.

Mr. President, the statistics are shocking: 9 percent of tested samples were labeled "potentially dangerous quality" serving a total of 360,000 people; 41 percent of the 969 systems were delivering waters of inferior quality to 2.5 million people; 36 percent of the 2,600 individual tapwater samples contained one or more bacteriological or chemical constituents exceeding the limits in the Public Health Service drinking water standards; 56 percent of the systems tested evidenced physical deficiencies including poorly protected ground water sources, inadequate disinfection capacity, or inadequate system pressure.

Many water treatment facilities were found to be understaffed, inadequately



funded, poorly operated and maintained. Operation and maintenance personnel often lacked sufficient training and expertise in the field of water quality control. In this study 77 percent of water facility operators were found to have inadequate training.

We are all familiar with the Federal Government's role in the regulation of drugs, foods, air pollution, mine safety, and solid waste management; but Federal participation and direction in the area of drinking water has been limited by a lack of funds and a lack of authority. EPA has been limited to the regulation of interstate water supplies only. For example, on March 17, 1972, EPA issued a prohibition against the use of water from Cordova, Alaska, aboard interstate carriers—trains, buses, planes. But no authority exists for a Federal governmental role in water supplies within a community. The absence of citizen demand for pure drinking water can be traced directly to the lack of information obtained or disseminated to the community concerning the local supply.

On August 24, 1972, the EPA announced that the city of Haverhill, Mass., failed to meet the bacteriological requirements of the Public Health Service drinking water standards. This action meant once again that interstate carriers were prohibited from taking on water in Haverhill, but the EPA was powerless to assist the citizens within the community. They could only urge city officials to take steps to correct the situation.

EPA estimates that the States should be spending at least \$30 million a year on water supply systems, just to keep pace with increasing population and ever-increasing pollution. But the States are currently spending one-third of that.

In 1965 in Riverdale, Calif., 16,000 residents became ill and three died from salmonella in the drinking water. In 1969, 30 percent of the population in Angola, N.Y., contracted gastroenteritis from the drinking water supply. And in 1969 in my own State of Massachusetts, the football team from Holy Cross was downed with a 66-percent infectious hepatitis rate from a faulty water delivery system.

Current methods of water treatment appear to be insufficient based on the limited research on virus in drinking water. The waste treatment plants in Lawrence and Billerica, Mass., are considered of superior quality—yet initial testing found virus in both supplies. Only three systems in the United States have been tested for virus and no technology yet exists for an efficient, noncumbersome, effective, and quick way to test for virus. EPA has been working to develop this technology.

And we must find a way to protect the 20 million Americans who do not have water delivered into their homes. They must pay excessive amounts for water, sometimes haul it over long distances, sometimes from muddy and dirty sources.

Mr. President, clean drinking water is directly related to disease prevention. As Drs. Wilhelm Huepre and W. D. Conway pointed out:

The most common and often prolonged and therefore the most dangerous contact with carcinogenic cancer-producing pollutants occurs when water thus contaminated is used for drinking water purposes and the preparation of food. EPA feels that the major cost of waterborne disease is probably not the cost of medical treatment or even time lost from work, but the 365 days spent each year in semi-productive work due to chronic illness.

The bill we have before us establishes minimum drinking water standards, provides research funding, gives grants to the States to develop effective water programs. Every American has a basic right to safe, clean drinking water. It is time for the Congress to see that this right is enjoyed by all our citizens.

Mr. RANDOLPH. Mr. President, the people of the Nation and the Congress can be gratified for the recognition and concern and action that has been given to environmental quality concerns. In recent years there has been an increasing awareness for environmental quality. It has resulted in the enactment of landmark social legislation providing Federal regulatory roles in air and water pollution control, coupled with a strong Federal-State partnership. For example, this week the House and Senate Public Works Committees will file the conference report on the Federal Water Pollution Control Act Amendments of 1972 in recognition of the increasing national concern over degradation of our nation's lakes, streams, and estuaries.

During this period, however, comparable attention to that for pollution control has not been given to providing public water supplies which are safe and free from risk to the public health and welfare. Yet, the water supply industry is faced with an increasing spectrum of chemical substances which occur as pollutants in raw water sources and are not removed by current water supply treatment methods ending up in the drinking water supply itself. The quality of public water supplies is now at a point where strong remedial action is needed to deal with the deterioration that has occurred.

In our emphasis, in recent years, on man's effect on biological or ecologic systems we may very well have neglected a critical link in the chain where man, himself, has direct daily contact with water—drinking water. As beneficial as our Federal water pollution control program has been and will be, the American Academy of Environmental Engineers, and other, have pointed out that present technology will require joint and supplementary wastewater and water supply treatment programs if adequate supplies of potable, safe drinking water are to be assured.

What is needed is a reaffirmation of the historical public health concern for water hygiene. Such recognition of the current state of affairs—one of unjustified and unacceptable degradation of the quality of public drinking water supplies—is reflected in S. 3994, the Safe Drinking Water Act of 1972, which is under consideration today and which I fully support. This degradation is such that, in mid-1970, some 8 million people or 5 percent of the people being served by public water systems in this coun-

try were paying for drinking water that is potentially dangerous in that it fails to meet Federal standards which only apply to water supply systems used by interstate carriers. As pointed out in the Commerce Committee's report, in the 10-year period 1961 to 1970, there were 128 reported outbreaks of disease or poisoning attributed to drinking water; and this does not include the incidents which went unreported or undetected.

I take this opportunity to commend my distinguished colleague, Senator SPONG, the junior Senator from the Commonwealth of Virginia, and Senator HART for their leadership in the formulation of this much needed water supply legislation. As chairman of the Committee on Public Works, I had the pleasure of serving with BILL SPONG on our committee from 1967 to 1970. During this period Senator SPONG was instrumental in contributing to the formulation of such environmental legislation as the Air Quality Act of 1967, the Water Quality Improvement Act of 1970, the Clean Air Amendments of 1970, and the Resource Recovery Act of 1970. Although I was sorry to see him move over to the Senate Commerce Committee in 1971 it is readily apparent he is continuing to follow his interest and leadership role on environmental issues.

With the transfer of the water hygiene program of the U.S. Public Health Service to the Environmental Protection Agency in December 1970, an opportunity was provided for this Federal program to be enhanced. The current program is limited, for the most part, to responsibility for preventing the spread of communicable diseases in interstate commerce. This represents less than one-half of the 160 million people served by community water supply systems. More significantly, existing Federal enforcement authority applies to only 665 out of an estimated 30,000 public drinking water supply systems serving both large cities and small towns.

The Public Health Service's 1970 Survey of Community Water Supply Systems indicated that a major problem—as for other environmental programs—is a lack of adequately trained personnel. For example, the States employ only about one-third of the number of public health engineers needed to support effective State programs. The situation was so bad in 1970 that 79 percent of the water supply systems surveyed—four out of five—had not been checked for drinking water safety in the previous year.

Without question, there is an immediate national requirement to initiate the Federal programs necessary to assure the application of adequate, up-to-date standards of drinking water quality which, at a minimum, protect public health. Also there is the need to assure that public water supply systems are, in fact, delivering reliably safe drinking water to their customers. To a large extent, the public has been led to believe that water pollution control efforts are a panacea which will not only restore and enhance the water quality of our lakes, streams, and coastal waters, but also guarantee delivery of adequate quantities of safe drinking water. Although

water pollution control efforts will assist in the delivery of safe drinking water to the consumer's tap, community water supplies must be treated, also. These programs are complementary and Federal water hygiene activities must receive the needed resources and enforcement authority which are provided for in S. 3994, the Safe Drinking Water Act of 1972, if this program is to assure safe, potable water supply systems.

When the results of the Public Health Service's 1970 community water supply study were called to my attention, I directed the professional staff of the Committee on Public Works to work with Senate Legislative Council to draft water supply legislation for my introduction which reflected and complemented the concepts contained in existing Federal environmental policies. The Senate Commerce Committee undertook hearings on this matter before my bill was introduced, however. Because of my deep interest in this legislation I arranged for copies of my draft bill to be made available to the staff of the Senate Commerce Committee for their use along with the services of Richard D. Grundy, a public health engineer on the staff of the Committee on Public Works. My draft bill provided authority for—

First, research on the causes, effects, and remedies for contamination of water supply systems, incorporating World Health Organization recommendations;

Second, training personnel to design, operate, and regulate water supply systems;

Third, special study and demonstration grants to design, construct, and operate new or improved water supply systems modeled after comparable provisions in the Resource Recovery Act of 1970;

Fourth, program grants to State and local water hygiene agencies for planning and control;

Fifth, establishment of a Water Hygiene Advisory Board and ad hoc advisory committees as in air and water quality statutes;

Sixth, the issuance within 90 days of enactment of the bill of water hygiene and raw water source criteria;

Seventh, the issuance of proposed national minimum water hygiene and raw water source standards, within 90 days of enactment of the bill, which provide for the protection of public health, and promulgation of such standards within 90 days thereafter;

Eighth, the retention of existing State standards and enforcement procedures unless the Administrator makes a specific determination that they are inadequate;

Ninth, inspection, monitoring and records as in the Clean Air Act, as amended;

Tenth, Federal enforcement where national minimum standards are being violated, modeled after the Clean Air Act, as amended;

Eleventh, conformity of Federal water systems and raw water sources with national minimum standards;

Twelfth, emergency regulatory powers where there is an imminent and substantial endangerment to the health of persons;

Thirteenth, judicial review;

Fourteenth, comprehensive economic cost studies of the impact of implementing this bill as a basis for future legislative action.

Mr. President, I support S. 3994, the Safe Drinking Water Act of 1972, as reported by the Senate Committee on Commerce, and urge its passage.

Mr. SPONG. Mr. President, if there are no further amendments to be offered, the manager of the bill is prepared to yield back his time.

Mr. SCOTT. Mr. President, we yield back the remainder of our time on this side.

The PRESIDING OFFICER (Mr. COOK). The bill is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and third reading of the bill.

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

S. 3994

An act to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Safe Drinking Water Act of 1972".

#### DECLARATION OF POLICY

SEC. 2. (a) The Congress finds—

(1) that increasing quantities and types of chemicals, bacteria, viruses, toxic metals, and other contaminants are entering the public water systems that serve as sources which supply the Nation with water for drinking many of which are either not detected or removed by established water testing and treatment methods and which are consumed by or come in contact with the public, thereby presenting hazards or potential hazards to the public health;

(2) that the public should be provided with adequate quantities of water that is safe for drinking and other human uses;

(3) that the sale and shipment of contaminants of drinking water or products made through the use or production of such contaminants through interstate commerce present a danger to the public from consuming water containing such contaminants;

(4) that the Federal Government has the responsibility of establishing minimum national drinking water standards for all public water systems and to encourage State and local governments to establish equivalent or more stringent standards; and

(5) that State and local governments are in need of Federal assistance in assuring the quality of water required for drinking and other human uses, and to that end the Federal Government should supply technical assistance, research and development information, monitoring, and testing information, assistance for the planning and implementation of comprehensive State drinking water programs, assistance for the development and demonstration of new or improved methods of making water safe for drinking, and assistance for the training of individuals involved in the management and safe operation of our Nation's public water supply systems.

#### DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Agency" means the Environmental Protection Agency.

(3) The term "State" means a State, the District of Columbia, the Commonwealth

of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(4) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the supply of water to the public, and an Indian tribe or an authorized Indian tribal organization.

(5) The term "person" includes a State or an authorized Indian tribal organization.

(6) The term "person" includes a State or political subdivision thereof, municipality, corporation, partnership, association, private or public nonprofit institution, or an individual.

(A) any system which provides drinking water, including bottled drinking water, (i) to ten or more premises not owned or controlled by the supplier of water or (ii) to forty or more individuals receiving such drinking water from a system not serving travelers in interstate commerce;

(B) any system which provides drinking water to carriers serving travelers in interstate commerce;

(C) any person which provides drinking water to facilities or establishments serving travelers in interstate commerce, except that the Administrator may by regulation exempt any such system or class of such systems if he determines that such exemption will not result in any unreasonable threat to public health; and

(D) any other system or class of systems which provides drinking water if the Administrator determines by regulation that such system or class of systems may pose an unreasonable threat to public health.

(7) The term "supplier of water" means any person who controls, owns, or operates a public water system.

(8) The term "Council" means the National Drinking Water Council, established under section 7 of this Act.

(9) The term "contaminant" means any physical, chemical, biological, radiological, or other substance or matter which may cause or transmit infectious disease, chemical poisoning, chronic disease, or other impairment to man, or which may have any other deleterious effect on the public health.

(10) The term "bottled drinking water" means water for human consumption sold in a closed container.

#### NATIONAL DRINKING WATER STANDARDS

SEC. 4. (a) The Administrator shall, after consultation with the Secretary of Health, Education, and Welfare, (A) issue initial proposed regulations prescribing national primary drinking water standards within one hundred and eighty days after the date of enactment of this Act and (B) issue initial proposed regulations prescribing national secondary drinking water standards within one hundred and eighty days after the date of such enactment. The Administrator shall specify in such proposed regulations the date on which such regulations shall take effect, which shall be as soon as is practicable.

(b) (1) National primary drinking water standards, as described under subsection (a) of this section, shall be drinking water standards and programs, the attainment and maintenance of which, are requisite to reasonably protect the public health, except that the Administration shall not prescribe the addition of any substance other than for the purpose of treating contaminants. Such standards—

(A) shall prescribe the maximum permissible levels for any contaminants which may exist in any public water system in the United States which may cause or transmit disease, chemical poisoning, or other impairments to man, allowing adequate margins of safety;

(B) may apply to any feature of the water supply system including, but not limited to, the treatment, storage, and distribution facilities;



(C) shall include standards for the adequate operation, maintenance, surveillance, and monitoring of water quality adequate to assure a dependable supply of drinking water which meets the requirements of subparagraph (A); and

(D) shall include standards for construction and site selection of public water system facilities to protect such facilities from floods and other natural disasters.

(2) National secondary drinking water standards, as described under subsection (a) of this section, shall recommend the level of quality of drinking water the attainment and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water. Such standards may apply to any constituent of drinking water (A) which may affect the taste, odor, or appearance of such water, or (B) which may otherwise be necessary to assure aesthetically adequate drinking water.

(3) In establishing or revising standards under this section, the Administrator shall take into consideration the views and recommendations of the Council established pursuant to section 7 of this Act.

(c) The Administrator shall publish simultaneously with the issuance of any proposed national primary or national secondary drinking water standard under this section—

(1) Such criteria and information as, in his judgment, are necessary to accurately reflect the nature and extent of all identifiable effects on public health or welfare which may be expected from the presence of the contaminant which is the object of such proposed drinking water standards.

(2) Information and data on drinking water treatment methods and technology for the control of the contaminant which is the object of such proposed drinking water standard. Such information and data shall apply to each feature of the water supply system at which control of the contaminant may be exercised including, but not limited to, treatment, storage, and distribution facilities and the adequate construction, maintenance, and operation thereof. Such information and data shall include the costs of such treatment and the effectiveness of such treatment in controlling such contaminant.

(d) The Administrator shall, at least every three years, review the adequacy of any national primary or secondary drinking water standard under subsection (a) of this section and the criteria, information, and data published under subsection (c) of this section. The Administrator shall publish his findings in the Federal Register.

#### ENFORCEMENT OF STANDARDS

SEC. 5. (a) For the purposes of this Act, a State will be considered to have primary enforcement responsibility during any period for which the Administrator has approved a plan in accordance with section 11(d) of this Act and such plan is not being unreasonably deviated from to any significant extent by such State. If any such State has primary enforcement responsibility, the Administrator shall monitor the activities of such State only to the extent necessary to determine if such plan is being unreasonably deviated from to any significant extent. To the maximum extent practicable, any such monitoring shall not duplicate the activities of such State.

(b) (1) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State has primary enforcement responsibility under subsection (a) of this section that any public water system in such State does not comply with any national primary drinking water standard he shall so notify the State in which such water system is operating. If the Administrator finds that such failure to comply with such standard extends beyond the thir-

tieth day after such notification he shall give public notice of such failure to comply with such standard and the extent of the dangers posed and shall, if appropriate remedial action has not been taken to prevent any unreasonable endangerment to public health, (i) commence an action under section 16 of this Act, or request the Attorney General to do so, or (ii) issue an order in accordance with subsection (d) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State does not have primary enforcement responsibility under subsection (a) of this section, that a public water system in such State does not comply with any national primary drinking water standard he shall give public notice of such finding and the extent of the dangers posed, and shall, if appropriate remedial action will not be taken to prevent any unreasonable endangerment to public health, (i) commence an action under section 16 of this Act, or request the Attorney General to do so, or (ii) issue an order in accordance with subsection (d) of this section.

(c) Whenever, on the basis of information available to him, the Administrator finds that any public water system in a State does not comply with any national secondary drinking water standards, he shall notify such State and request such State to take appropriate remedial action. If, after a reasonable time following such notification, the Administrator finds that such State has not taken remedial action, he shall give public notification of such finding in a manner suitable to inform users of such public water system of such violation.

(c) (1) Any order issued under subsection (b) of this section shall specify such relief as may be appropriate to prevent any unreasonable endangerment to public health. Such relief may include an order requiring the person responsible for the violation which results in the order to cease such violation, to notify customers of such violation in accordance with section 11(d) (8) of this Act, or to furnish emergency supplies of drinking water.

(2) Any order under this subsection shall be issued only after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code.

#### IMMINENT HAZARDS

SEC. 6. (a) An imminent hazard shall be considered to exist when there is reason to believe that a constituent of the drinking water of a public water system will result in a serious risk to health prior to the conclusion of an administrative hearing or other formal proceeding held pursuant to this Act and that a State or local authority or the supplier of water has not acted to eliminate such risk.

(b) If an imminent hazard exists, the Administrator may petition an appropriate district court of the United States, or he may request the Attorney General to do so, to order such action as is necessary to eliminate the imminent hazard. The Administrator shall simultaneously, if he has not previously done so, propose any regulation which might be necessary under section 4 of this Act, or he may commence an action under section 16 of this Act.

#### NATIONAL DRINKING WATER COUNCIL

SEC. 7. (a) There shall be established in the Environmental Protection Agency a National Drinking Water Council consisting of fifteen scientifically qualified members. The Administrator shall appoint members of the board from a list of individuals recommended to him by the National Academy of Sciences or from such other sources as he deems advisable. Such Council shall include qualified scientists none of which shall have any economic interest in the supply of drinking water and not more than one-third of which shall have any responsibility for the

regulation of drinking water. Each member of such Council shall hold office for a term of three years, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term;

(2) the terms of the members first taking office shall expire as follows—(i) five shall expire three years after the date of enactment of this Act, (ii) five shall expire two years after such date, and (iii) five shall expire one year after such date, as designated by the Administrator at the time of appointment; and

(3) the members of such Council shall be eligible for reappointment.

(b) The National Academy of Sciences shall maintain a list of qualified scientists to assist the Administrator in appointing members to such Council.

(c) Such Council shall advise, consult with, and make recommendations to the Administrator on matters relating to the scientific review of data, including engineering data, relating to the activities of the Agency under this Act. Such Council shall, upon the request of the Administrator, review any proposed action of the Administrator and shall report its views and reasons therefor in writing to the Administrator within a reasonable time, as specified by the Administrator. All proceedings and deliberations of such Council and their reports and reasons therefor shall be public record. The report of the Council and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(c) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(d) Members of such Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to compensation at rates fixed by the Administrator, but not exceeding the daily rate applicable at the time of such service to grade GS-18 of the Classified Civil Service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5701 of title 5, United States Code, for persons in the Government service employed intermittently.

#### RESEARCH, TECHNICAL ASSISTANCE, INFORMATION, TRAINING OF PERSONNEL

SEC. 8. (a) The Administrator shall conduct and promote the coordination of research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals in the conduct of research, studies, and investigations relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of man resulting directly or indirectly from contaminants in drinking water, or to the provision of an adequate quality and quantity of safe drinking water. Such research, studies, or investigations may include, but shall not be limited to, the development of—

(1) new and improved methods to identify and measure the existence of contaminants in drinking water and to identify the source of such contaminants;

(2) new and improved methods to identify and measure the health effects of contaminants in drinking water;

(3) new and improved methods of treating water to prepare it for drinking, to improve the efficiency of water treatment and to remove contaminants from the water; and

(4) new and improved methods for

providing adequate quantities of safe water for drinking to the public, including improvements in water purification and distribution, and methods of assessing the health related hazards of other characteristics of drinking water supplies.

(b) In carrying out this Act, the Administrator is authorized to—

(1) collect and make available information pertaining to research and investigations, with respect to providing adequate quality and quantity of safe drinking water together with appropriate recommendations in connection therewith;

(2) make available research facilities of the Agency to appropriate public agencies, institutions, water supply utilities, and individuals engaged in studies and research relating to water supply; and

(3) make grants to, and contracts with, any State or other public agency, educational institution, water supply utility, any other organization, and individuals in accordance with procedures prescribed by the Administrator, under which he may pay all or a part of the costs (as may be determined by the Administrator) of any project or activity which is designed—

(A) to develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the management and safe operation aspects of providing safe drinking water; and

(B) to train instructors and supervisory personnel to train or supervise persons in occupations involving the management and safe operation aspects of providing safe drinking water.

(c) There are authorized to be appropriated to carry out the provisions of this section \$10,500,000 for the fiscal year ending June 30, 1973; \$17,250,000 for the fiscal year ending June 30, 1974; and \$23,250,000 for the fiscal year ending June 30, 1975. Sums appropriated pursuant to this section shall remain available for obligation through the close of the following fiscal year.

#### RURAL WATER SURVEY

SEC. 9. (a) The Administrator shall (after consultation with the Secretary of Agriculture and the several States) enter into arrangements with public or private entities as may be appropriate to conduct a survey of the quantity, quality, and availability of rural drinking water supplies. Such survey shall include, but not be limited to, the consideration of the number of residents in each rural area—

(1) presently being inadequately served by a public or private drinking water supply system, or by an individual home drinking water supply system;

(2) presently having inadequate access to or no access to drinking water; and

(3) who, due to the absence or inadequacy of a drinking water supply system, are exposed to an increased health hazard.

(b) Such survey shall be completed within two years of the date of enactment of this Act and a final report thereon submitted not later than six months after the completion of such survey, to the President for transmittal to the Congress. Such report shall include recommendations for improving rural water supplies.

(c) There are hereby authorized to be appropriated to carry out the provisions of this section \$1,000,000 for the fiscal year ending June 30, 1973; \$2,000,000 for the fiscal year ending June 30, 1974; and \$1,000,000 for the fiscal year ending June 30, 1975.

#### SPECIAL STUDY AND DEMONSTRATION PROJECT GRANTS

SEC. 10. (a) The Administrator is authorized to make grants to appropriate public and private agencies, institutions, water supply utilities, and individuals for the purposes of—

(1) assisting in the development and demonstration of any project which will demonstrate a new or improved method, approach, or technology for providing a safe supply of drinking water to the public in both urban and rural areas of the Nation; and

(2) assisting in the development and demonstration of any project which will investigate and demonstrate the health implications involved in the reclamation, recycling, and reuse of waste waters for drinking and related uses or which will demonstrate processes and methods for the safe and esthetic preparation of such waters.

(b) Grants made by the Administrator under this section shall not—

(1) exceed 66 2/3 per centum of the total cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator;

(2) be made for any project involving the construction or modification of any facility in any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water; and

(3) be made for any project unless the Administrator determines, after consulting the Council, that such project will serve a useful purpose relating to the development and demonstration of new or improved techniques, methods, or technologies for the provision of safe water to the public for drinking or other useful purposes.

(c) Nothing in this section shall affect the authority of the Administrator to make grants for Alaska village safe water and pollution elimination or control demonstration projects under section 20 of the Federal Water Pollution Control Act (33 U.S.C. 1170).

(d) For the purposes of this section there are hereby authorized to be appropriated \$1,500,000 for the fiscal year ending June 30, 1973; \$4,750,000 for the fiscal year ending June 30, 1974; and \$7,500,000 for the fiscal year ending June 30, 1975.

#### STATE DRINKING WATER SUPPLY PROGRAM GRANTS

SEC. 11. (a) There are hereby authorized to be appropriated \$8,000,000 for the fiscal year ending June 30, 1973; \$11,250,000 for the fiscal year ending June 30, 1974; and \$15,975,000 for the fiscal year ending June 30, 1975 for grants to the States to assist them in establishing and maintaining adequate programs to assure the safety of public drinking water under this section.

(b) (1) From the sums available pursuant to subsection (a) for any fiscal year the Administrator shall from time to time make payments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the financial needs, and (3) the extent of the actual or potential water supply problem, except that any such payment shall not be greater than an amount equal to two-thirds of the cost of any such State program.

(2) No State shall receive less than 1 per centum of the annual appropriation for grants under this section: *Provided*, That the Administrator may, by regulation, reduce such percentage in accordance with the criteria specified under this subsection: *And provided further*, That such percentage shall not apply to grants allotted to Guam, American Samoa, or the Virgin Islands.

(c) The Administrator shall pay to each State an amount equal to its allotment under subsection (b) for the purposes of defraying the cost of carrying out its State plan approved under subsection (d) of this section, including the cost of training personnel for State and local public water supply work and the cost of administering the State plan. Such payments shall not be made if such plan has not been approved by the Administrator.

(d) The Administrator shall approve any plan for establishing and maintaining a pro-

gram to assure the safety of public drinking water which is submitted by the State if such plan—

(1) provides for the formal adoption by the State of drinking water standards which are no less stringent than the national primary drinking water standards prescribed under section 4 of this Act;

(2) provides for the adoption by the State of appropriate regulations and procedures for the implementation and enforcement of such State standards;

(3) provides for administration or for the supervision of administration of the plan by the State agency charged with the responsibility for the safety of drinking water;

(4) sets forth the plans, policies, and procedures to be followed in carrying out the State plan;

(5) provides for such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan;

(6) provides that the appropriate State agency will make annual reports, or such more frequent reports as the Administrator may reasonably require, in such form and containing such information as he may require;

(7) provides for the establishment of an emergency plan of action for each public water system within the State for use in case of an emergency affecting the safety of the treated drinking water or the effective operation of the treatment facility, including provision for emergency reserves or alternate sources of water suitable for drinking and culinary purposes; and

(8) provides for the implementation of a standards violation notification procedure, whereby any supplier of water found to be in violation of any Federal or State drinking water standard will be required to so notify its customers, in transmitting water bills or through other appropriate means, of the nature and extent and possible health effects of such violation and the remedial measures which will be taken to correct the problem.

(e) If a State plan has been approved, and the Administrator subsequently finds that such plan is being unreasonably deviated from to any significant extent, the Administrator is authorized to terminate any further payment under this section to such State.

(f) Any approval or disapproval of a State plan under subsection (d) of this section, or termination of payments under subsection (e) of this section, shall be in accordance with and subject to the procedures and judicial review provisions of section 12 of this Act.

(g) For the purposes of determining whether any State plan approved under subsection (d) of this section is being unreasonably deviated from to any significant extent, the Administrator shall cause to be made, at least once every three years, a complete audit of such State's water supply programs.

#### REGULATIONS, PROCEDURE, AND JUDICIAL REVIEW

SEC. 12. (a) At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this Act and to amend or rescind such regulations at any time.

(b) The Administrator shall publish any regulations proposed under this Act, or proposals to amend or rescind such regulations, and his justification therefor in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, his reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within



forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with such conditions or limitation as the Administrator may make applicable thereto.

(c) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(d) Any judicial review of final regulations promulgated under this Act shall be in accordance with section 701-706 of title 5, United States Code, except that, with respect to relief pending review, no stay of an Agency action may be granted unless the reviewing court determines that the party seeking such stay (a) is likely to prevail on the merits in the review proceeding and (b) will suffer irreparable harm pending such proceeding.

(e) Except as expressly modified by the provisions of this section, the provisions of the Administrative Procedures Act (5 U.S.C. 551 et seq.), shall apply to proceedings conducted by the Administrator under this Act.

(f) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either (1) that the information is material and was not available at the time of the proceeding before the Administrator or (2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

#### RECORDS

Sec. 13. (a) Every supplier of water who is subject to a standard prescribed under section 4 or grantee shall establish and maintain such records, make such reports, and provide such information as the Administrator shall reasonably require to assist him in establishing standards and regulations under this Act and in determining whether such person has acted or is acting in compliance with this Act. Suppliers of water and others subject to State enforcement under section 4(c) of this Act shall submit such reports and make available such records and information to the appropriate State agency for inclusion in State reports required under section 11(d) (6) of this Act.

(b) Any officer or employee duly designated by the Administrator, upon presenting appropriate credentials and a written notice of inspection authority to any supplier of water subject to a standard prescribed under section 4 of this Act or any grantee (or person in charge of any of its property), is authorized to enter any establishment or facility or other property of such person in order to determine whether such supplier or grantee has acted or is acting in compliance with this Act, including for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities, or in order to test any feature of a public water system, including its raw water source. Each inspection shall be commenced and completed with reasonable promptness and the

supplier or grantee notified of the results of such inspection.

(c) For purposes of this section, the term "grantee" means any person who receives financial assistance under this Act.

#### STATE REGULATIONS

Sec. 14. Nothing in this Act shall affect the authority of any State or local government to establish drinking water standards or to make other requirements for purposes similar to those contained in this Act, except that any such standards or requirements shall not be less stringent than the requirements of this Act or regulations thereunder.

#### PROHIBITED ACTS

Sec. 15. The following acts and the causing thereof are prohibited:

(1) The failure to comply with any final regulation issued by the Administrator pursuant to this Act, except that noncompliance with a national secondary drinking water standard under section 4(b) of this Act is not prohibited;

(2) The failure or refusal to establish and maintain records, make reports, and provide information as required under section 13(a) of this Act;

(3) The refusal to allow entry and inspection of establishments, facilities, or other property pursuant to section 13(b) of this Act; or

(4) The failure of any person to comply with any order issued under section 5(d) of this Act.

#### PENALTIES AND REMEDIES

Sec. 16. (a) Any person willfully violating section 15 of this Act shall on conviction be fined not more than \$15,000 for each day of violation or imprisoned for not more than one year, or both.

(b) (1) Any person not willfully violating section 15 of this Act shall be liable to the United States for a civil penalty of a sum which is not more than \$10,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the civil penalty, the Administrator may commence an action in an appropriate district court of the United States for such relief as may be appropriate or request the Attorney General to commence such an action.

(c) The Attorney General or the Administrator may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 15 of this Act, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

#### CITIZEN CIVIL ACTION

Sec. 17. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any national primary drinking water standard promulgated under section 4 of this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a) (1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to any alleged violator of such standard and (iii) to the State in which the violation occurs.

(B) if the Administrator, the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such standard, but in any such action any person may intervene as a matter of right.

(2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any national primary drinking water standard or to seek any other relief.

#### CONFIDENTIALITY

Sec. 18. (a) Copies of (1) any communications, documents, reports, or other information received or sent by the Administrator or (2) the results of any drinking water quality analyses or other information pertaining to drinking water quality possessed by the Administrator shall be made available to the public upon identifiable request, and at reasonable cost unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) (1) The Administrator or any officer or employee of the Agency or the Council established under section 7 of this Act shall not disclose any information which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed by the Administrator—

(A) to other Federal government departments, agencies, and officials for official use, upon request, and with reasonable need for such information;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, except that such disclosure shall preserve the confidentiality to the extent possible without impairing the proceeding; and

(E) to the public in order to protect their health, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the person to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health). In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any in-

formation described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Any communication from a person to the Administrator or any other employee of the Environmental Protection Agency concerning a matter presently under consideration in a rulemaking or adjudicative proceeding in the Environmental Protection Agency shall be made a part of the public file of that proceeding unless it is communication entitled to protection under subsection (b) of this section.

#### FEDERAL FACILITIES

SEC. 19. (a) Except as provided for in subsection (b) of this section, each Federal department or agency having jurisdiction over any building, installation, or other property, which is or will be served by a federally owned or maintained public water system, shall comply with all national primary drinking water standards prescribed under section 4 of this Act and shall, to the maximum extent practicable, comply with any national secondary drinking water standard prescribed under such section.

(b) The Administrator may waive compliance with the requirements of subsection (a) of this section, in whole or in part, upon receiving information from the Secretary of Defense or from the Secretary of the Department in which the United States Coast Guard is operating that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense or by the Secretary of the Department in which the United States Coast Guard is operating, in the interest of national security, unless the Administrator has been requested by the applicable Secretary to omit such publication because it would be contrary to the interests of national security.

#### RELATIONSHIP TO OTHER LAWS

SEC. 20. The authority of the Secretary of Health, Education, and Welfare to regulate bottled drinking water under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, et seq.) shall be repealed on the effective date of initial national primary drinking water standards pertaining to bottled drinking water under section 4 of this Act.

#### AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 21. In addition to the authorizations contained in sections 8, 9, 10, and 11, there are hereby authorized to be appropriated such sums as may be necessary, but not to exceed \$6,000,000, \$8,250,000, and \$9,750,000 for the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, respectively, for the purposes and administration of the Act.

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1973

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays be-

fore the Senate H.R. 16705, the Foreign Assistance and Related Programs Appropriation 1973, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 16705), making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. FONG. Mr. President, I ask unanimous consent that my administrative assistant be granted the privilege of the floor during the consideration of the pending measure.

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

Mr. INOUE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 minutes.

Mr. INOUE. Mr. President, as chairman of the Appropriations Subcommittee on Foreign Operations I was assigned to report the bill as recommended by the committee to the Senate. I should say, however, that I became chairman after the untimely death of our late and beloved chairman of the full committee, Senator Allen Ellender, and was not even a member of the subcommittee at the time of its hearings or when it reported the original bill to the full committee on June 26. Thus, the credit for this bill and this report should go to the most distinguished former chairman of the subcommittee, Senator WILLIAM PROXMIRE, who has diligently and patiently handled the detailed and comprehensive review of foreign assistance which the subcommittee undertook over the past 2 years. He bore the burden and has been most gracious and accommodating to me. I have only within the past few weeks begun my study of the complex issues involved. I salute him for his strong and forthright advocacy and significant accomplishments over the past 2 years, and I extend to him my deep personal appreciation for his willingness to handle the bill both in committee, on the floor, and in conference.

He will present the committee recommendations which I will support.

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, once again this body is considering the annual appropriation for the foreign aid program. As we all know from the long debate which accompanied action on the authorization bill, including its defeat in July, it remains a controversial but vital part of our interests in the international arena.

The bill now before us provides appropriations for various foreign assistance programs totaling \$2,823,897,000. This compares with the original budget request of \$5,163,024,000. However, for committee purposes, deferred action on four major items for which \$2,251,000,000 was requested. Those items are: Re-

lief assistance to the new nation of Bangladesh, \$100 million; grant military assistance program, \$780 million; security supporting assistance, largely in Southeast Asia, \$844 million; and foreign military credit sales, \$527 million.

We took no final action on these items because the legislation which authorizes them only passed the Senate this past Tuesday and the final authorization levels have not yet been decided in a conference between the Senate and the House. I believe that deferral of these items puts us in a much better position to go to conference with the Appropriations Committee of the other body. We will, of course, be governed by the outcome of the authorization conference and would not exceed those levels in any event.

In many ways this appropriations bill is probably one of the most complicated pieces of legislation that the Congress deals with each year. It provides funds for development assistance—both bilateral and multilateral, it includes a substantial amount of money for security assistance activities carried out by the Departments of Defense and State and it provides funds for a number of humanitarian activities such as assistance to Soviet Jewish immigrants and assistance to other refugees, such as a large number of Cubans who now reside in this country.

The committee this year held extensive hearings on all aspects of the bill and a great deal of credit goes to Senator PROXMIRE, the former subcommittee chairman. The report recognizes that there is room for improvement in the administration of the bilateral foreign assistance programs, but I am convinced that these are not deep and serious problems. I am equally convinced that the current Administrator of AID is trying as hard as he can to focus our interest for bilateral development programs on the major problems in agriculture, education, nutrition, and population. To continue this effort he needs our support. Indeed, the program could clearly use more funds than the committee has provided. This is particularly true in the case of technical assistance. The committee agreed, however, to accept the House-passed levels in anticipation that further changes in this program would be recommended to the next Congress.

The committee made three significant changes in the House appropriations levels. Those were:

An increase of \$50 million in worldwide development loans to be used on such terms and conditions that the President may determine only for disaster relief in the Philippine Islands. I recognize that the Philippines are going through a difficult period at the moment, but we felt that the tremendous destruction caused by the floods in July and August justified this increase. Our new subcommittee chairman and my colleague from Hawaii, Senator INOUE, visited the Philippines and reported to the Senate on the magnitude of the need. The proposed U.S. contribution for this effort would be approximately 25 percent of the total estimated support expected from external sources.

The committee agreed to increase the



level of funds for UNDP and other UN organizations to the budget request of \$124,835,000. The bulk of this amount—\$90 million—would be allocated for the UNDP. The United States has held its voluntary contributions to this important international development assistance agency to \$86 million in recent years. In other words, while other governments have continued to increase their voluntary contributions, the United States has remained the same. With the changes being made in the administration of the UNDP by its new head, Rudolph Peterson, I am convinced that this modest increase will be used effectively.

The committee also provided the full level of the request for population programs—\$125 million, an increase of \$25 million over the House level. This important program was discussed a great deal in the committee and although it was agreed that the United States should continue to extend the highest priority to this type of assistance, the subcommittee will review this program intensively during its hearings on the fiscal year 1974 budget request.

There are other areas where additional funds were justified such as the Indus Basin Development fund and, as I mentioned before, the technical assistance accounts. However, I am hopeful that AID will be able to accommodate its needs within the funds appropriated in this bill or, if necessary, seek additional funds in the supplemental request which will come before the new Congress next spring.

The committee reaffirmed the Senate's support for each of the international financial institutions and provided the full amount requested in the President's budget. I am pleased that the United States has taken the necessary action to insure the continued flow of funds to the International Development Association and that new life is again being breathed into that institution. As a Member of this body representing our outpost in the Pacific, I am particularly pleased that the committee approved the \$100 million request for the Asian Development Bank. Although a new and growing organization, it is doing an excellent job of meeting the needs of many of the countries of Asia in cooperation with other international donors. I am also pleased that the committee recommended the full amount of the request for the Inter-American Bank.

I would hope that the Senate will consider and quickly pass this bill today. We all recognize that it is late in our legislative year; that many of us are actively engaged in election campaigns and that we would like to adjourn as soon as possible. However, in the interest of the many millions of people in the less-developed countries who benefit from the funds provided in this bill, I urge that the funding levels recommended in this bill be maintained and that we resolve any outstanding differences in a conference as soon as possible.

Again, Mr. President, I commend Senator PROXMIER for his role as subcommittee chairman and Senator INOUE for his initiatives and the interest he has taken since he has replaced Senator PROXMIER.

Mr. INOUE. Mr. President, I yield

to the Senator from Wisconsin such time as he may desire.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIER. Mr. President, I thank the distinguished Senator from Hawaii.

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

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

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 22, strike out "\$105,000,000" and insert "\$124,835,000".

On page 3, line 2, after "section 291", strike out "\$100,000,000: *Provided*, That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year" and insert "\$125,000,000".

On page 3, after line 23, strike out: Refugee relief assistance (Bangladesh): For necessary expenses to carry out the provisions of section 491, \$75,000,000.

On page 4, line 4, after "\$165,000,000", strike out "together with such amounts as are provided for under section 203, all such amounts"; and, in line 6, after the word "expended", insert a colon and "*Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress."

On page 4, line 10, after "section 201", strike out "\$350,000,000" and insert "\$400,000,000, of which amount \$50,000,000 shall be available only for Philippine disaster relief"; in line 12, after the amendment just above stated, strike out "together with such amounts as are provided for under section 203, all such amounts"; and, in line 14, after the word "expended", insert a colon and "*Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress."

On page 4, after line 24, strike out: Unobligated balances as of June 30, 1972, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1973, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance" and "Security Supporting Assistance", are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

On page 5, after line 18, strike out:

#### MILITARY ASSISTANCE

Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, \$730,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States.

Regional naval training: For necessary expenses to carry out the provisions of section 504(c) of the Foreign Assistance Act of 1961, as amended, \$2,500,000, to remain available until expended.

On page 6, after line 6, strike out:

#### SECURITY SUPPORTING ASSISTANCE

Security supporting assistance: For necessary expenses to carry out the provisions of section 531 of the Foreign Assistance Act of 1961, as amended, \$750,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress: *Provided further*, That of the funds appropriated under this paragraph, not less than \$50,000,000 shall be allocated to Israel: *Provided further*, That the funds appropriated or made available pursuant to this paragraph shall be available notwithstanding the provisions of sections 534, 535, and 536 of the Foreign Assistance Act of 1961, as amended.

On page 7, line 16, after the word "exceed", strike out "\$5,000,000" and insert "\$11,000,000".

On page 9, after line 14, strike out:

SEC. 107. Of the funds appropriated or made available pursuant to this Act, not more than \$9,000,000 may be used during the fiscal year ending June 30, 1973, in carrying out research under section 241 of the Foreign Assistance Act of 1961, as amended.

On page 9, at the beginning of line 20, change the section number from "108" to "107".

On page 10, at the beginning of line 1, change the section number from "109" to "108".

On page 10, at the beginning of line 17, change the section number from "110" to "109".

On page 10, at the beginning of line 24, change the section number from "111" to "110".

On page 11, after line 2, strike out:

SEC. 112. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador, unless the President determines that the furnishing of such assistance is important to the national interest of the United States.

On page 11, after line 7, strike out:

SEC. 113. The funds appropriated or made available pursuant to this Act shall be available notwithstanding the provisions of section 10 of Public Law 91-872 and notwithstanding the provisions of section 655(c) of the Foreign Assistance Act of 1961, as amended.

On page 11, after line 12, insert a new section, as follows:

SEC. 111. It is the sense of the Congress that excess foreign currencies on deposit with the United States Treasury, having been acquired without the payment of dollars, should be used to underwrite all local costs of United States foreign assistance programs. Therefore, none of the funds appropriated by this title shall be used to acquire, directly or indirectly, foreign currencies or foreign credits from non-United States Treasury

sources when there is on deposit in the United States Treasury excess foreign currencies having been acquired without payment of dollars unless such acquisition has been previously justified to the Appropriations Committees of the Senate and the House of Representatives.

On page 11, after line 24, insert a new section, as follows:

SEC. 112. No part of any appropriation made under this title shall be used for continuing public safety programs of the Agency for International Development except for an amount not to exceed \$4,000,000 to continue the operation of the Agency for International Development's International Police Academy in Washington, District of Columbia, and necessary direct student costs.

On page 12, after line 6, insert a new section, as follows:

SEC. 113. No part of any appropriation made under this title may be used to pay that portion of a student maintenance allowance provided to or for a student attending a United States institution, out of funds made available to or for the Agency for International Development, which exceeds the amount of the student maintenance allowance established by the Department of State to be provided to or for a student at the same institution.

On page 12, after line 14, insert a new section, as follows:

SEC. 114. Of the funds made available under this title, not to exceed \$143,200,000 shall be expended for compensation for personnel of the Agency for International Development.

On page 12, after line 18, strike out:

TITLE II—FOREIGN MILITARY CREDIT SALES

#### FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, \$450,000,000: Provided, That of the funds appropriated under this paragraph, not less than \$300,000,000 shall be allocated to Israel.

On page 13, line 1, change the Title number from "III" to "II".

On page 13, line 7, strike out "\$81,000,000" and insert "\$88,027,000".

On page 13, line 14, after "5 U.S.C. 3109", strike out "\$145,000,000" and insert "\$161,000,000".

On page 15, line 2, after the word "Operations", strike out "\$418,330,000" and insert "\$836,760,000".

On page 15, after line 9, insert:

#### SUBSCRIPTION TO ASIAN DEVELOPMENT BANK

For payment by the Secretary of the Treasury of a United States contribution to the Consolidated Special Funds of the Asian Development Bank, \$100,000,000, to remain available until expended.

On page 15, line 15, change the Title number from "IV" to "III".

On page 17, line 3, change the Title number from "V" to "IV".

On page 17, at the beginning of line 4, change the section number from "501" to "401".

On page 17, at the beginning of line 8, change the section number from "502" to "402".

On page 18, at the beginning of line 5, change the section number from "503" to "403".

On page 18, after line 7, strike out:

SEC. 504. None of the funds herein appropriated for the "International Financial In-

stitutions" and the "United Nations Development Program" shall be available to assist in the financing of any project or activity the expenditures for which are not subject to audit by the Comptroller General of the United States.

On page 18, after line 13, strike out:

SEC. 505. None of the funds herein appropriated for the "International Financial Institutions" and the "United Nations Development Program" shall be available to assist in the financing of any project or activity for which detailed justification is not available to the United States Senate and House of Representatives.

On page 18, after line 19, strike out:

SEC. 506. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to provide loans, credits, financial and investment assistance, or insurance guarantees on sales to or investments in any nation which requires payment in excess of \$50 or its equivalent for exit visas, exit permits, or for the right to emigrate.

MR. PROXMIRE. Mr. President, I wish to say what a pleasure it has been to work with the distinguished Senators from Hawaii on this bill. There is no Member who is more popular in the Senate and elsewhere than the distinguished Senator from Hawaii (Mr. INOUYE). I have enjoyed very much working with him in the past, but that is especially true in connection with this bill, which is a very difficult matter. He was not a member of the subcommittee but he showed extraordinary understanding of the issues, which was a surprise to me and I am sure to other members of the committee. And certainly working with the distinguished Senator from Hawaii (Mr. FONG), the ranking minority member of the subcommittee, it is always a real pleasure. He is a man of good temper and humor, as well as outstanding ability.

I have an amendment to the bill which I will present in a minute. Before that I want to outline some of the changes in the bill which I think are significant.

MR. FULBRIGHT. Mr. President, will the Senator yield to me for 30 seconds?

MR. PROXMIRE. I yield.

MR. FULBRIGHT. I wish to join with the Senator in extending my congratulations to both Senators from Hawaii for having managed this bill.

I have just been reading the report, and I was particularly impressed by the decision to leave out unauthorized items. This has been a matter of controversy. The committee left out matters of military appropriations which are not authorized. I think that is a good precedent. I hope it may contribute to the reestablishment of some control in the Senate and the Congress.

MR. PROXMIRE. I thank the Senator. There was no question in the committee that we should do this. We discussed it. There was some concern expressed on the part of some members of the committee, but we wanted to support the distinguished Senator from Arkansas, chairman of the Foreign Relations Committee, by not acting on any of these items until his committee and the corresponding committee in the House had worked their will.

Foreign assistance will probably never be popular but from my 2 years as chair-

man of this subcommittee, it is not difficult for me to understand why the U.S. aid program has such a tenuous hold on its continued existence and why so many of its one-time strongest supporters have deserted it. For example:

First, U.S. foreign assistance in the aggregate is weighted in favor of military and security related assistance by roughly 6.2 to 3.5, and I have reason to believe that that ratio minimizes the military side.

Second, economic assistance favors the "haves" rather than the "have nots."

Only a pittance—less than 10 percent—goes to education.

As little as 2 to 3 percent of our bilateral assistance benefits the small farmers who comprise 70 to 80 percent of the population of most of the emerging nations. Dr. Peter Dorner, Senate hearings, pages 621-58.

The negative image presented by our public safety program and the unknown cover it presents for activities not even known to this subcommittee detracts from many of our economic and self-help programs.

Interest rates to ultimate users of development loan credits ranges upwards of 20 percent and more per year in many instances although U.S. contributions to the development banks are outright gifts and the institutional and bilateral loans themselves carry an interest rate in the 2 to 3 percent range.

Third, under broad grants of transfer authority and with no country-by-country allocations or ceilings only the ultimate totals in this bill have any real meaning, and it is readily apparent to even the uninitiated that the Congress has no effective or meaningful control over the ultimate use of the funds appropriated.

With these thoughts in mind, the committee bill contains some half dozen amendments designed to tighten our controls over the funds appropriated in this bill. I believe that such reforms, controls and limitations as are represented by these amendments are absolutely essential if the U.S. foreign assistance program is to survive, but it is clear that they will be fought by the agencies concerned.

As I say, the bill contains some—but by no means all—of the controls and new directives which I believe are needed.

In the way of new congressional controls we recommend:

First, elimination of automatic reappropriation of prior-year balances amounting to something over a quarter of a billion dollars. This will cause the full effect of resources provided to be reflected in new obligational authority as is the case in this bill.

Second, new requirement to use excess foreign currency for local costs unless the use of U.S. dollars is justified to the Congress.

Third, extending to Alliance for Progress and development loans the requirement that no new program be initiated without prior justification to Congress. This provision is carried by the House for technical assistance and supporting assistance and is designed to preclude "after the fact" notifications such as we



saw in a development loan for Malta in fiscal year 1973 and military grant aid to South America in fiscal year 1972.

Fourth, requiring AID to bring its student maintenance payments in line with State Department payments. They now exceed these and U.S. student maintenance averages by some 20 percent. There is no justification for this.

Fifth, provides an over-all ceiling for monitoring all AID personnel compensation. The ceiling is the full amount requested by AID for fiscal year 1973. This has been badly needed for a long time.

The report contains language requesting the legislative committees to consider reducing present broad authority to transfer between appropriation accounts and to review the necessity for maintaining a separate appropriation account for administrative expenses. It also directs the Agency for International Development to advise the committee of reprogramings and that next year's congressional presentation include a breakout by country of large undistributed amounts and regional requests.

I tried very hard to provide country-by-country limitations, so that Congress would really control foreign aid, but I was not successful. We had a split vote in the subcommittee, and it was not pressed in the full committee. My understanding is that in the future the Senator from Hawaii (Mr. Inouye) may be interested in pursuing this.

The report also contains language requiring AID to reevaluate its use of appropriated funds for the hiring of household servants for its officials overseas.

Mr. President, it makes no sense, in a day when very few people have servants, for the taxpayer to provide servants for AID officials who have incomes of \$20,000 or \$30,000 a year and can afford their own servants. This will be reevaluated and considered in the future.

In addition, the subcommittee included a prohibition against continuation of AID's public safety program. This action reaffirms the position of the full Senate last year—by a vote of 37 to 34. The public safety program stigmatizes the whole AID effort and needlessly interjects the United States in what are and should be local affairs.

However, there was a compromise on this in committee, in which the Police Academy was permitted to continue and in which necessary student costs not to exceed \$4 million per year was provided. However, the bulk of the money, some \$14 million, was eliminated.

Insofar as dollar recommendations are concerned, the subcommittee equals or exceeds the House allowance in every authorized item providing for the full budget request for the international development banks. This in itself is some half billion dollars over the House allowance.

The subcommittee restored House cuts in population control, contributions to international organizations, and the Peace Corps.

The committee followed the recommendation of the Senate leadership in leaving out all unauthorized items.

And finally, the committee—for the first time—documents total U.S. foreign

assistance at more than \$10 billion and points out what President McNamara of the World Bank said Monday in his address to the International Monetary Fund now meeting here in Washington—namely, that aid money simply does not trickle down to those levels of the poor who need it most—again less than 10 percent of economic aid for education and 3 to 4 percent of direct benefit to small farmers.

Mr. President, here it is—not nearly all I had hoped for and more money than I think has been justified—and my amendment will address this—but under the circumstances it represents my best efforts to deal prudently and responsibly with this most difficult program.

Let me say that the clerk of the subcommittee, Bill Jordan, is a man who has contributed enormously to a difficult bill. I do not know how he does it, especially since, until recently, he was also the clerk of the District of Columbia Subcommittee. I served as chairman of both those subcommittees. He is extraordinarily skilled, able, tactful, and understanding. He is a man who works very hard, and does one of the best jobs, in my experience, of anybody on the staff of the Appropriations Committee or other committees.

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 15, line 3, strike out "\$836,760,000" and insert in lieu thereof "\$418,380,000".

On page 15, strike out lines 10 through 14.

Mr. PROXMIRE. Mr. President, my amendment would do two things. No. 1, it would cut back funds for the Inter-American Development Bank by \$418 million. It would cut the amount recommended by the committee and requested by the administration in half. It would cut it back to the figure appropriated by the House.

No. 2, it would take out \$100 million provided by the committee for the Asian Development Bank and bring that in accordance with the House recommendation.

I know that there are strong arguments in favor of the Inter-American Development Bank and the Asian Development Bank, but I think under present circumstances, in which we have budget deficits, adverse balance of payments, and particularly in view of the fact that this body is going to be confronted with a ceiling on spending of \$250 billion, which in all likelihood is going to be adopted, we are going to have to cut the budget ourselves or pass the buck to the President to cut what he wants to cut.

I think the President would agree that we should make those cuts. I think we should stand up like men and establish our own priorities. If we do that, this is certainly where, in view of votes in the past in the Senate, we might make a reduction. In doing that, we will be protecting our own programs that we have passed and that we hope will be funded.

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

Mr. FONG. Mr. President, in hearing the amendment read, I think it related only to the sum of some \$800 million, but when the distinguished Senator spoke, he also spoke about the Asia Development Bank, which is an item of \$100 million.

Mr. PROXMIRE. The latter part of it relates to page 15, striking out lines 10 through 14, as well as making the \$418 million reduction.

The PRESIDING OFFICER. Is the Senator desirous?

Mr. PROXMIRE. I yield time on my time.

The PRESIDING OFFICER. Is the Senator asking that these amendments be considered en bloc?

Mr. JAVITS. Mr. President, I object.

Mr. PROXMIRE. That is fine. It will take longer, but it will strengthen my position. I am delighted that the Senator from New York objected. I would have liked to accommodate the Senate, even though it would have weakened my position. The objection of the Senator from New York is a big help. I do not know if he intended to do that, but I thank him for doing it. Let me say that the Senator from Wisconsin finds it very hard—and I know that few Senators do not find it so, some 20—to justify voting against revenue sharing, which would benefit our people, and yet vote for an increase in foreign aid. In foreign aid we are helping people in other countries and not people in our own States.

Just a few moments ago we had a substantial majority voting against an amendment which would have provided eyeglasses and dentures for elderly people. I voted against it because I could not agree with that.

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

Mr. PROXMIRE. Yes, I am glad to yield to the Senator from Rhode Island, who offered the amendment.

Mr. PELL. I would like to point out that the majority of Senators voted for it until the count came up, and then it was found that, by gum, this excellent amendment had passed, and the bipartisan leadership, who had a different view of priorities than I do in the matter, made sure the votes were reversed.

Mr. PROXMIRE. Mr. President, the Senator from Rhode Island is, of course, correct.

This is an amendment all of us would like to have voted for. We could certainly make an excellent case for it in our States. It is hard for me to go back to the State of Wisconsin and say, "I voted against your eyeglasses and the dentures you need" to people who have pitifully inadequate incomes, and have difficulty getting three meals a day, "but I turned around and voted hundreds of millions of dollars above the House of Representatives for these international banks."

Mr. President, it is not as if these funds go to very poor people. It is documented in the record that only 2 to 3 percent of the funds go to small farmers, and that only between 10 and 15 percent goes for education.

That is what turned me against foreign aid. I am reluctant to vote against a foreign economic aid bill, but I am going to vote against the bill, because I am con-

vinced that under present circumstances we just cannot afford it.

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

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. As Senators know, I and other people, and I thought the administration was of this view, thought that we were going to increase multilateral aid and cut down on bilateral aid. I think we were making progress in that respect, but as a matter of fact, as a result of strenuous efforts on the part of the administration, we did not cut back on the bilateral.

Mr. PROXMIRE. Yes; I wanted to cut the bilateral and emphasize a multilateral program. Under the circumstances, I do not think I have any alternative except to—

Mr. FULBRIGHT. I have great sympathy with the Senator. I have always supported the multilateral program. In fact, I have taken the lead, in the committee, on increasing it, in view of the fact that I thought we would move in that direction and not the other.

But in view of the Senate's action in increasing it \$370 million on the floor above what the committee reported, and these bilateral amounts are not going down, I am put in a very difficult position not to vote for the Senator's amendments, because the other part of the bargain has not been lived up to.

If we are going to vote for any aid at all, I think this is the way to do it, through the Export-Import Bank and the other two international banks. But if we are going to be foolish enough to increase the other aid, I am constrained to feel the way the Senator does.

Mr. PROXMIRE. That is right; I do not think we can have it both ways.

Mr. FULBRIGHT. I think it is very sad to continue to increase this bilateral aid, which has caused so much trouble for us. It will be very embarrassing for me to support the Senator, because time and again I have said this is the way to do it. But under the circumstances I am almost going to have to.

Mr. PROXMIRE. I thank the Senator from Arkansas.

Mr. President, I would like to point out that the overall foreign aid program is \$10.1 billion. We have documented it. It has gone up each year since 1971. It was \$8.7 billion in 1971 and \$9.7 in 1972, and now it is \$10.1 billion and that does not include the Export-Import Bank.

Furthermore, the President's request is way up over that of his first year in office. It is up by \$1.1 billion. Economic aid, in the narrow sense—I am not talking about all the economic aid, but the economic aid in this particular bill—is up \$400 million, and military aid up \$885 million.

The program is funded in more than 40 countries throughout the world. We tried to limit it; I wanted very much to limit it to 20 countries. We have not been able to do that; and we fund countries everywhere throughout the world—as I say, some 40 countries.

Furthermore, as I have pointed out, the loans by these banks go for big projects. Day after day in the hearings we had this documented. Only 10 to 15 percent, of total aid, as I say, goes for education. I quote from the committee report, on page 14:

"New" directions and "major" reforms in U.S. foreign assistance were proposed by the President in April, 1971. But new priorities do not seem to include education because there is a slight decline in the proportion of U.S. loans and grants for education and training in fiscal years 1972 and 1973. Behind

the dollar figures and proportions is a story of grossly inadequate attention to education. For all of Asia, a territory stretching from Turkey to Korea and inhabited by almost two billion people, the fiscal 1973 budget proposes grants of \$12.9 million for education and training, or slightly more than the cost of two F-4 Phantom jets.

The report goes on to say:

Multilateral lending institutions have shown a similar lack of concern with educational development. The table below shows the proportion of funds loaned by the International Development Association (IDA), the Inter-American Development Bank (IDB), and the Asian Development Bank (ADB) for educational purposes.

Mr. President, I ask unanimous consent that this table and another on our bilateral program be printed in the RECORD at this point.

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

EDUCATIONAL LOANS BY INTERNATIONAL FINANCIAL INSTITUTIONS  
(Dollars in millions)

	Cumulative		1971	
	Amount	Percent all loans	Amount	Percent all loans
International Development Association <sup>1</sup>	\$212	6	\$40	7
Inter-American Development Bank <sup>2</sup>	168	4	67	10
Asian Development Bank <sup>3</sup>	124	5	(*)	-----

<sup>1</sup> Primarily devoted to buildings and equipment for technical and vocational education at secondary level.

<sup>2</sup> Mainly for university and secondary education physical plants and equipment.

<sup>3</sup> Includes 2 ADB education loans for technical institutes.

<sup>4</sup> The most recent ADB education loan was approved in the spring of 1972, and 2 other education loans are in the pipeline.

#### U.S. BILATERAL FOREIGN ASSISTANCE FOR EDUCATION AND MANPOWER TRAINING

(Dollar amounts in millions)

Region and category	Fiscal year 1971				Fiscal year 1972				Fiscal year 1973			
	Total loans	Education, percent	Total grants	Education, percent	Total loans	Education, percent	Total grants	Education, percent	Total loans	Education, percent	Total grants	Education, percent
Asia	\$372	2	\$44	35	\$296	1	\$36	34	\$465	0	\$38	34
Africa	92	4	58	30	93	0	55	35	100	0	63	32
Latin America	233	16	81	44	233	14	79	42	295	14	80	42
Nonregional and other			84		2		90				90	
Total	1 697	7	267	25	624	6	260	25	860	5	271	24

<sup>1</sup> Total and regional figures exclude population funds from development loans. The table is compiled from the AID fiscal year 1973 congressional presentation, using regional program summaries for the category of "Education and manpower training."

Mr. PROXMIRE. It shows the Asian Development Bank at 5 percent, the International Development Association as 6 percent, and the Inter-American Development Bank at only 4 percent.

Mr. President, these are subsidized interest loans that we make at far below the cost of money to the Treasury, and they are reloaned in these foreign countries at up to 20 or 25 percent, the difference going to middleman banks. Of course, it does strengthen the economy of the countries concerned, but it does not help the farmer who borrows money and has to pay a very high interest rate, or reduce the taxes the American taxpayer pays to subsidize the interest rates shown here.

Furthermore, these are "loans" in name only. It will be a very long day in

July before it is paid back. This money never comes back. If the international banks build up their capital, theoretically we could claim our share, but we are not going to, and we know that.

Also, Mr. President, I think what the House has provided would amply support the Inter-American Development Bank, and we should leave the Asian Development Bank, certainly far more than we have in the past, to the prospering, affluent country of Japan. Here is a country for which we provide the defense, at the cost of billions of dollars to the American taxpayer. The proportion of their gross national product that they provide for defense is about 1 percent. Our proportion is 7 times that. I understand that the Japanese are doing some-

what more with the Asian Bank. They should, it seems to me, do a whale of a lot better, and begin to get off our backs in all these ways.

Mr. President, I urge the adoption of the amendment, and I yield the floor.

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

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. I notice, on page 46 of the report, under the heading "American Schools and Hospitals Abroad," the following language:

This program has grown far afield and its demands are almost beyond control. The committee requests the legislative committees' assistance in redefining the goals of the program, together with establishing firm guidelines under which individual projects can be justified and selected.



Mr. President, I can only say that the legislative committee tried to control that program, but it is beyond control. There are now more than 40 individual institutions. Three years ago there were none.

Mr. PROXMIRE. The Senator from Hawaii (Mr. INOUE) and I wanted to bring down the amount of this program. The committee put in the same amount as the House, which is \$25 million, but it is hard to justify.

Mr. FULBRIGHT. I was wondering if the Senator thinks there is any hope of the legislative committee doing anything about it.

Mr. PROXMIRE. We had hoped that the legislative committee would be able to help us on that. We have been assured that the Senator from Arkansas and others have been trying to work on it.

Frankly, we are far over the budget estimate. The budget estimate is only \$15 million, and we are up to \$25 million.

Mr. President, I yield the floor.

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Is the Senator yielding time on the bill?

Mr. FONG. No, on the amendment.

The PRESIDING OFFICER. The Senator has no time on this amendment.

Mr. INOUE. I yield my colleague from Hawaii 5 minutes.

Mr. FONG. I have not used my time on this amendment yet.

Mr. PROXMIRE. The time is controlled by the manager of the bill.

The PRESIDING OFFICER. The time in opposition to the amendment is controlled by the manager of the bill.

Mr. FONG. Mr. President, this amendment has two parts. First, it cuts down the appropriation which the Appropriations Committee made for the Inter-American Development Bank from \$836,760,000 to \$418 million. The other part knocks out the \$100 million for the Asian Development Bank.

This amount of money—\$836 million—is divided into three parts: \$50 million for paid-in capital, \$336.76 million for callable capital, and \$450 million for the fund for special operations.

Mr. PROXMIRE. Mr. President, will the gentleman yield?

Mr. FONG. I yield.

Mr. PROXMIRE. It is my understanding that the Senator from New York has withdrawn his objection to having these two amendments considered en bloc.

Mr. FONG. Yes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the two amendments be considered en bloc. I understand that there is no objection.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. I have no objection.

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

Mr. FONG. This sum is to be used for the current replenishment of the capital of the Inter-American Development Bank. These funds are for hard loans drawing largely on private market resources based on guarantee capital.

Mr. President, these funds are loaned to various countries at an 8-percent rate

of interest. These funds are not given to these countries. The money we appropriate for the ordinary capital and for the callable capital is used for loans which we call hard loans.

These loans are made at regular interest rates. These loans are not grants. These loans are repayable, and the interest is repayable. The history of the Bank reveals that these loans have made money for the Bank. This is not a grant. This is our contribution to the capital of the Inter-American Bank.

The \$50 million, which is to be the paid in portion of the ordinary capital, is the only money that is in-paid in form. The \$336.76 million callable is only a guarantee; and the way it works is to give to the Bank a guarantee; all the member countries of the Bank subscribe to callable capital. This callable capital serves as a guarantee for all the creditors who lend money to the Bank. So the bank, with a small, paid-in capital, together with a callable capital which is not paid into the Bank, is able to secure large sums of money from the public in various countries to carry on the work of a bank, of lending money at a market rate of interest, which is currently 8 percent.

The other part of the bill calls for a \$450 million fund for special operations. Only a few months ago, the Senate authorized the payment of \$450 million to the fund for special operations of Inter-American Bank. The fund for special operations will be out of loan funds before the end of this year.

Part of this program, Mr. President, has already been cut back. The first installment request for \$100 million for fiscal 1972 was cut to \$50 million, and consequently the United States did not sign up.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FONG. I ask for an additional 5 minutes.

Mr. INOUE. I yield 5 minutes to the Senator.

Mr. FONG. Mr. President, the United States has already missed the first two installment dates, because we did not appropriate this money. So the countries had to get together again and agree on a new signup date, and the new signup date is December 31, 1972. As I have stated, we have already missed two installment due dates. We have made agreements with the other countries of the hemisphere, and we have not been able to keep the agreements.

While the International Development Association has been kept going by advance contributions from other industrialized countries, IDB does not have such a fallback. This fund will be depleted this year. Other countries have advanced money to the International Development Association, but there is no fallback on this particular special fund.

If this year's \$450 million is cut, the United States would be so far from conforming to the original agreement that renegotiation would be unavoidable. That means that we will have to get together again with the various member countries, to renegotiate again. We have been forced to renegotiate the due dates several times because we have not been

able to keep our commitments under the agreement.

Since the Bank is considered by many to be the key element of U.S. assistance to Latin America, the United States should give some assurance to the Bank that we will keep our agreement; and I oppose the cutting of the sum of \$836 million to \$418 million.

Mr. President, the administration asked for a total of \$837 million this fiscal year for U.S. subscriptions and contributions to the Inter-American Development Bank. If we have any concern at all for our relations in the Western Hemisphere, we should act promptly to appropriate the amounts requested by the administration.

My distinguished colleagues should recall that the contributions we are talking about today were negotiated with our Latin American partners in the IDB by Secretary of the Treasury David Kennedy in April 1970. Now, 2½ years later, the administration has still not been given the funds to permit the replenishment of the fund for special operations to come into effect.

Latin America has long since done its part of the bargain. The U.S. contributions to IDB have been fully authorized. Our bilateral loan programs for Latin America have been cut to a fraction of their former levels, ostensibly in favor of greater reliance on the IDB. Yet, here is the recommendation for cutting IDB by a far deeper percentage than bilateral loans. I say this does not make sense and will impair our credibility in Latin America for years to come.

I want to emphasize that the financial situation of the fund for special operations will be extremely critical by the end of this year when its hard currency resources will be fully committed. Commitments in 1973 will depend very largely on what we do on this appropriation. Without adequate new resources, the ability to make new loans will be hamstrung.

Loans which have been made by the Inter-American Bank are as follows—23.6 percent for agriculture, 18 percent for transportation, 16.1 percent for power, 15.8 percent for industry and mining, 10.9 percent for water supply and sewage, and 15.6 percent for education, housing, and other.

The amounts of the Inter-American Bank's contributions in the fields of social development are in fact very substantial.

For example, in education, the Bank has made a total of 57 loans for \$208 million for education projects whose total cost is \$441 million. These loans are helping to modernize, expand or improve 592 learning centers, of which 108 are universities and 484 are vocational or technical schools, with a total of 880,000 students.

Special emphasis is being placed in these programs on improving a variety of disciplines essential to Latin America's current development plans. A total of 29 percent of the loan funds are being applied to institutional development, 18 percent to engineering, 18 percent to the natural sciences, 12 percent to the agricultural sciences, 11 percent to technical

and vocational education, 5 percent to the social sciences, 6 percent to the health field, and 1 percent to other educational projects. Forty-five percent of the project funds are being devoted to the purchase of laboratory equipment and library material, 39 percent to the construction of buildings, 10 percent to improving teaching or providing scholarships and 6 percent to other items.

In water and sanitation, a total of 90 Bank loans amounting to \$539 million are helping to finance water supply and sanitation projects whose total cost amounts to \$1,268 million. The loans are helping to build or improve 4,254 pure water systems, 326 sewage systems and two city rain drainage systems. These systems are benefiting a total population in Latin America's cities and countryside of 53 million persons. As of December 31, 1971, some 3,343 pure water systems and 297 sewage systems had been completed.

In urban development, a total of 48 Bank loans amounting to \$358 million are helping to finance urban development projects whose total cost is \$824 million. These loans are helping to build some 362,813 housing units, along with community facilities, as well as six municipal markets. As of December 31, 1971, 308,935 of these units had been completed.

Loans in these important social sectors would have to be cut back drastically if we fail to provide the funds requested.

Referring to the Asian Bank, the United States has not kept up its commitment in that sphere, also. In March of this year, we authorized the payment of \$100 million, and the \$100 million we are appropriating in this bill is for that purpose.

The distinguished Senator from Wisconsin has stated that Japan, being an affluent country, should contribute to this program. Japan has contributed \$103 million already. Germany, which is not in Asia, has contributed \$18 million. Canada has contributed \$25 million. Australia has contributed \$10 million. New Zealand has contributed \$1 million. The United Kingdom has contributed \$14 million. Denmark has contributed \$2 million.

The Netherlands has contributed \$2 million. Norway has contributed \$2 million. Belgium has contributed \$2 million.

If we appropriate this \$100 million, we will just be meeting the amount that Japan has already contributed, and our sum will be only one-third of the total amount which will be contributed.

The Asian Development Bank is a regional development financial institution established in 1966. It lends funds, promotes investments, and provides technical assistance to its development member countries; and, more generally, it fosters economic growth and cooperation in the Asian region. It has 37 members, of which 23 are regional countries and 14 are nonregional countries.

Mr. President, the \$100 million which the Appropriations Committee has put into this bill is the sum necessary for us to meet our long-standing commitment to the 37 members of this Bank.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FONG. I ask for 1 additional minute.

Mr. INOUE. I yield 1 minute to the Senator.

Mr. FONG. Mr. President, in view of the fact that all the other countries do put up their money, it will be ill-advised for us, especially when we say that we expect to help with the development of the Asian countries, to renege on our commitment, which we in Congress reaffirmed a few months ago. I submit that the elimination of the \$100 million will not be understood by our friends in the Far East, who expect us to live up to our commitments, especially when other countries have lived up to their commitments by contributing \$200 million already.

I therefore ask my colleagues to vote against the amendment.

Mr. JAVITS. Mr. President, will the Senator yield me 5 minutes?

Mr. INOUE. Mr. President, I yield 4 minutes from the amendment and 1 minute from the bill to the Senator from New York.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I believe that the Senate would be ill-advised to vote for this amendment for the following reasons:

We like to pretend or say that foreign aid has not changed, but it has changed materially in the most important element of foreign aid, which is the participation of other nations.

For example, as to the Asian Development Bank, the fact is we are matching Japan, which is the really new innovation in the whole situation of foreign aid. We are asked for \$100 million. Japan has already contributed \$103 million. In addition, there is an excellent chance that if Japan is encouraged, Japan will take over a major part of the financing of development in the whole of Asia.

Encouragement means partnership with the United States. Some may be restless about this, but we must remember that we cannot do anything, and we certainly do not want to do anything to denigrate our position, which is a great one in the world. That is just a fact of history. We produce half of everything produced in the world. We have a gross national product of \$1,200 billion—unheard of. That represents a mountain of production such as man has never dreamed of before.

Is it reasonable to expect that the overwhelming majority of mankind, which is poor, ill, has a short life expectancy, and is badly housed, will sit around and let us enjoy this relative position? I emphasize the word "relative," because we have 15 percent of our people, 30-odd million, who are poor themselves but, relatively, we are a very, very productive and affluent nation.

Is it logical to expect that the world will permit it to remain in the precarious situation it would be in if the only rich man in the free world, relatively speaking, says, "OK, boys. Essentially fend for yourselves"?

I like the idea of multilateral aid. We have been phasing into that in an important way, but if we are going to phase into it effectively, phasing means that we cannot get out of this business or expect a maximum of contributions from others unless we make them ourselves. We have been doing very well in this. For example, with respect to the funding of the Inter-American Development Bank, funds for special appropriations, Latin America has itself contributed \$1 for every \$2 we contribute. That is a material change from when it was \$4 and more in previous years.

Now, Mr. President, the fundamental thing about foreign aid—and I have argued it now for 24 years, ever since the Greco-Turkish aid program in the other body, which I supported and because Dr. Eaton, then the sainted chairman of the Foreign Affairs Committee, had to go way down to me, one of the most junior members, to find an assistant to help him on the floor of the House—is that always, Mr. President, in all of its permutations, it had to be justified by the fact that morally and realistically we cannot be what we are in the world and, at the same time, fail to pay a fair share of what it takes to keep the world operating with some remote semblance of order. We could be as hotly engaged in many places in the world, including the South Atlantic, as we are now with respect to Vietnam; and the price we pay is not \$80 billion in round figures in defense, but some billions of dollars additional in aid. It is as simple, in my judgment, and as clearcut, as that, especially if we wish to encourage multilateral organizations. We have to do our part. It is not such an overwhelming figure, either, when we compare it to our gross national product.

Indeed, I had the opportunity, as a Delegate to the United Nations General Assembly, to commit the United States to a 1 percent of our gross national product target for all forms of foreign aid, both from public and private sources.

Mr. President, a highly integral part of everything we do is the increasing flow of investments from private sources, which is appreciable now, as well as that from public sources.

So, Mr. President, the sheer facts of history, as well as the participation of other nations in the requirement of some kind of stability in the world in which we live, compel these expenditures upon us.

In proportion to our expenditures for defense, in my judgment, Mr. President, they are reasonable and fair. If we wanted to place this strictly on the basis of the fact that we should not be doing anything at all abroad because we have so much to do here at home, then the first thing we should do is to cut down materially on our defense expenditures which are so heavily involved in a number of bases and locations and responsibilities that we carry around the world.

It has always been a strange anomaly to me that those who would vote with alacrity for stationing our forces in many ways all over the world would, at the same time, turn against the very modest—in relation to defense expenditures



and the gross national product—allocations we make for foreign aid.

For all these reasons, and because we realize we are coming up on a time when other nations are pitching in—indeed, many are doing much more in proportion than we are—I believe that this amendment should be defeated.

Mr. BENNETT. Mr. President, will the Senator from Hawaii yield?

Mr. INOUE. Mr. President, I yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER (Mr. RIBICOFF). The Senator from Utah is recognized for 3 minutes.

Mr. BENNETT. Mr. President, I should like to add my voice to that of my colleague from New York and the two Senators from Hawaii, and to express my feelings that we have a great opportunity now, at this particular time, to move toward a substitution of economic and engrossment partnerships both in Latin America and in Asia, a substitution for potential military pressures which we should be very unwise to neglect.

Latin America has many problems and we, the United States, are a part of them. I think that there is no better way by which we can demonstrate our unselfishness and our hope for a solution of those problems by increasing our investments in the Inter-American Development Bank. When we look abroad to Asia, we are hopeful that we can withdraw gradually and reduce our military commitments in those areas. In order to do that safely, we must increase our partnership with the free nations along the Asian-Pacific coasts.

One of the ways in which we can help is to make and leave substantial investments in the Asian Development Bank through which its Asian managers can increase the stability of the countries whose military safety we have long been interested in and to which we have contributed so much.

Investments of this kind represent only a fraction of the cost of military support but potentially they can be useful in helping these two great areas in the world to solve their problems.

I hope very much that the amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield 3 minutes to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) on the bill.

Mr. HARRY F. BYRD, JR. Mr. President, I support the position of the distinguished Senator from Wisconsin and I support the amendment that he has offered.

What he proposes to do is to accept the House figure of \$418 million for the Inter-American Bank. The House had nothing in the bill for the Asian Bank. The amendment now pending would eliminate the figure of \$100 million inserted by the Appropriations Committee.

I just do not understand why the Appropriations Committee would double the amount previously approved by the House for the Inter-American Bank. When we add the three international financial institutions to which this pending legislation will appropriate funds—

namely, the Inter-American Bank, the International Development Association, and the Asian Development Bank—there is a total in this one bill of \$1,256,000,000.

The able Senator from Wisconsin would reduce that by about \$500 million. I think that is a worthwhile proposal. I do not see how this Congress can continue to vote out funds for every conceivable project. Certainly we must start cutting somewhere.

The Senator from Wisconsin has offered an opportunity now to cut \$500 million in round figures out of this foreign assistance program. The bill is still too high.

I think the country would be rendered a service if the amendment offered by the Senator from Wisconsin were approved.

I yield back the remainder of my 3 minutes.

Mr. INOUE. Mr. President, I yield myself 3 minutes from the bill.

Like all of my colleagues, I am well aware of the pleas of our constituents. We want more help. We want better education. We want more and better highways. We want better homes, better parks.

I realize the needs of our people are very great; but when the countries assembled together many years ago to establish these two banks, they did so in recognition of one fact. I think all of us should know that the major contributors to these two banks are the affluent nations of the world. These affluent nations must have concluded that if their respective nations are to continue in their affluence and are to continue their level of development, they can only do so in a world that is stable and that is free from dissension. We cannot maintain stability by repression. The only positive way to maintain stability is to uplift the quality of life of the less fortunate ones. This is the way that countries of the affluent parts of the world have gotten together.

In these two banks, we have made certain commitments. I think the commitments should be fulfilled at this time. I feel that in fulfilling these commitments, we are doing so in the best interests of the United States and of the free world.

Mr. PROXMIRE. Mr. President, I understand that I have 1 minute left on my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, let me say in the first place in answer to the Senator from New York (Mr. JAVITS) that Japan does contribute substantially to the Asian Development Bank and they should. They contribute nothing to the Inter-American Development Bank. They are out of it. It seems to me that we ought to recognize that not a word was said in opposition to my amendment and recognizing that this money does not go to help the people of the world who need it. Very little goes to education and very little goes to the small farmer. It goes to the big people, the people who already have it made in the various countries.

Finally, I would say that as far as com-

mitments are concerned, the Senator from Arkansas knows full well, as I do, and all other Senators do, that these measures are subject to appropriations. Otherwise the Appropriations Committee might as well go out of business if we automatically have to appropriate funds for whatever commitments are made. The Treasury Department and the banks have made it clear over and over again that these agreements are subject to appropriations. All countries know that and the Banks know that.

It was said, "Why not cut defense and the domestic programs." I am for that. However, we have to exercise our own judgment on priorities in the end. Otherwise the \$250 billion ceiling will take the options away from us, and the President will exercise his own authority.

I say that we ought to insist that the Senate and the House of Representatives determine our spending priorities. This is the way to do it and this is the time to do it.

Mr. President, I yield back whatever time I have remaining.

Mr. FONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 minutes.

Mr. FONG. Mr. President, as I said before, the only money that will come from the Treasury of the United States for the ordinary capital of the Inter-American Bank will be \$50 million which will be paid in capital. The callable capital will not be paid in. It is in there as a guarantee. The \$450 million for the fund for special operations will be paid in the form of a letter of credit that will only be cashed later as needed.

We have cut back our aid to Latin America very drastically. And judging by the Pearson report, we have stated we will go into multilateral aid. This is one way in which we can bolster up multilateral aid and help our Latin American brothers.

There simply is not any cushion in this program. Cuts will be immediately translated into reduced IDB lending levels. And I do not believe IDB lending levels can be summarily cut without seriously affecting the economic growth of Latin America. Useful projects are already in the FSO pipeline and the Bank must have the means to carry them out. This will not be possible unless we appropriate the amounts recommended in the bill now before us. I strongly urge the Senate to do just that.

We must appropriate the full amount so that they can carry on their business.

Mr. President, for the Asian Bank, we are just meeting, in fact, the sum put in by Japan, \$103 million. We are putting in \$100 million to meet the \$103 million already put in by Japan.

Mr. President, if we believe in helping the countries everywhere, we should appropriate this \$100 million.

I ask the Senators to vote against the amendment.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time to be taken out of neither side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, I yield 2 minutes to the Senator from Arkansas on the bill.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, perhaps some Senators will come to the floor while I am talking so that we can get the yeas and nays. I will take just a few minutes. There are not enough Senators present at the same time for the yeas and nays.

I want to say again that the Senator from Wisconsin has had the lead in trying to hold down the foreign aid program.

This is one of the few items in the legislation that I do support and have supported. It is very embarrassing for me to vote for it, because of my history of trying to guide this program into the multilateral field. I think I will keep that record clear. I have to vote against the amendment, although I regret doing so, because the overall amount of this economic assistance and the military—which is not in here but will be, I presume, later when the authorization is passed—has grown so large that it is beyond my comprehension how we can continue to spend about as much or more in destroying countries in Asia at the same time we come in and plead about our role in the world, of being constructive.

Mr. President, we are spending, I suspect, in the neighborhood of \$10 billion in destroying two little countries in Southeast Asia, and will apparently continue to do so. Then in our very ambivalent attitude, we come along and appropriate about the same or approximately the same amount to rebuild countries.

It is one of the most schizophrenic positions I have ever seen our country in.

Mr. President, one other point about the GNP. I get awfully tired hearing about the GNP being productive. It is not a margin of productivity in the sense we use that word commonly.

It registers all the activity which has increased recently in crime control, garbage disposal, the kinds of ecological things which have nothing to do with the productivity of this country, in the sense of producing goods that are useful and that can be translated into this program.

But every time this argument comes up, we are faced with GNP. We have allowed our productive capability to de-

teriorate to the point, together with inflation, that we are not competitive with countries like Japan and countries in Europe.

I shall vote against the bill as a whole, because it is too large, but I will not vote for this amendment on principle.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 2 minutes?

Mr. INOUE. I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I feel I must oppose this amendment. For one thing, it would cut the funds for the Inter-American Development Bank in half. It practically breaks them as far as funds for the remainder of the year are concerned.

I think we are paying too much attention to Southeast Asia and not enough attention to our friends to the south and in Latin America. I think we ignore them, and because we ignore them all of the difficulties that have arisen in that part of the world are coming back to haunt us.

Insofar as funds for the Inter-American Development Bank are concerned, I hope they will not be cut. It has been ignored too long.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FONG. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I have just come to the Chamber and became aware of the amendment of the Senator from Wisconsin. I would like to recall briefly the history of the development of this Bank.

Senators may recall that in 1964 and 1965 President Johnson delegated Mr. Eugene Black, the first President of the World Bank, to take part in negotiations for the establishment of the Asian Development Bank. I think everyone here is acquainted with his ability and his efforts in its behalf.

In 1965, the Senator from Missouri (Mr. SYMINGTON) and I were appointed as a delegation to attend the conference with Mr. Eugene Black at the time the charter was signed. The charter was signed by the United States and approved by the Senate. Congress at that time made the pledge of capital stock in the Asian Development Bank and that pledge was approved by the Senate, and the authorization has been approved by the Senate.

At a later time a much more debatable question, the subscription of operational funds, was discussed and the authorization was recommended by the Committee on Foreign Relations and this was approved by the Senate and the House.

Great interest has been shown in this Bank. There has been substantial participation by Japan even greater than that of the United States, participation by other Asian countries and European countries such as Great Britain and Germany.

I believe that it is very important for our country to continue to show its in-

terest and participate in the development of these countries in Asia.

I wish to make one other point. There has been great criticism by many upon the adverse effects of the military action of the United States in Asia. I think it is important that the United States continue its support and interest in the constructive work we do in that part of the world to help Asian countries and to help their peoples. I think it would be very bad at this time for the United States to renounce the position it has previously taken to extend aid for development through the Asian Bank and to turn its back upon the great developing area of the world. The Asian peoples and countries have had great difficulties, because of the war. To deny funds to the Asian Bank would be a contradictory action to the widely expressed view that U.S. efforts should be turned toward constructive help in Asia.

I hope very much this amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment of the Senator from Wisconsin. 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 South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) and the Senator from Ohio (Mr. TAFT) are absent on official business to attend the Interparliamentary Union meetings.

Also, the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) would each vote "nay."



The result was announced—yeas 26, nays 49, as follows:

## [No. 480 Leg.]

## YEAS—26

Allen	Eastland	Nelson
Bible	Ervin	Proxmire
Burdick	Gambrell	Randolph
Byrd	Gurney	Ribicoff
Harry F., Jr.	Hartke	Roth
Byrd, Robert C.	Hollings	Spong
Cannon	Long	Stennis
Cranston	Magnuson	Symington
Eagleton	McClellan	Talmadge

## NAYS—49

Aiken	Fulbright	Muskie
Bayh	Gravel	Packwood
Beall	Hart	Pastore
Bellmon	Hatfield	Pearson
Bennett	Hruska	Pell
Bentsen	Hughes	Saxbe
Brooke	Humphrey	Schweiker
Case	Inouye	Scott
Chiles	Jackson	Smith
Church	Javits	Stevens
Cook	Kennedy	Stevenson
Cooper	Mansfield	Tunney
Cotton	Mathias	Weicker
Curtis	Miller	Williams
Dole	Mondale	Young
Fannin	Montoya	
Fong	Moss	

## NOT VOTING—25

Allott	Griffin	Mundt
Anderson	Hansen	Percy
Baker	Harris	Sparkman
Boggs	Jordan, N.C.	Stafford
Brock	Jordan, Idaho	Taft
Buckley	McGee	Thurmond
Dominick	McGovern	Tower
Edwards	McIntyre	
Goldwater	Metcalf	

So Mr. PROXMIRE's amendment was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. INOUE. I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I shall be very brief, but I do have to establish this point.

The PRESIDING OFFICER. Who yields to the Senator from New York?

Mr. INOUE. Mr. President, I yield to the Senator from New York 3 minutes.

Mr. JAVITS. Mr. President, Senators will notice that, by action of the Appropriations Committee, provisions under security supporting assistance which had passed the House were stricken out completely, and provisions under military sales, under title II, foreign military credit sales, were stricken out as they passed the House.

I have discussed this matter with the Senator from Hawaii (Mr. INOUE) and the Senator from Wisconsin (Mr. PROXMIRE), with especial relation to the particular provisos which were made in both appropriations in the House respecting Israel, as well as the appropriations generally, and they have assured me that all they are waiting for is the authorization bill, that they did not wish to undercut the conference on the authorization bill, and that the appropriate provisions will be made.

I asked whether I should seek to include a provision of \$85 million instead

of \$50 million under supporting assistance, which is what the Senate voted. They advised against it, and I have taken their advice, but I would greatly appreciate something on the record to indicate the situation, the reason for their action, and what assurance we may have in now passing the bill.

Mr. PROXMIRE. Mr. President, the statement of the Senator is completely correct. The Appropriations Committee did omit the unauthorized items, on the suggestion of the leadership as a matter of fact. I feel very strongly, and I know other members of the Appropriations Committee do, that we should provide the \$85 million for Israel and the \$300 million for Israel, and that we should not go back to the House level.

It is my understanding that when we go to conference, the items that have not been authorized will be subject to the conference. We will wait until the authorizing committees act, as we should, out of courtesy, recognizing that they have their own discretion, and only then will we proceed to act on the appropriation.

Mr. JAVITS. I thank the Senator.

Mr. FONG. I yield myself 1 minute.

Mr. President, in connection with the Export-Import Bank of the United States, the Appropriations Committee report—page 98—on the pending bill cites the conclusions of Douglas R. Bohi in his recent study of the Bank.

I wish to point out to my colleagues in the Senate that Dr. Howard S. Piquet, an eminent international economist, has written a report totally refuting the analysis and conclusions of Mr. Bohi. Dr. Piquet's report clearly indicates that the activity of the Export-Import Bank has played a major role in increasing exports from the United States. I strongly support Dr. Piquet's conclusions.

I ask unanimous consent that Dr. Piquet's conclusions be printed in the RECORD at this point.

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

"EXPORT CREDIT SUBSIDIES AND U.S. EXPORTS: AN ANALYSIS OF THE U.S. EXIMBANK," BY DOUGLAS R. BOHI—A REPLY

(By Howard S. Piquet)

## CONCLUDING REMARKS

It is incorrect to characterize the Eximbank as a subsidizing agency. Throughout its existence it has been borrowing funds from the U.S. Treasury and the private capital market at rates of interest lower than the rates which it charges its borrowers, except for brief periods over the past few years, when interest rates skyrocketed and it paid a slightly higher rate to the Treasury than its lending rate. This phenomenon resulted from the fact that the Eximbank has been following a policy of charging a standard rate of 6 percent on its loans. The average rates paid on its borrowings in the private capital market have always been lower than its lending rate.

Because of the differential between its borrowing rate and its lending rate the Eximbank is a highly profitable institution and it has been paying substantial dividends to the U.S. Treasury which, on behalf of the Government, holds all of its \$1 billion of capital stock. It is misleading, therefore, to assert that American taxpayers are spending huge sums through the Eximbank to stimulate U.S. exports.

The Eximbank also provides a large and increasing volume of guarantees and insurance. It is a true bank which has been created for the purpose of facilitating exports with respect to credits, guarantees and insurance so as to place U.S. exports on a competitive footing with exports by other countries. International "credit wars" have been avoided through regular consultations held under the auspices of the Berne Union.

Efforts to prove that the activities of the Eximbank have not stimulated U.S. exports have been unsuccessful because there are too many variables of equal importance to isolate the effects of any one of them, including credit financing. Professor Bohi has demonstrated this impossibility by his mathematical equations. For the same reason, it is impossible to demonstrate mathematically that Eximbank activities have stimulated exports.

There is a strong presumption, however, that Eximbank activities have had the effect of expanding U.S. exports. Numerous banks, which according to Eximbank critics, are supposed to be competitors of the Eximbank, are on record to the effect that were it not for Eximbank credits and guarantees many exports would not have materialized.

As stated in my 1970 report:<sup>1</sup> "By the nature of the phenomena, a positive cause-effect relationship between Eximbank lending and increasing U.S. exports cannot be 'proved'. Correlations between the percentage increase in the Eximbank's lending, on a country-by-country basis, and U.S. exports to those countries are so intertwined in a maze of widely ranging variables that it is not possible to show any convincing relationship. The volume of exports is so strongly affected by the price relationships, relative degrees of inflation, rates of economic growth, etc., that the effects of Eximbank lending upon U.S. exports are hidden. Even with respect to some of the less developed countries in which there appears to be something approaching a positive correlation, so many variables are involved that any conclusion as to cause-and-effect relationships is rendered meaningless, if for no other reason than because the Eximbank is only one of the institutions which encourages exports to, and development in, those countries. Whether U.S. exports to any given country have expanded because of Eximbank loans or because of the operations of the Agency for International Development or of the World Bank cannot be determined."

"In the absence of statistical proof, almost all that can be done is to ask those who are in a position to know whether, in their judgment, the activities of the Eximbank and the FCIA have caused exports to be larger than they otherwise would have been."

"In the course of preparing the present report, the author talked and corresponded with a large number of bankers and exporters. In nearly every instance they have been fully cooperative in answering questions and in volunteering information and opinions regarding the Eximbank's procedures and attitudes."

Exporters and commercial bankers alike are enthusiastic in crediting the Eximbank for stimulating exports. The reply of a relatively small bank was typical in stating "We are extremely pleased with the many new provisions in the program . . . they should generate additional exports by making bank financing more flexible and providing banks with greater liquidity during periods of tight money. . . ."

Particularly enlightening was a letter recently received by the Eximbank from an important Danish importer stating that:

"As you may know, many of the major industrial countries such as the United King-

<sup>1</sup> Piquet, H. S., *op. cit.*, pp. 34-39.

dom, Germany, Japan, Holland and others offer state-assisted financing when non-national clients such as ourselves order heavy equipment like ships, drilling rigs, cranes, machinery and so on.

"Accordingly, when we became aware of the availability of favorable financing as offered by the Export-Import Bank we gave more serious consideration to sourcing from the United States. The financing terms you make available have played a major role in our decision for the first time to order about \$50 million worth of such equipment from the United States, whereas in the past we have typically sourced such equipment from other countries. Further, in the process, our staff is becoming aware of other procurement opportunities in the United States which we had not earlier had occasion to encounter. We frankly doubt that we would consider some of the U.S.A. procurement we have just made, and are now planning, if the financing you offer were not available."

To curtail the Eximbank's activities would run the risk of retarding U.S. exports. Simple logic says that if there is a presumption that the Eximbank has been doing a creditable job it should be allowed to continue to do so. If it is to do so during a period of economic expansion its powers should be enlarged.

Mr. INOUE. Mr. President, I congratulate the distinguished former chairman of the subcommittee for his very substantial contribution in moving to restore congressional controls to a program which has gone too long without strong and continuing congressional knowledge of its true dimensions and without sufficient congressional oversight.

I would like to add to the foundation he has begun and would like to lay before the Congress and the agencies concerned the course I intend to follow:

First, I feel that all foreign assistance is inherently related and will accordingly continue the practice of gathering and reporting information on the total—by country.

Second, I will insist that regional and unallocated requests be broken down by country in the annual congressional presentation. Dr. Hannah has agreed that this will be done—I suggest that the Department of Defense follow this course.

Third, As chairman of the subcommittee I wish to be advised before any program or activity, not justified for the current year, is initiated.

Fourth, I will insist that excess foreign currencies on deposit with the Treasury be used to the fullest extent possible to underwrite local costs and the need for local credits.

Fifth, I expect all proposed spending for fiscal year 1973 and subsequent years to be brought in the front door and reflected on the front of the report as new obligatory authority.

Sixth, I intend to pursue the theory that both United States and local interests are best protected by the fixed cost reimbursement approach under which the recipient government will incur the cost of completing a project or project segment to an agreed-upon standard at a previously agreed-upon cost prior to reimbursement. This concept, known locally in the Philippines as "Bayanihan," makes the Philippine

Government responsible for any cost overruns and has demonstrated its effectiveness. It further gives assurance to the U.S. taxpayer that the funds are being effectively employed in the manner, and for the purposes, desired.

Seventh, I am challenged by the most important and most complicated area of foreign assistance which unfortunately shares with welfare the least public support of any Federal program. If so, there must be some reason and I intend to find out why and try to correct it. I am not one who believes that the answers to the dilemma of U.S. foreign assistance can be found solely in Washington and, therefore, together with other members of the committee, I intend to conduct an intensive study of the program in the field where U.S. efforts win or lose. I plan to cover all significant geographical and program areas over the next 2 years beginning with the Far East on January 6-28.

It is a big undertaking and a great challenge but I promise the Senate my best and most diligent efforts.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16705) was read the third time.

The PRESIDING OFFICER (Mr. HUMPHREY). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Hawaii (Mr. INOUE) yield me 3 minutes?

Mr. INOUE. I yield 3 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I shall vote against this appropriation bill. This is only a part of the total foreign aid appropriations being sought for this fiscal year. This bill appropriates approximately \$3 billion. The total requests for foreign aid are in the neighborhood of \$9.5 billion.

I am impressed with page 4 of the committee report, which points out—this is the report of the Appropriations Committee, on page 4—that since World War II, from 1948 through 1970, the U.S. Congress has appropriated over \$150 billion for foreign aid.

Mr. President, I think it is time that consideration be given to the American taxpayer. During the time that that \$150 billion was being shoveled out overseas, being given to other countries, the total assets of the United States have deteriorated tremendously. I have prepared a table showing total reserve assets and liquid liabilities to foreigners over a selected period of time, and I ask unanimous consent that the table be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

# TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II.....	20.1	20.1	6.9
Dec. 31, 1957.....	22.8	24.8	15.8
Dec. 31, 1970.....	10.7	14.5	43.3
Dec. 31, 1971.....	10.2	12.2	64.2
May 31, 1972.....	10.5	13.3	67.0

<sup>1</sup> Estimated figure.

Source: U.S. Treasury Department, June 1972.

Mr. HARRY F. BYRD, JR. I yield back the remainder of my time.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. FONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) and the Senator from Wyoming (Mr. McGEE) are absent on official business.

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) and the Senator from Ohio (Mr. TAFT) are absent on official business to attend the Interparliamentary Union meetings.

Also, the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator



from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 44, nays 31, as follows:

[No. 481 Leg.]

YEAS—44

Alken	Hart	Packwood
Bayh	Hatfield	Pastore
Beall	Hughes	Pearson
Bellmon	Humphrey	Pell
Bennett	Inouye	Ribicoff
Bentsen	Jackson	Saxbe
Brooke	Javits	Schweiker
Case	Kennedy	Scott
Chiles	Magnuson	Smith
Church	Mathias	Stevens
Cooper	Miller	Stevenson
Cranston	Mondale	Tunney
Dole	Moss	Weicker
Fong	Muskie	Williams
Gravel	Nelson	

NAYS—31

Allen	Eastland	McClellan
Bible	Ervin	Montoya
Burdick	Fannin	Proxmire
Byrd	Fulbright	Randolph
Harry F., Jr.	Gambrell	Roth
Byrd, Robert C.	Gurney	Spong
Cannon	Hartke	Stennis
Cook	Hollings	Symington
Cotton	Hruska	Talmadge
Curtis	Long	Young
Eagleton	Mansfield	

NOT VOTING—25

Allott	Griffin	Mundt
Anderson	Hansen	Percy
Baker	Harris	Sparkman
Boggs	Jordan, N.C.	Stafford
Brock	Jordan, Idaho	Taft
Buckley	McGee	Thurmond
Dominick	McGovern	Tower
Edwards	McIntyre	
Goldwater	Metcalfe	

So the bill (H.R. 16705) was passed.

Mr. FONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. INOUE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives 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. INOUE, Mr. PROXMIRE, Mr. McGEE, Mr. McCLELLAN, Mr. FONG, Mr. BROOKE, and Mr. HATFIELD conferees on the part of the Senate.

#### VOCATIONAL REHABILITATION ACT OF 1972

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8395.

The PRESIDING OFFICER (Mr. RIBICOFF) 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. 8395) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

ference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CRANSTON. 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. CRANSTON, Mr. RANDOLPH, Mr. WILLIAMS, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. STEVENSON, Mr. STAFFORD, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL conferees on the part of the Senate.

#### AUTHORITY TO FILE REPORT ON S. 4044 NOT LATER THAN MIDNIGHT TONIGHT

Mr. EAGLETON. Mr. President, I ask unanimous consent that permission be granted to file the committee report on S. 4044 not later than midnight tonight.

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

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14891) to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15475) to provide for the establishment of a National Advisory Commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. NELSEN, and Mr. CARTER were appointed managers of the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. ABBITT, Mr. SISK, Mr. DOW, Mr. BELCHER, Mr. GOODLING, and Mr. KYL were appointed managers of the conference on the part of the House.

#### QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUMPHREY). The clerk will call the roll. The second assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER FOR RECOGNITION OF SENATORS WILLIAMS, HART, ROBERT C. BYRD, AND SCOTT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the following Senators be recognized, each for the time stated and in the order stated:

Mr. WILLIAMS, for not to exceed 15 minutes.

Mr. HART, for not to exceed 15 minutes.

Mr. ROBERT C. BYRD, for not to exceed 10 minutes.

Mr. SCOTT, for not to exceed 15 minutes.

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

#### ORDER TO LAY THE UNFINISHED BUSINESS, S. 3970, BEFORE THE SENATE, AT 10 A.M. TOMORROW AND THAT THERE BE NO MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no morning business tomorrow, prior to the cloture vote, and that at 10 a.m. the Senate proceed to the consideration of S. 3970.

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

#### ORDER FOR CONTROL OF TIME BETWEEN 10 A.M. AND 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, the control of the 1 hour of time under rule XXII be divided between and controlled by the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distinguished Senator from North Carolina (Mr. ERVIN).

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

#### ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, if cloture is not involved on S. 3970, the Senate, immediately following the cloture vote, resume debate and consideration of amendments to H.R. 1, the welfare bill, and that the unfinished business be laid aside temporarily, and remain in a temporarily laid-aside status until an hour to be determined on tomorrow by the distinguished majority leader or his designee.

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

#### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President,

I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized, each for the time stated and in the order stated:

Mr. WILLIAMS, for not to exceed 15 minutes.

Mr. HART, for not to exceed 15 minutes.

Mr. ROBERT C. BYRD, for not to exceed 10 minutes.

Mr. SCOTT, for not to exceed 15 minutes.

At the hour of 10 a.m., the Senate will resume consideration of the unfinished business, S. 3970. After 1 hour of debate,

the Chair, at 11 a.m., will ask that the clerk call the roll to establish the presence of a quorum.

Once a quorum is established, a ye-and-nay vote on the motion to invoke cloture is automatic. That ye-and-nay vote should come at around 10 minutes after 11 a.m. tomorrow.

If cloture is invoked, S. 3970 will be the unfinished business until disposed of.

If cloture is not invoked, the Senate will immediately return to the consideration of H.R. 1, the welfare bill, and the unfinished business will be laid aside temporarily, and will remain in a temporarily laid-aside status until an hour during the afternoon to be determined by the distinguished majority leader or his designee.

Amendments to H.R. 1 will be in order. Hopefully, Senators will be ready to call up amendments on which ye-and-nay votes could occur.

#### ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to, and at 6:06 p.m., the Senate adjourned until tomorrow, Friday, September 29, 1972, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate, September 28, 1972:

##### U.S. NAVY

Adm. Charles K. Duncan, U.S. Navy, for appointment to the grade of admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

## HOUSE OF REPRESENTATIVES—Thursday, September 28, 1972

The House met at 12 o'clock noon.

Rev. Samuel M. Carter, Clair Christian United Methodist Church, Chicago, Ill., offered the following prayer:

*The Lord is good to those who wait for Him, to the soul that seeks Him. It is good that one should wait quietly for the salvation of the Lord.—Lamentations 3: 25-26.*

Let us pray.

Almighty God, we come to Thee at the beginning of this day to invoke Thy presence, and to implore Thy blessing upon this august assembly. Look with favor upon these men and women sent here from all over this great Nation to make laws for the orderly governing of this land.

Give them eyes to see, ears to hear, and minds to perceive, that they may legislate with insight and wisdom for the continued welfare of our land.

Endow them with the strength of character that they may not veer either to the left or to the right, but keep their actions and deliberations on the path of right and good.

Bless us as a nation, made up of many people and kindreds; make us ever mindful of our obligations to Thee and to all Thy people around the earth. May all that we say and do redound to Thy glory and honor.

In Thy name we make these petitions. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without

amendment joint and concurrent resolutions of the House of the following titles:

H.J. Res. 1306. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes; and

H. Con. Res. 701. Concurrent resolution commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalleled achievement in the 1972 Olympic games in Munich, Germany.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3817. An act to amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands;

H.R. 8395. An act to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes;

H.R. 9676. An act to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee;

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; and

H.R. 15475. An act to provide for establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10729) entitled "An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ALLEN, Mr. HART, Mr. MOSS, Mr. MILLER, Mr. DOLE, and Mr. WEICKER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3419) entitled

"An act to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. PASTORE, Mr. MOSS, Mr. RIBICOFF, Mr. KENNEDY, Mr. ERVIN, Mr. COTTON, Mr. COOK, Mr. PERCY, and Mr. JAVITS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2738. An act to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria;

S. 4018. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; and

S. Con. Res. 97. Concurrent resolution in behalf of prisoners of war and missing in action.

#### COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and referred to the Committee on Appropriations:

WASHINGTON, D.C.,  
September 26, 1972.

HON. CARL ALBERT,  
The Speaker, House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture on September 25, 1972, considered and unanimously approved the work plan for the Lake Verret, La., Watershed, transmitted to you by Executive Communication 1944, 92d Congress, and referred to this Committee.

With every good wish, I am,

Yours sincerely,

W. R. POAGE,  
Chairman.